PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 314

HOUSE OF COMMONS

OFFICIAL REPORT

FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FORTY-SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 1997–98

COMPRISING PERIOD
15 June—25 June 1998

£70

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15 June 1998

THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 7 MAY 1997]

FORTY-SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 314**

TWENTY FIRST VOLUME OF SESSION 1997–98

House of Commons

Monday 15 June 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Police Officers

1. **Mr. Simon Hughes** (Southwark, North and Bermondsey): What representations he has received from chief constables about the number of police officers needed in England. [44241]

The Secretary of State for the Home Department (Mr. Jack Straw): As police authority for London, I have continuing discussions with the Commissioner about police numbers and other matters in the metropolis. Four chief constables in England made representations about various aspects of this year's police funding settlement, but none made specific mention of police officer numbers. Chief constables understand that, under legislation passed by the previous Government, it is for them to determine the number of police officers in their force on the basis of the resources available to them.

Mr. Hughes: The Home Secretary will, no doubt, have read the letter written, at the end of last month, by the Association of Police Authorities that makes it clear that the level of Government funding over recent years has been insufficient to sustain police numbers. Given that numbers have decreased in recent years, will the Home Secretary tell the House whether the comprehensive spending review will guarantee that in each of the three years to come, for which it is responsible, there will be an increase in police numbers across England and Wales?

Mr. Straw: We made resources available to the police forces in England and Wales for this year that, to quote one of the chief constables who made representations to us,

"were more than originally envisaged."

The hon. Gentleman will have to await the results of the comprehensive spending review, but I can tell him that, as at June 1998, police numbers in the Walworth and Peckham areas that he represents increased by 20 compared with last year.

Mr. David Winnick (Walsall, North): Does my right hon. Friend agree that however many police officers are recruited, they should be able competently to investigate crime? Is he aware that many of us are shocked by the details of police incompetence and indifference that have emerged from the inquiry into the murder of Stephen Lawrence? I praise my right hon. Friend for setting up the inquiry, but is he aware that when it is completed, many questions will be asked and certainly those in senior positions in the police force in London may be asked whether it is right for them to continue in their job?

Mr. Straw: I established the judicial inquiry into the death of Stephen Lawrence and surrounding matters under powers under the Police Act 1997. Given that the inquiry still continues, it would not be appropriate for me to comment on it until I have received the report.

Sir Norman Fowler (Sutton Coldfield): Contrary to what the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) just said, is not the Home Secretary aware that the strength of the police in post

increased by more than 15,000, or 14 per cent., under the previous Conservative Government? However, the question does not relate to our record, but to what the Government will do. Will the Home Secretary at least give an assurance that when new legislation adds new duties to the police, he will recognise that there is an unanswerable case for more police on the ground?

Mr. Straw: One thing that we shall not do is make promises that we shall not fulfil. Police numbers may have risen up to 1992 by the relatively small percentage that the right hon. Gentleman mentioned, but he forgot to mention that crime doubled in that period. Moreover, between 1992 and 1997, the previous Government promised that police numbers would rise by 5,000, but instead they fell by 765. We intend to ensure that police forces have the resources that they need, but we shall bear in mind the sage words of the right hon. Member for Haltemprice and Howden (Mr. Davis), who said:

"There is an enormous variation in the performance of police forces."

It is crucial that we deal with police forces' output, as well as their input.

Crime Victims

2. **Mr. Andrew Dismore** (Hendon): What steps he is taking to ensure that the concerns of victims of crime are taken into account in the criminal justice system. [44242]

14. **Mr. Ben Chapman** (Wirral, South): What recent steps he has taken to help victims of crime. [44256]

The Secretary of State for the Home Department (Mr. Jack Straw): We promised in our manifesto to improve the treatment of victims and witnesses. I established an interdepartmental working group on vulnerable and intimidated witnesses within two months of coming to office. Last week, I published its report. The report has more than 70 recommendations to give better protection to witnesses and victims and so ensure that more criminals are convicted.

Mr. Dismore: I thank my right hon. Friend for that answer. Is he aware that although there are good relations between the local Victim Support branch in Barnet and the local Metropolitan police, there are considerable difficulties with automatic police referrals of the victims of serious crime to Victim Support? That has resulted in some victims not getting the help that they need, owing to a rather restrictive interpretation by the Metropolitan police of the data protection rules. As the authority for the Metropolitan police in London, will my right hon. Friend do all that he can to ensure that they refer as many victims as they possibly can to Victim Support branches under the automatic rules?

Mr. Straw: I shall certainly raise the matter with the Commissioner, Sir Paul Condon. There is a difficulty in police forces across the country to do with differing interpretations of whether the Data Protection Act restricts the flow of information in the manner that my hon. Friend has described. The Crime and Disorder Bill, which has almost completed its passage through the House, should clarify matters and enable police forces, without worry, to ensure that such information is passed on to Victim Support in appropriate circumstances.

Mr. Chapman: Is my right hon. Friend aware that victims of rape are an especially vulnerable group when they appear in court, and that urgent action is needed to support them? What steps does he propose to take?

Mr. Straw: My hon. Friend is right to raise the issue, which causes concern throughout the House and across the country. He will be pleased to learn that the interdepartmental working group's report contains explicit recommendations in respect of prohibiting cross-examination by the defendant in person—with provision for the defendant to be given a lawyer—and in respect of severe restrictions on the cross-examination of the victim's previous sexual history.

Sir Sydney Chapman (Chipping Barnet): I echo the point made by the hon. Member for Hendon (Mr. Dismore). The right hon. Gentleman will know that the anxieties of the victims of crime would be considerably alleviated if they knew that there was continuing support from the Government for local Victim Support schemes, not least in places such as Barnet, which do invaluable work. I understand that Barnet has the lowest crime rate of any London borough, but the service is still much needed and the Government's continuing support would be much appreciated.

Mr. Straw: I am pleased to give the hon. Gentleman the undertaking that he seeks. As one sign of that, my right hon. Friend the Prime Minister announced last June that the subvention for Victim Support this year was increased by £1 million. We greatly value its work across the country.

Sir Norman Fowler (Sutton Coldfield): What powers are there under existing law to compensate the victims of crime when the crimes are committed outside this country by people who usually live here? We shall obviously support any measures that the right hon. Gentleman takes against those found guilty of violence in Marseilles—their actions are obviously unacceptable—but what can be done to compensate the innocent victims of crime and make the guilty pay?

Mr. Straw: I thank the right hon. Gentleman for those remarks, with which I wholly associate myself and the Government. I am sure that I speak for the whole House when I unreservedly condemn what happened in Marseilles yesterday and today. The whole country feels betrayed by the treacherous behaviour of this criminal element who so besmirch the name of English football and undermine our nation's reputation.

I spoke this morning with the French Minister of the Interior, Jean-Pierre Chevènement, and apologised to him for the disgraceful behaviour of the English hooligans, emphasising again our full support for the French police in dealing swiftly and vigorously with those who cause such disorder.

The right hon. Gentleman will be aware that issues of compensation are primarily a matter for the countries in which the disorder and crime occur, but I am arranging for the matter to be discussed urgently with the French Minister of the Interior.

Public Events (Policing)

3. **Mr. Peter L. Pike** (Burnley): What public events require the payment of policing charges. [44243]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): Chief officers of police decide when to make a charge for providing a special police service, for example policing football matches. A charge is normally made where the event concerned takes place on private property, or is arranged by a commercial organisation, or the policing work falls outside the police's core duty to keep the peace and protect life and property.

Mr. Pike: Is not the Lancashire constabulary completely out of order in trying to charge football clubs in Lancashire for what is known as the reserve—police off the ground? That is a matter completely for the police, as it would be in the case of any public event. There is no dispute about the fact that police on the football ground are charged for, but those in the reserve and off the ground are a matter for the police to determine, and pay for themselves.

Mr. O'Brien: It is for the chief constable to decide policing needs. Forces should charge for officers deployed inside the ground, where the chief constable believes that they are necessary to preserve order, and for any reserves that are needed in order to do so. The courts and the Taylor report on the Hillsborough disaster endorsed that view. Officers deployed outside the ground are usually there at public expense, even if they are marshalling fans towards the ground. I understand that one of the issues at Burnley is whether officers held in the reserve outside the ground are to be included in the charging provisions. I hope that those issues can be resolved locally, as they have been elsewhere.

Mr. A. J. Beith (Berwick-upon-Tweed): Does the Minister agree that the football clubs who pay those charges, and the police, have, by their co-operation, achieved a remarkable improvement in behaviour surrounding English football, and that many of the people who have caused trouble in the past are no longer to be seen at English football matches? When so much has been achieved, is it not that much greater a matter of concern that a travelling circus of drunken hooligans, some of whom may have had neither the intention nor the hope of attending an England football match in France, are giving the game a bad name?

Mr. O'Brien: The right hon. Gentleman is right. Much good work has been done by football clubs and the police—and by the House, with restriction orders and so on—to improve the position at football grounds in our country. It is shameful that the behaviour of a minority of the fans who have gone to France for the football match have besmirched the name of English football. As my right hon. Friend the Home Secretary said, we need to ensure that we co-operate with the French, to tackle these people—the right hon. Gentleman rightly chides me for describing them as fans—who go abroad and damage our country's reputation.

Mr. Tim Boswell (Daventry): Given the earlier exchanges, and the great effort that has been made to exchange with other policing authorities information about football hooligans, is the Minister not a little worried that, in this case, there seems to have been some failure of intelligence, or of the application of intelligence? Although we do not want to be wise before we know all the facts, is it not extremely important that we examine, with the French and other authorities, whether there is some failure to translate information into action?

Mr. O'Brien: We have kept in very close contact with the French authorities via the National Criminal Intelligence Service and by direct contact between the Interior Ministry in France and the Home Office here. Liaison has been very good. We have exchanged information available to us about people who are likely to cause problems, and at the moment our information is that the French authorities have acted very well on that. There is no evidence that there has been any failure on the French authorities' part to deal with those issues.

We believe that we have simply been let down by those people who have gone to the match from England. In a sense, we owe an apology to the French for the behaviour of some of the people that have travelled from England to France. We need to ensure that we continue that co-operation with the French authorities; we are committed to doing so.

Mr. Dennis Skinner (Bolsover): Does my hon. Friend agree that it was near enough a racing certainty that there would be trouble as soon as the match was designated for Marseille? It was an open invitation to the English National Front to fight the French National Front.

Mr. O'Brien: There are no excuses for the way in which the fans have behaved. We know from experience of British football matches that, all too often, extremist right-wing organisations—such as the National Front and the British National party—engage some of their supporters in disruptive behaviour surrounding matches. We need to ensure that we have in place the means of dealing with those elements, and that we keep the French authorities informed about any information that we have about extremist right-wing elements that may be seeking to encourage English fans to behave disruptively.

Crime (Chelmsford)

4. **Mr. Simon Burns** (West Chelmsford): If he will make a statement on the level of crime in the Chelmsford area. [44244]

The Parliamentary Under-Secretary of State for the Home Department (Mr. George Howarth): In 1997, 9,339 offences were recorded by the Chelmsford police division. That is about 10 per cent. lower than the level of recorded crime there in 1996.

Mr. Burns: Will the Minister join me in congratulating the Essex police and neighbourhood watch schemes on that impressive fall in crime, which contradicts the soundbites from Home Office Ministers about rising crime and shows that in the last few years of the previous Government, crime overall was falling? Does the Minister share my concern that in the previous financial year, £1.1 million was allocated for the creation of 55 extra constables in Essex, but the money was used to create

only 28 extra officers? Will he liaise with the Essex police authority to find out why we did not get the full number of police constables?

Mr. Howarth: First, I join the hon. Gentleman in congratulating Essex police. Crime in the county has fallen by 11 per cent. to 90,158 offences. That compares with a fall of 9 per cent. across England as a whole. On the hon. Gentleman's second point, as he has just congratulated the chief constable, I am sure that he will agree that it is for the chief constable to decide how to deploy his resources. The hon. Gentleman just said that those resources had been deployed effectively, so I am not sure what his point is.

Young Offenders (Parents)

5. **Mr. David Drew** (Stroud): What steps he will take to ensure that support and guidance is given to the parents of young offenders. [44246]

The Secretary of State for the Home Department (Mr. Jack Straw): Our radical reform of the youth justice system will ensure greater focus on support and guidance to parents of young offenders. We are introducing parenting orders to encourage parents to accept their responsibilities for their children's behaviour. These orders will allow courts to direct that parents exercise control over their children, and require parents to receive training and guidance.

Mr. Drew: Is my right hon. Friend aware of the recent Audit Commission report, which highlighted the serious shortcomings in the juvenile justice system? With that in mind, how will he respond to the report and, in particular, deal with the minority of serious offenders who clearly need much more help from their parents?

Mr. Straw: The recent Audit Commission report, which brought up to date the findings of the Audit Commission in 1996, painted a lamentable picture of the state of the youth justice system. Our proposals in the Crime and Disorder Bill represent the first stage of our major reform of the youth justice system. One way in which we shall deal with persistent young offenders is by the fast track for persistent offenders. I am pleased to tell the House that, although at the last election there were only eight pilot schemes for fast-tracking such offenders, there are now more than 100 schemes.

Mr. Richard Allan (Sheffield, Hallam): The new parenting orders to which the Home Secretary referred may be a useful tool in combating crime, as long as they distinguish between parents who will not parent and those who simply cannot parent. Will the Home Secretary assure the House that, through guidance and other measures, he will ensure that the parenting orders do not set individual parents up for failure, when it is apparent that their circumstances make it impossible for them to control their children?

Mr. Straw: If there are parents who cannot parent, they should not have responsibility at all for their children, and those children ought to be in the care of the local authority. The overwhelming majority of parents must accept responsibility for their children. That responsibility lasts as long as the children are children.

The purpose of our proposals for parenting orders is to ensure that parents no longer seek to excuse their own behaviour and lack of control of their children or the behaviour of their children who are young offenders, and accept that all too often their children's misbehaviour is partly to do with their own failure to exercise proper control over those children. Such parents will be offered advice and guidance on how to improve their parenting skills.

Young Offenders

6. **Mr. David Hanson** (Delyn): What plans he has to reduce the level of crime committed by young people. [44248]

The Secretary of State for the Home Department (Mr. Jack Straw): The Crime and Disorder Bill includes a number of proposals to help reduce the level of crime committed by young people. These plans are intended to nip offending behaviour in the bud, to reduce delay and to achieve better co-ordination of youth justice services.

Mr. Hanson: Is my right hon. Friend aware that, on some estates in my constituency, young people are still abusing many of my constituents physically and verbally? Those young people are involved in criminal behaviour, such as vandalism, and the Government's proposals will certainly tackle such problems. Will my right hon. Friend look, in the longer term, at the reasons for social exclusion so that we may begin to integrate those young people into society at large?

Mr. Straw: We accept that we must tackle the underlying causes of social exclusion. That is why my right hon. Friend the Prime Minister has established the social exclusion unit, and a raft of programmes, from the welfare-to-work programme to provisions in the Crime and Disorder Bill, are under way. They will give the police and local education authorities special powers to tackle truancy on the streets.

However, we know also that many of those who live in deprived areas and who are socially excluded commit no offences whatsoever. Therefore, it is very important that we do not excuse the misbehaviour of a minority and ensure the rapid passage and enforcement of the measures in the Crime and Disorder Bill that are designed to tackle bad behaviour by both juveniles and adults.

Mr. Peter Viggers (Gosport): May I congratulate the Home Secretary on his authoritative and statesmanlike response to the previous question, which placed responsibility for the conduct of young people firmly upon their parents? They should not be allowed to resile from that responsibility. Does the Home Secretary agree that closed circuit television systems have proved extremely effective in identifying criminals and preventing crime? I thank him for the closed circuit television systems that have been developed in the main town centre area of my constituency and in Stubbington. Does the Home Secretary agree that they are cost-effective and should be encouraged further?

Mr. Straw: I thank the hon. Gentleman for both parts of his question. There is no doubt that closed circuit television systems that are properly planned,

properly introduced and properly monitored can have an important effect on reducing crime and disorder and, above all, on reducing people's fear of crime and enabling them to use public space better.

Ms Hazel Blears (Salford): The Home Secretary will be aware of the task force that has been established to tackle crime and disorder in Langworthy in my constituency of Salford. That task force involves Government, council, police and Victim Support working together to tackle the huge problems in that area. Will the Home Secretary confirm that the task force and local people—many of whom are good, law-abiding citizens—will continue to have the Government's full support in trying to improve their community and make it a safer place in which to live?

Mr. Straw: As my hon. Friend knows, I am aware of the deep concerns of the residents in the Langworthy area of Salford as a result of my visit there two months ago. The task force that has been established to tackle serious problems in that area—not the least of which is criminality by a minority—enjoys the Government's full support. It is a very good example of the kind of inter-agency co-operative working that is the best approach to reducing crime and disorder in such areas in the long term.

Mr. John Greenway (Ryedale): In their five early pledges, the Government promised to cut youth crime by halving the time that it takes to bring young offenders to court. How early is early? Where is the evidence of any progress in that area? Will the Home Secretary confirm that the Government do not expect to meet that pledge, as so many of their proposals—he referred earlier to the first stage—have yet to be tested and there are no new resources for the police or the probation service with which to implement them? This is the fourth early pledge that the Government have broken. When will the Prime Minister have the confidence to publish his report on the Government's first year achievements? If and when he does, will it not show that things have got worse rather than better?

Mr. Straw: The hon. Gentleman should hang his head in shame for coming to the Dispatch Box to talk about youth crime when the Government of which he was a supporter presided over a situation where more and more young criminals committed crimes and fewer and fewer went before the courts. It has fallen to us to tackle the problem. The hon. Gentleman asks when we will do so. The powers that we have to take to implement the proposals have not even gone through this House yet. It was one of the first Bills we introduced and, with luck, it will become law before the end of July. Serious progress will be made then. When we took office, we found—contrary to the synthetic comments that we have just heard—that the previous Government did not even collect information on the number of persistent young offenders, still less do anything about it. One hundred pilot areas have been established, and we will implement that pledge—like the rest of the manifesto—well before the next election.

Mr. David Borrow (South Ribble): In my constituency, the overwhelming concern is juvenile crime. At a meeting with the local police on Friday, I found that they—unlike Tory Members—were convinced that the Crime and Disorder Bill would do much to deal with juvenile crime. Does my right hon. Friend agree that my constituents would be much better listening to the concerns and views of the local police in South Ribble than to the carping comments of Tory Members?

Mr. Straw: I entirely agree with my hon. Friend. His constituents and mine have the benefit of the care and service provided by the Lancashire constabulary. It was not least because of concerns raised by Lancashire police over many years that we developed the proposals in the Crime and Disorder Bill for anti-social behaviour orders and the raft of reforms of juvenile justice.

On resources, one of the things that the right hon. Member for Sutton Coldfield (Sir N. Fowler) failed to notice in the Audit Commission reports of 1996 and last month is that not only do so many persistent young offenders get away with it—thanks to the inefficiency of the system that the previous Government left us—but that millions of pounds is wasted as a result of that inefficiency. Our changes are designed to ensure that more persistent offenders are dealt with more swiftly, and that resources are far more adequately and efficiently used.

Indecency Offences (Children)

7. **Mr. John Bercow** (Buckingham): What plans he has to increase the maximum sentence for indecency with children. [44249]

The Minister of State, Home Office (Mr. Alun Michael): The maximum penalty for gross indecency with a child aged under 14—which is different from indecent assault—was increased by this Government from two years to 10 years' imprisonment as recently as 1 October last year when we brought into force section 52 of the Crime (Sentences) Act 1997. We have no evidence to suggest that a further increase in the maximum penalty is needed. However, we do need to make sure that the system of offences and penalties is coherent and effective. I can tell the House today that we will review the law relating to sexual offences generally and we will look at this specific issue as part of that review.

Mr. Bercow: Would the Minister explain to the House why the Government opposed the Conservative amendment to the Crime and Disorder Bill to increase from 10 years to life the maximum sentence for indecency with children, when this would have left the freedom with the courts to pass an appropriate sentence and would have allowed the more serious offenders to be released only when they no longer posed any threat to any children? Is this not a case of the Government being soft on criminals and tough on the child victims of those criminals?

Mr. Michael: No, Madam Speaker—it is a case of a Back-Bench Member being tough on the English language and soft on his thinking. Only last year, the Conservative party thought that 10 years was a perfectly adequate sentence. With the irresponsibility of Opposition, it wants to make everything subject to a life sentence. The reason we turned that down—as I explained in Committee, as the

hon. Gentleman will see if he takes the trouble to read *Hansard*—was because it was our intention to have a coherent review of the offences and the penalties to make sure that sexual crimes, particularly against children, were dealt with effectively, properly and coherently. We will do that.

Ms Sally Keeble (Northampton, North): I thank my hon. Friend for his comments and the changes that have been made to penalties for sex offenders. Is he aware that some of my constituents will welcome very much the changes—for example, the family of Jason Swift, who was killed by a member of the Cooke gang? What thought has my hon. Friend given to introducing indeterminate sentences to make it possible for sex offenders to be kept in prison for as long as they are a risk—a much more effective way of dealing with the problem than simply introducing blanket, long-term sentences which would not address the main problem?

Mr. Michael: My hon. Friend is right. The horrific example to which she referred makes it clear why we must take responsibility, not only for punishing people after the event, but for managing risk and for ensuring that risk does not turn into danger or an event involving a victim. We have already implemented the Sex Offenders Act 1997, and we have worked with the police and the probation service to make sure that the information required under it is used to protect children and vulnerable adults, rather than gathering dust on file or sitting in a computer.

The sex offender orders in the Crime and Disorder Bill will plug a further gap by enabling courts to take action where it is clear that someone poses a risk. We shall consider indeterminate sentences in the review that I have announced. My hon. Friend understands the sensitivities that have to be observed and the careful thought that has to be given to the matter. We shall give it that thought.

Sex Offenders

8. **Miss Julie Kirkbride** (Bromsgrove): What plans he has to change the licensing arrangements when releasing sex offenders from gaol. [44250]

The Minister of State, Home Office (Ms Joyce Quin): The Crime and Disorder Bill makes provision for the extended supervision of offenders following release from prison. The Bill gives the courts power to order additional supervision of up to 10 years in those cases. Offenders will be liable to be recalled to prison if they breach their licence conditions.

Miss Kirkbride: I thank the Minister for that answer, but I draw her attention to a case in my constituency in which a convicted paedophile was released into a small village community on a licence condition lasting only four months. I understand from a previous answer that the Government reject the Conservative option of optional life sentences, but will she consider whether there are, in those revolting cases of sexual abuse of children, grounds for licensing conditions on release to be extended as far as the natural life of the offender, when the relevant authorities consider that that person still poses a risk to the community?

Ms Quin: The hon. Lady has written to me about that case, and I have responded. She is to meet the agencies in her area which, I understand, are co-operating effectively to try to cope with the situation in respect of the individual concerned. Our proposals in the Crime and Disorder Bill will make the situation much more satisfactory. The sex offender orders are liable to apply to that individual if he appears to present a risk, and, indeed, to other individuals. The measures in the Bill, including the sex offender orders and extended supervision, will go a great way towards tackling the problem.

Mr. Derek Wyatt (Sittingbourne and Sheppey): Some sex offenders have had two or three cases brought against them, served different sentences and been released back to the same community again and again. Will my hon. Friend examine those cases and what goes on in prison, and will she consider the issue of psychiatric care and the concerns about that?

Ms Quin: There are sex offender treatment programmes in prison which have been shown to be effective. We are conducting research into the way in which they have been carried out to discover what further lessons we can learn. It is also important that the prison and probation authorities work closely together. That is one reason behind the Government's prison and probation review: we believe that, in areas such as risk assessment and exchanging information about people who have been in prison and who are under supervision in the community, the two services could do a great deal in co-operation to reduce risk to the community.

Sir Norman Fowler (Sutton Coldfield): Further to what my hon. Friend the Member for Bromsgrove (Miss Kirkbride) said, may I draw the Minister's attention to the case of Roger Gleaves, the self-styled bishop of Medway, who was convicted in the mid-1970s of offences against young people? Two months ago, he was sentenced to 15 years for further offences against young people. Is not the lesson of that case that information of past offences was available, but was not passed on, not only to organisations, but to the parents of the young people? If there was a central register, which I support, would the information on it be publicly accessible?

Ms Quin: The important point is for the agencies that manage cases to have the information and to share it between them. I accept the right hon. Gentleman's point that information has not always been transmitted between agencies as it should have been. Our approach, particularly the partnership approach, is aimed at improving the flow of information so that people do not fall through the net and the system works effectively in the public's interest.

Police Management

9. **Mr. Barry Sheerman** (Huddersfield): What steps he is taking to improve the strategic management capacity of police forces. [44251]

The Minister of State, Home Office (Mr. Alun Michael): Since 1992, all applicants for appointment in the most senior police ranks must have attended the strategic command course at the police staff college, which is intended to develop and enhance senior officers'

capacity to exercise strategic management and leadership. We are considering how best to promote continued training and development for those who achieve Association of Chief Police Officers ranks.

Mr. Sheerman: Does my hon. Friend agree that the training of senior managers in the police force tends to be exclusive and inward-looking, and that good management is good management? Is not it about time that we started to expose senior police officers to the best management schools in the world, if not in the country, because strategic management is strategic management?

Mr. Michael: My hon. Friend makes a good point. Some senior officers have gone to great lengths to expand their own training and experience, and to look at the quality of management developed outside the police service, while others have not. My right hon. Friend and I, with officials and ACPO, are looking at how we can develop the quality of training. As I said in my first reply, we are considering how to encourage and improve continued training and development once officers achieve ACPO rank.

Prisoners

10. **Mr. Geoffrey Clifton-Brown** (Cotswold): If he will estimate the impact of the implementation of the provisions of the Crime and Disorder Bill *[Lords]* on the prison population in the next three years. [44252]

The Minister of State, Home Office (Ms Joyce Quin): The prison population will always largely depend on the sentencing decisions of the courts. The provisions of the Crime and Disorder Bill will help to target the use of prison on serious offenders. The Government's policies are aimed at early effective intervention to turn young offenders away from crime and possible later imprisonment. Home detention curfew in the Bill is intended to free up some 3,000 prison places a year.

Mr. Clifton-Brown: Will the Minister consider the Bill's effect on the provision of prison places for serious sexual offenders? Will she assure the House that a serious sexual offender will never be released from prison earlier than he or she would otherwise have been if he or she is considered for electronic tagging, and that that would not be an acceptable reason for releasing serious sexual offenders earlier?

Ms Quin: As the hon. Gentleman knows, we have said that serious sexual offenders would not qualify for home detention curfew unless there were exceptional circumstances. It is important to bear in mind the fact that, in general, home detention curfew will operate only after a stringent risk assessment.

Mr. Dale Campbell-Savours (Workington): If there is a shortage of prison space as a result of the implementation of the Bill, why do we not substantially reinforce the resources available to the Criminal Cases Review Commission, which will meet in Birmingham and which is responsible for establishing whether there have been miscarriages of justice, as I believe happened in the case of Owen Oyston? If the commission were given the resources, the inevitable consequences would be that more people would be released from prison, more spaces would become available and we would be able to deal with any additional offenders who were put into custody.

Ms Quin: We have increased the availability of prison spaces to accommodate people sent to us by the courts. The Government strongly support the work of the Criminal Cases Review Commission, and very much endorse its approach and work. However, in terms of the prison population, we believe that home detention curfew plus the other measures that the Government support, such as effective use of community sentences, are the best way for the criminal justice system to proceed in the future.

Mr. Humfrey Malins (Woking): Does the Minister accept that members of the public believe that the prison sentence passed should be the prison sentence served? What message are the Government sending to the public by introducing measures in the Crime and Disorder Bill whereby although maximum sentences of six months are passed in magistrates courts, no defendants will ever serve more than six weeks if they behave properly?

Ms Quin: The Government are committed to enabling the courts, when sentence is passed, to tell people exactly what that sentence means in practice. We feel strongly about that because it is important for the public to know that information. The hon. Gentleman seems to object to the home detention curfew. It will mean a reduction in prison places, and we think that it is right because it involves a managed transition from custody to release. The structure that it imposes on offenders is one of its most valuable aspects.

Ms Beverley Hughes (Stretford and Urmston): Does my hon. Friend agree that it is now imperative to have a range of stringent, community-based sentences that inspire the confidence of the public and sentencers because they are not easy options? What measures in the Crime and Disorder Bill will promote such sentences? How will sentencers be encouraged to use them?

Ms Quin: The probation service will have new responsibilities under the Crime and Disorder Bill, which will show the public that community sentences are worth while and effective. The action plan order and the reparation order will be particularly significant. Other important sentences will be served in the community under other orders in the Bill, such as the drug treatment and testing order.

Mr. A. J. Beith (Berwick-upon-Tweed): Does the hon. Lady recognise that recent legislation, including that on mandatory sentencing, is contributing to a relentless rise in the prison population, which is likely to consume resources needed for rehabilitation inside and outside prison? Many of the good measures in the Crime and Disorder Bill will require resources to be put into the probation service. If those resources are instead consumed by prison spending, we shall not be able to do the job that needs to be done.

Ms Quin: The right hon. Gentleman knows that we have a responsibility to imprison people who are sent to us by the courts, and that we must imprison serious offenders. However, the Crime and Disorder Bill contains

many effective measures that, through the emphasis on early action and intervention, will have a helpful effect, especially on young people. We hope that they will deter them from crime and, ultimately, imprisonment.

Mr. James Clappison (Hertsmere): Does not the risk assessment guidance say that in the prison population as a whole, prisoners will usually be eligible for home detention curfew and early release? Does that not drive a coach and horses through the principle of honesty in sentencing? As my hon. Friend the Member for Woking (Mr. Malins) said, sentences will not mean what they say. What else can right-thinking members of the public conclude when a sentence of six months' imprisonment, which is the maximum that can be passed by magistrates courts, will mean in practice only six weeks spent in custody? How can that engender public confidence in sentencing?

Ms Quin: First, the courts will spell out what sentences mean in practice. Secondly, I invite the hon. Gentleman to take a closer look at some of the electronic monitoring schemes in this country and in other parts of Europe. Schemes such as the home detention curfew are extremely effective in providing punishment for people and preparing them for ultimate release. The system that we are introducing will be tough and effective.

Crime and Disorder Bill

11. **Mr. Keith Darvill** (Upminster): What plans he has to pilot provisions contained in the Crime and Disorder Bill *[Lords]*. [44253]

The Minister of State, Home Office (Mr. Alun Michael): We plan to pilot a number of initiatives to tackle youth offending, such as measures to tackle delay in the youth justice system; the drug treatment and testing order; and the use of live television links between prison and court. Provided that the Bill receives Royal Assent before the summer, we plan to commence those pilots in the autumn.

Mr. Darvill: I thank my hon. Friend for that reply. I also thank him for taking the time recently to visit Harold Hill in my constituency to witness the work of the partnership that is evolving between the police, the local authority and other agencies, including London Transport Buses. Does he agree that the best way to tackle crime in our towns and cities is through genuine partnerships with local communities, police and other organisations?

Mr. Michael: My hon. Friend is right. However, as we saw when I visited his constituency, the process cannot be easy or immediate. There needs to be a commitment on the part of police and local authorities; they need to win the support of the local community, and they need to listen to members of that community, who best know the type of crime that spoils their lives. A commitment to such a partnership, and to cutting crime, is essential, and I congratulate my hon. Friend on the way in which he is encouraging that in his constituency.

Khat

12. **Dr. Jenny Tonge** (Richmond Park): What representations he has received urging a ban on the sale of khat. [44254]

The Parliamentary Under-Secretary of State for the Home Department (Mr. George Howarth): We have received one letter this year suggesting that khat should be controlled under the Misuse of Drugs Act 1971. If, however, there is any new evidence on the matter, I shall be happy to consider it with a view to a further reference to the Advisory Council on the Misuse of Drugs, which last considered it 10 years ago.

Dr. Tonge: I thank the Minister for his reply. Is he aware that khat is an addictive drug that causes stimulation of the person taking it, leading to euphoria and hallucinations? The person ends up stoned and unable to do anything. Is it not nonsensical that that drug can be legally imported and have value added tax charged on it, when cannabis—a much safer drug in these terms—cannot even be used for legitimate medical purposes, although many doctors are calling for that to be allowed?

Does not the Minister consider the position slightly ridiculous? In view of the failure to make any progress in the drugs war, will he set up a royal commission immediately to investigate the use and misuse of drugs?

Mr. Howarth: The hon. Lady will know that khat is regarded as coming within the terms of the Medicines Act 1968.

With the Liberal Democrat party, the needle sometimes seems to get stuck. The hon. Lady trots out the same old line that her party has been trotting out for several years. She asks for a royal commission, but the decriminalisation or legalisation of cannabis would have only one result: more people would use it. If the hon. Lady wants to contemplate such a development, that is her business; the Government certainly will not.

Mr. Paul Flynn (Newport, West): Is not the lesson clear—that the prohibition of khat would not decrease but increase its use? It would increase the amount of khat crime, and would drive a wedge between the Somali and Yemeni populations and the police.

The use of all banned drugs increases. Why do not the Front-Bench Members of the two main parties, and all the other parties, take an intelligent look at what is happening in Switzerland, for example? Drug-related crime in Zurich has recently been reduced by 80 per cent.; meanwhile, in this country it has increased by 30 per cent. In Holland, owing to a policy of decriminalisation, there are virtually no heroin users there under the age of 20, and the number of adult heroin users has fallen.

The lesson is the same throughout the world. America, which has had a prohibition policy for many years, now has the worst drug problems in the world, and we in Britain have the worst drug problems in Europe. When will the Government set up a royal commission, so that we can reinforce the point that prohibition increases drug problems and decriminalisation reduces them?

Mr. Howarth: If my hon. Friend wants to use international examples, he should consider Amsterdam. Its drug policy is far more lenient than ours, and its murder rate is three times higher.

My hon. Friend should not assume that he has a monopoly on intelligence about these matters. A wide body of evidence from throughout the world suggests that, if any currently illegal substances are decriminalised or too soft a line is taken on them, there can be only one outcome: more people will use those drugs, more people will be drawn into crime and there will be more serious social problems. The option offered by my hon. Friend, the Liberal Democrats and even some Tory Members is not viable. It simply would not work in this country, and it has not worked in any other country.

Prisons (Commercial Activities)

13. **Mr. Howard Flight** (Arundel and South Downs): If he will review the financial arrangements for commercial activities carried out within prisons. [44255]

The Minister of State, Home Office (Ms Joyce Quin): The financial arrangements for commercial activities within prisons were recently reviewed, and I am pleased to announce that governors have been given increased flexibility in the use of income from commercial activities. That should enable them to use some additional income from increased industrial activity, which should further the goal of expanding prison industries—a goal to which the Government are firmly attached.

Mr. Flight: My question was prompted by a recent visit to the Ford establishment in my constituency. In that establishment, commercial activities such as horticulture, metalwork, woodwork and laundry work do not have the investment capital that would enable them to bid for contracts. The trustees and the head of the prison told me that all the revenues were retained by the Treasury. Will the proposed changes specifically address the streamlining of investment decisions to gain maximum scope from commercial activities in prison?

Ms Quin: The changes that I have announced will help reinvestment so that prison industries can expand in places such as Ford. I also understand that Ford is likely to take part in the workshop expansion scheme, which is an important part of our efforts to increase workshop activity within prisons.

Young Offenders

17. **Mr. Piara S. Khabra** (Ealing, Southall): What steps he is taking to ensure that there is early intervention with young offenders to prevent reoffending. [44260]

The Minister of State, Home Office (Mr. Alun Michael): The Government are introducing a number of early intervention measures as part of their youth justice reform programme. These measures include the child safety order, local child curfews for children under the age of 10 and the final warning scheme for those above the age of criminal responsibility. New requirements for district or borough-based crime reduction strategies and new youth offending teams will provide a new focus for local action to cut crime. We are also providing new powers to allow the police to deal with truants.

Mr. Khabra: Is my hon. Friend aware that the recent Audit Commission report on youth crime describes the previous Government's appalling record in this area? Does he agree that truancy and exclusion are major causes for the commission of crime and reoffending by children? What steps is he taking to help parents to control their children's behaviour? Will he ensure that parents, and especially working parents, of children who do not go to school are given the support that will enable them to send their children to school?

Mr. Michael: My hon. Friend is right to highlight truancy and school exclusion as problems. That is why the Government have looked at the matter across Departments and why the social exclusion unit gave it priority in its work. We have introduced in the Crime and Disorder Bill an amendment that will give the police the power to pick up youngsters and take them either back to a school or to another agreed place when they do so in partnership with education authorities. Making such a link between different problems and ensuring that local solutions are produced in partnership are two of the ways in which to remove the scourge of youth crime.

Drugs and Crime

18. **Mr. Jim Fitzpatrick** (Poplar and Canning Town): What recent research he has commissioned into the link between drugs and crime. [44261]

The Parliamentary Under-Secretary of State for the Home Department (Mr. George Howarth): Current research includes work on the criminal life styles of crack addicts; on the effects of treatment on addicts' criminal behaviour; and on developing performance indicators for police anti-drugs strategies. Consideration is also being given to extending a project on drug testing and interviewing arrestees, the first results of which were published in April.

Mr. Fitzpatrick: I remind my hon. Friend of a recent visit to my constituency by Mr. Keith Hellawell to examine a ground-breaking drugs initiative called Project Charlie at Culloden school. Its aim is to educate young children on the dangers of drugs. Does my hon. Friend agree that education is the way forward rather than the approach that has been advocated by the shadow health spokesman, the hon. Member for Rutland and Melton (Mr. Duncan), whose support for the legalisation of all drugs is surely irresponsible and simplistic? He should be asked to withdraw that support.

Mr. Howarth: My hon. Friend is right. He will recall that I made a similar visit to his constituency some time ago. Part of the new strategy that Mr. Hellawell announced recently is to concentrate resources on helping young people of primary school age and older to resist the messages on drugs. My hon. Friend is right to note that in a book called "Saturn's Children", the hon. Member for Rutland and Melton (Mr. Duncan) said:

> "The only completely effective way to ameliorate the drug problem, and especially the crime which results from it, is to bring the industry into the open by legalising the distribution and consumption of all dangerous drugs, or at the very least by decriminalising their consumption."

My hon. Friend might reflect on the fact that the hon. Member for Rutland and Melton is now an Opposition Front-Bench health spokesmen.

Orders of the Day

Northern Ireland (Sentences) Bill

[1ST ALLOTTED DAY]

Considered in Committee.

[SIR ALAN HASELHURST *in the Chair*]

Clause 1

SENTENCE REVIEW COMMISSIONERS

3.30 pm

Mr. William Ross (East Londonderry): I beg to move amendment No. 45, in page 1, line 7, leave out

'and one of them shall be appointed chairman'

and insert

'and shall appoint one of the legally qualified Commissioners as the Chairman'.

The Chairman of Ways and Means (Sir Alan Haselhurst): With this, it will be convenient to discuss the following amendments: No. 26, in page 1, line 10, leave out from 'lawyer' to end of line 11.

No. 18, in page 1, line 18, leave out 'any jurisdiction' and insert 'the United Kingdom'.

Mr. Ross: This will prove to be an interesting debate because, on Second Reading last week, we were promised that the Government would look very carefully at what was said and that we would be given the chance to probe and to get a clearer understanding of what exactly the Government are trying to do. Before the rise of the House this evening, we shall try to educate the country about what the Bill does.

As the sentence review commissioners will apply what will become a complex area of law that will give rise to all sorts of allegations and cause much heartache, they need a legally qualified individual as chairman. That should be in the Bill. The pressures to let out that group of prisoners will be immense. We know the problems that arise whenever there is a backlash from the IRA or other terrorists groups. An immediate effort is made to find a way to placate them. We can be certain that the pressure will not decrease but increase over coming weeks and months. We shall be told that we should not be worried about the words in the Bill or their legal meaning but should proceed in the spirit of the agreement and that that will be what counts.

Many people in Northern Ireland and, I am sure, many hon. Members, will not be happy with the spirit or understanding that will be applied to the measure by the thugs and murderers with whom we have to deal in Northern Ireland and throughout the United Kingdom. The pressures, not least on the Government, from the Irish Republic and the terrorist organisations will be immense. The pressure from the Government on the chairman and commissioners when a well-known prisoner is up for release will also be immense. Pressure will be put on and signs given that that prisoner should be released. Given that, we need a person of strong character, good personality and sound judgment to stand up to those pressures.

We have not yet been told the exact composition of the commission—such as how many commissioners there will be; how many commissioners will be from Northern Ireland, from Great Britain, from Commonwealth nations or—more likely—from the Irish Republic; how many will be appointed at the instigation of the Government of the Irish Republic, through Maryfield; or how many will be appointed who have to be acceptable to the IRA or other terrorist groups. A whole series of questions have simply not been answered, but we have to know those answers. We have to know also that the person appointed as chairman will be someone who can stand up to the pressures that will be put on the commissioners.

Amendment No. 46 has not been selected, but it is relevant to other amendments. Section 1(2) provides not only that

"The Secretary of State shall so far as reasonably practicable ensure that at any time—

(a) at least one of the Commissioners is a lawyer",

but that one commissioner shall be expert in the mental health or psychology of the prisoners dealt with by commissioners. I am sure that all hon. Members will agree that, given some of the deeds that those prisoners have committed, there is good reason for including psychologists or other professionals in psychiatric treatment on panels. I hope that the Secretary of State will ensure that there is at least one lawyer and one mental health professional on each panel dealing with a prisoner's case.

The other amendments in the group, which were tabled by the Leader of the Opposition and the right hon. Member for Penrith and The Border (Mr. Maclean), would accomplish the same objectives that I shall try to achieve in other amendments that I have tabled. I hope that all those amendments will be favourably mentioned by Ministers, and that the Government will accept them.

The spirit of the agreement and of the Bill is such that the folk who will be most closely examining them are those who have been most directly affected by terrorist violence in Northern Ireland—over many years, they have been the victims and targets of that terrorist violence. Therefore, everyone in Northern Ireland, and all those who are further afield and take an interest in the matter, will want to be certain in their own mind that every care has been taken before any one of those individuals is released prematurely into the community.

Mr. David Maclean (Penrith and The Border): Amendment No. 26 would delete clause 1(2), which requires that, of the commissioners,

"at least one is a psychiatrist".

I merely say to Ministers: God help us if more than one commissioner is a psychiatrist.

I should like to delete that provision for the simple reason that, based on my experience as a Minister in the previous Government, I do not think that the professions of psychiatry and psychology have anything to contribute in determining the important matter of releasing people who are potentially dangerous and could, in future, return to their terrorist ways.

My experience in government has led me to distrust psychiatrists' advice on whether it is safe to release a prisoner. The relevant experience—which the Minister of State, Northern Ireland Office will not share—for me in

the matter was dealing with prisoners who had committed some of the most appalling crimes of violence, but who, because of their mental health, were in some of the United Kingdom's most secure institutions, or in second-level secure institutions, such as Rampton and Broadmoor. For various technical legal reasons, approximately half of those prisoners are eligible to be released by a mental health review tribunal. The MHRTs not only contain a fair proportion of psychiatrists, but rely heavily on psychiatrists' advice. The other half, approximately, are released by Ministers of the Crown exercising their judgment.

The Minister can check the veracity of this in *Hansard*, but if he analyses the number of prisoners released by the MHRT and those released by Ministers over the past 10, 15 or 20 years, he will discover that the reoffending rate of those released by an MHRT is about twice that of those released by Ministers. One could do an interesting analysis of why Ministers, who are not qualified psychiatrists but who take into account subjective judgments and who analyse reports from psychiatrists and advice from civil servants, have a 100 per cent. better success rate than an MHRT in judging the dangerousness of people being considered for release. Having done that task for some time, I can conclude only that all Ministers—those before me and, no doubt, those after me—were and are more reluctant to rely on the advice of psychiatrists alone. The only skills that I thought psychiatrists brought to the operation were incredible naivety and gullibility.

Mr. Phil Willis (Harrogate and Knaresborough): First, is the right hon. Gentleman suggesting that no psychiatrist should give advice to Ministers? Secondly, is it his reading of the Bill that the only advice that the commissioners will have at their disposal is that from those commissioners who are psychiatrists? That is not my reading of it.

Mr. Maclean: The Bill provides that one of the commissioners shall himself be a psychiatrist, and that is the bit I am not happy about because I think that he would exercise undue influence over the other commissioners. It is the same in any circle when someone pops up and says that he is a doctor or a lawyer and that his opinion is therefore more important than that of the common herd. Insisting that one of the commissioners shall be a psychiatrist will give his opinion undue weight. I believe that psychiatrists' opinions are more suspect than those of other members who could be appointed and who are not schooled in that discipline but who are nevertheless capable of reading reports from psychiatrists and making their own judgment.

Of course commissioners must have advice from psychiatrists, if appropriate, on the mental health of some of the individuals whom they are contemplating releasing. I hope and assume that they will get advice and reports from the Prison Service on prisoners who have been in the Maze. I assume that they will get reports from the Royal Ulster Constabulary and various other quarters and that they will come to a balanced judgment.

The grave danger in allowing psychiatrists to hold a position of undue influence is that psychiatrists are obsessed with insight. Most of the time, the advice from psychiatrists that I considered rather dodgy was offered when psychiatrists were beguiled by the prisoner, who suddenly said that he had got insight and realised that he had been wrong. He would say that he could now face up to his crime and was therefore eligible to be released. When a prisoner had that remarkable insight, acknowledged his crimes and said that he wanted to lead a straight life, it counted very highly with psychiatrists, whereas people with more balanced judgment did not give that insight so much weight. I shall no doubt receive letters from eminent psychiatrists complaining about my criticism of them as a genus or breed.

Mr. Robert McCartney (North Down): Having had experience of psychiatrists and psychologists over more than 30 years as a practising barrister, I endorse almost everything that the right hon. Gentleman has said about their comments and the effect that they have. Extraordinary gullibility is the hallmark of many of those who practise that rather bizarre form of medicine.

3.45 pm

Mr. Maclean: I should not go so far as to call it a bizarre form of medicine. I am saying only that, during my time as a Minister, in many of the cases that came to me, the advice from psychiatrists was bizarre in the extreme. In the case of someone who had been in a mental hospital for 20 years, exhibiting dangerous qualities for 19 of those years and then showing insight for nine or 10 months, they recommended to Ministers that he should be released.

The statistics on the success rates of releases tell the story. Ministers, from whatever party, have to show their judgment, without necessarily having any great knowledge of, or qualification in, psychiatry. Of course they must not close their ears to advice from all quarters, but they must come to an opinion and make a judgment.

The same is true of the commissioners. I should prefer a commissioner who does not have a law degree or a psychiatry degree, but instead has a sound grounding in common sense, having experience of working in industry or dealing with people in some other capacity. I want them to be good judges of human nature. Some clever criminals who have not been convicted of terrorist offences come before parole boards and review boards in the rest of the United Kingdom. They are highly adept at spinning a tale about how they are now reformed. We need commissioners who are capable of seeing through some of the wiles of those who will come before them. In my experience, qualified psychologists and psychiatrists are not the best at seeing through the wiles and the devious nature of some of their clients.

Mr. Robert McCartney: I have spent more than 30 years at the Bar and have cross-examined and read reports from hundreds of psychiatrists and psychologists. Much of what the right hon. Member for Penrith and The Border (Mr. Maclean) has said is commensurate with my experience. The Bill implies that psychiatry and psychology are interchangeable terms. They are two distinct sciences. Most reputable psychologists will say that their reports are not meant to make a diagnostic decision. They draw conclusions from a series of tests and methodologies. Almost invariably, a reputable psychologist will end his report by saying that his findings may be consistent with a condition but are not necessarily diagnostic of it, because there may be many medical conditions that can produce the same results.

[Mr. Robert McCartney]

I have been married to a practising psychologist for 37 years, so I have a domestic insight into reports and comments—and perhaps my wife has a domestic insight into me, but that is another matter.

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush): I hope that the hon. and learned Gentleman can assure us that he is talking about a marriage, not some special client relationship.

Mr. McCartney: My wife would find more fertile fields in other characters.

There is a bland assumption in the Bill that psychiatry and psychology are interchangeable. That is so far removed from the practice of the disciplines as to make one wonder who was responsible for the drafting of the Bill and whether they were in need of either of those disciplines.

Mr. Kevin McNamara (Hull, North): During my career, I have read many legal opinions and I often wondered whether those who wrote them were themselves head cases and perhaps should have been referred to psychiatrists or psychologists. However, it ill becomes hon. Members to denigrate trained professionals who, in different capacities, have served their patients and the community well. It is a foolish thing to do.

First, I shall comment on what the right hon. Member for Penrith and The Border (Mr. Maclean) said about deleting psychiatrists and psychologists from the list. In my view, he misinterpreted the purpose of the Bill. Politically motivated prisoners resent the idea that psychiatrists or psychologists should be brought in to pontificate on, or judge, their offences; they believe that their offences were politically motivated and that they should be judged on that basis. However, some people who may have been involved in such offences may suffer from mental disturbance, and it may not be safe for them to be released without more specific and direct conditions than those being applied by the commissioners. I view the measure as a defence for the public rather than an easy way out for certain people.

My second point relates to amendment No. 18 in the name of the Leader of the Opposition. It proposes that the lawyers appointed to the commission should not be from any jurisdiction other than that of the United Kingdom. I would regret that, as it suggests that we cannot learn from other common law jurisdictions such as those in Canada, America, New Zealand, India, South Africa and others with experience in such matters. The amendment implies a deliberate intention to prevent the appointment of anyone who might have had experience in South Africa in respect of the problems associated with peace and reconciliation and the amnesty committee. By cutting ourselves off from the experience of other jurisdictions as a deliberate decision to be insular about the issue, we would show that we did not appreciate how much we could learn from others. Our experience within these islands is not particularly special. Others have had to face similar difficulties and perhaps we can learn from them.

Mr. Malcolm Moss (North-East Cambridgeshire): I shall speak to amendment No. 18, which was tabled by me and my right hon. and hon. Friends. It relates to clause 1 and seeks to leave out "any jurisdiction" and replace it with "the United Kingdom".

On Second Reading, the hon. Member for East Londonderry (Mr. Ross) asked why we should allow a lawyer from any jurisdiction to be appointed. The Secretary of State's response was somewhat evasive. She said:

"I do not want to tie myself down".

She then attempted to clarify what she meant by that, but muddied the waters still further when she said:

"It is 99 per cent. likely that a lawyer with expertise in our criminal legal system would be of UK origin".—[*Official Report*, 10 June 1998; Vol.313, c. 1088.]

However, that is not what she was asked. It is obvious that, in most instances, one of our own people would have the relevant expertise, but that was not the question. The Secretary of State did not address the valid point posed at the time as to which jurisdiction would be involved. She did not say that an intimate knowledge or expertise of UK law would be a prerequisite to serving on the commission. From her remarks on Second Reading, one would have thought that she was saying that the required expertise had to be within the realm of UK law, but she did not say that, and it is not a prerequisite in the Bill.

Clause 1(2)(a) simply requires that at any time

"at least one of the Commissioners is a lawyer".

Subsection (5) defines a lawyer as

"a person who holds a legal qualification in any jurisdiction."

The Secretary of State did not promise that in 99 per cent. of cases the appointed lawyer would be from the United Kingdom. That issue is vital, and we query why the Bill is drafted in that way.

We need only the very best legal interpretation of UK law—not European law or the laws of Congress or the Dail—on imprisonment and sentencing. I take issue with the hon. Member for Hull, North (Mr. McNamara), who asked why we cannot learn lessons from other common law jurisdictions. We may well learn from them, but it seems to me—if I am wrong, no doubt the Minister will put me right—that the main reason for having a lawyer on the commission is that he or she can interpret clearly for its other members the meaning of United Kingdom law on those important issues. It is not a question of learning from other jurisdictions. We want someone who can give the best interpretation and analysis of our law.

Mr. David Winnick (Walsall, North): Lawyers practise in other countries. Is there not a danger of our being a little too parochial? George Mitchell, a very respected former United States senator, carried out an important role as chairman of the talks, and was highly praised by all concerned, including the Opposition. Should we not work on the assumption that the lawyer, in the unlikely event that he or she were not a UK citizen, would be fully conversant with UK law?

Mr. Moss: I refer the hon. Gentleman to the wording of subsection (5). The Bill redefines a lawyer to mean a person who holds a legal qualification in the United Kingdom. That person could be of foreign origin as long as he or she had a legal qualification in this country. That is the most important point on that subsection.

Why do the Government not feel able to trust a member of our legal profession to serve honourably and with distinction on the commission? Who could possibly have an objection to that lawyer having a UK qualification? Is that another concession? Has pressure been brought to bear concerning whether our lawyers can be trusted? The Minister should tell us why the Bill has been drafted in this way, and we look forward to his answer.

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): The amendments relate to various aspects of the appointment of commissioners. We have sought to ensure that the members and chairman of the sentence review body have the appropriate range of skills and expertise to conduct their business thoroughly and effectively. I am sure that all Members of the House, even those who object to the Bill, want that to be its overriding principle.

It is also the Secretary of State's intention to ensure that the commissioners command widespread acceptance throughout the community in Northern Ireland. That, too, is an important principle to establish. All too often, when the Government decide the membership of certain bodies—no matter how eminent or experienced the people involved are—they find themselves the subject of criticism.

4 pm

Mr. Robert McCartney: Is the Minister seriously suggesting that the fact that a commissioner is required to have a qualification in the legal system within which the tribunal will sit might not find acceptance in the minds of reasonable people? On the other hand, is he suggesting that such a qualification would make impartiality an impossibility in the eyes of a person who might make an application to the commission?

Mr. Ingram: Perhaps I should not have given way to the hon. and learned Gentleman—my next point covers his. I was speaking generally about the structure of the new body, not about the amendments.

Amendment No. 18 would require that one of the commissioners should have a legal qualification from the United Kingdom. As the Secretary of State said on Second Reading, there is every sign that that would be likely in any event. Having heard the arguments advanced today, and having decided what we consider right, I can tell the Committee that I am prepared to accept the amendment; but I stress that the person so appointed would not be an adviser to the body but would act as one member of that body who has legal expertise and knowledge of the jurisdiction on which he or she would be asked to comment.

Only in his very last sentence did the right hon. Member for Penrith and The Border (Mr. Maclean) acknowledge that the Bill refers not just to psychiatrists but to psychologists. He launched what I can only describe as an argument based on narrow prejudice against psychiatrists—I do not know what he bases that on. He seems to believe that psychiatrists should never be involved in judging criminals or prisoners: politicians, he thinks, invariably get it right, while psychiatrists always get it wrong. That is a rather unsound argument, based, as I say, on the right hon. Gentleman's narrow prejudices.

By stipulating that at least one commissioner should be a psychiatrist or a psychologist, we are showing that risk assessment is an important aspect of what the Bill is designed to achieve. The right hon. Member for Penrith and The Border seems concerned that the view of a professional psychiatrist, used to undertaking risk assessments, will always prevail over the views of other members of the commission. Are we saying that the legally qualified person serving on the sentence review body would be unable to dissect and understand the psychiatrist's arguments? I am sure that lawyers do so all the time, when they handle difficult cases, and sometimes they are obliged to cross-examine such people. It is important, however, that one of the commissioners is expert on dealing with risk assessment in criminal cases, so we have inserted that prerequisite in the Bill.

On that basis, I ask hon. Members not to support amendment No. 26, but I would prefer the right hon. Member for Penrith and The Border to withdraw it. I note, in passing, that my hon. Friend the Member for Hull, North (Mr. McNamara) made telling points in defence of psychiatrists and psychologists and the usefulness of their expertise.

Amendment No. 45 would require one of the lawyers appointed to the sentence review body to be its chairman. Although we would not wish to preclude the appointment of a chairman with a legal qualification, which is a distinct possibility, I do not believe that we should require that. I understand part of the argument that the hon. Member for East Londonderry (Mr. Ross) advances. We are trying to give the commission a coherent structure. When it is formed, we shall make appointments to it on the basis of individuals' expertise and knowledge. In doing so, I would not want my hands to be tied by a requirement that the chairman be a lawyer, because the person so appointed would be not an adviser to the body but a member of it, and their opinions would have equal weight—although I suspect that, in terms of legal interpretation, the lawyer's opinions would have greater weight because of that person's expertise. On that basis, I ask the hon. Gentleman to consider the argument and withdraw the amendment.

Mr. Andrew MacKay (Brackncll): The official Opposition are extremely grateful to the Minister for accepting amendment No. 18. I broadly share his view that, although it might be helpful for the lawyer to chair the commission, it would be too restrictive to stipulate that the chairman be a lawyer. On behalf of the official Opposition, I accept that it is best to allow flexibility and leave the matter open.

Mr. William Ross: I listened to the debate with care, because this group of amendments, although the first, is important. Although I would not share all the views of the right hon. Member for Penrith and The Border (Mr. Maclean), I believe that, if we asked the general public what they thought about what are broadly termed headshrinkers, a sight more of them would lean toward the right hon. Gentleman's views than would agree with either of the Front-Bench Members who have spoken.

So many horrific crimes have been committed by individuals who should not have been, but had been, released from prison. That theme needs to be handled with very great care. It appears that the psychiatrists and psychologists are concerned with the prisoner as a patient, and probably tend to look on him or her as a patient.

When documentation arrives on Ministers' desks, they must consider it in the context of the public good and the danger to members of the public; in those circumstances,

[Mr. William Ross]

they are right to be exceedingly cautious. As a result of being cautious, the Minister sometimes gets it wrong, but the matter should not be treated lightly.

For that reason, I believed that it would be well if such an area of expertise were available to the commission in every case. The commission will deal with many people who have committed horrendous acts. Some may have done so under the influence of drink, drugs and so on, but others are obviously mentally unstable, and we need to be very cautious about whether some of them ever get out of prison. In Northern Ireland, crimes have been committed by people who, if they had not been allied to terrorism, would probably have been given a somewhat different sentence. They might have been detained at Her Majesty's pleasure or possibly even declared unfit to plead. Because of the terrorist situation, though, I do not know whether anyone charged with a terrorist crime has ever been found unfit to plead. Perhaps the Minister could tell me whether there has been such a case. I wonder what the attitude of the courts and the prosecuting authorities would have been towards folk charged with committing a crime that was not related to terrorism.

I listened with interest to what the Minister said about the chairman needing appropriate skills, expertise and knowledge. He spelled that out in more detail when he went on to say that each member of the commission would give advice based on his skills, knowledge and training.

My argument that the chairman should have a legal qualification fits perfectly into that. To some extent, the chairman can be seen as a judge in a court, who must provide a summing up, give legal guidance, tease out what has been said and consider all the evidence that has been presented. He must do that in conjunction with the panel of commissioners, all in very difficult circumstances.

That is why I believe that a person with legal training—perhaps a fairly senior member of the legal profession, such as a solicitor or barrister of long standing, a judge or a magistrate—who deals with such matters daily could give such guidance and pull together all the evidence that has been presented. He must be able to express an opinion, listen to the opinions expressed by others and guide the panel to a sensible conclusion.

I did not table the amendment lightly. In many ways, the panel is a judicial body, even if we are not calling it that, and the chairman is sitting in the role of a judge. I believe that the Government are deliberately leaving open the possibility of appointing people from outside the United Kingdom, and almost certainly appointing individuals who have a legal qualification in the Irish Republic. That, I am certain, is the purpose of the Bill, and I object to it. There may be many people outside the jurisdiction of the United Kingdom who have a knowledge of UK law, but for every one in that position, there are 100 or 1,000 in the United Kingdom who have a clear understanding and who are perfectly capable of guiding the commission.

My amendment does not call for the chairman to be from any particular United Kingdom jurisdiction: there are three legal jurisdictions, and I would not care from which one he came. I believe, however, that the chairman should have a measure of loyalty and commitment to the laws of the United Kingdom, rather than to finding a method of letting the gunmen out.

Mr. Maclean: I listened to the Minister, and I am sorry that he chose to be a little churlish in some of his remarks to me. If we are to make progress this afternoon, it ill becomes the Minister to be as disrespectful as he was; nor should he try to put words into my mouth.

The *Hansard* record will show that at no time did I suggest that Ministers always got it right and everyone else got it wrong—far from it. However, I repeat that on the occasions when Ministers had to release people, they had a success rate twice as good as that of the professionals who were heavily advised and relied completely on psychiatric advice. Both groups got it wrong, but Ministers in this Government will no doubt also have a better success rate when making the same sorts of judgment. That was my point, and the Minister did the Committee a disservice by trying to put words into my mouth and to attribute to me remarks that I did not make.

My comments did not convey any narrow prejudices. I had no dealings with the psychiatric profession before I became a Minister. The difference between the Minister and me is that he brings his brief to the Chamber and I bring my experience from having done the job for a while. Home Office Ministers have an awful responsibility when faced with a file and the prospect of releasing someone who may offend or kill again. Ministers also have a responsibility to recall reoffenders to prison.

We have had some experience of this sort of situation, and I have moved my amendment regarding psychiatrists purely on the basis of my experience. I do not do so because of any narrow prejudice, as the Minister has suggested. When he has been in his job a little longer, the Minister will perhaps have the right to accuse other hon. Members of that—but I do not think that he has earned that right yet.

Clearly, I will not be able to make progress with my amendment today. I have no intention of dividing the Committee and wasting time when we must consider other very important amendments before the guillotine falls. I beg to ask leave to withdraw the amendment.

The Chairman: I should point out to the right hon. Gentleman that it is not in order for him to do that. The lead amendment belongs to the hon. Member for East Londonderry (Mr. Ross).

Mr. William Ross: I did not withdraw my amendment because I thought that other hon. Members might wish to speak to it and that the Minister might like to respond. If he is not prepared to do so, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 18, page 1, line 18, leave out 'any jurisdiction' and insert 'the United Kingdom'.—*[Mr. MacKay.]*

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Clause 3

APPLICATIONS

4.15 pm

Mr. William Ross: I beg to move amendment No. 50, page 1, line 24, leave out 'shall' and insert 'may'.

The Chairman: With this, it will be convenient to discuss the following amendments: No. 51, page 1, line 24, after 'application', insert 'only'.

No. 52, page 1, line 24, leave out '(and only if)'.

No. 7, page 1, line 25, leave out from 'for' to 'life' in page 2, line 1.

No. 55, page 1, line 25, leave out 'for a fixed term'.

No. 33, page 1, line 25, after 'term', insert 'or for life'.

No. 53, page 1, line 25, after 'term', insert 'imposed by a court'.

No. 34, page 1, line 26, leave out

'the first three of the following four'

and insert

'all of the following five'.

No. 54, page 1, line 26, leave out 'the first three of'.

No. 29, page 1, line 26, leave out 'three' and insert 'five'.

No. 30, page 1, line 26, leave out 'four' and insert 'six'.

No. 35, page 1, line 27, leave out from 'satisfied' to end of line 2 on page 2.

No. 31, page 2, line 2, leave out 'four' and insert 'six'.

No. 57, page 2, line 6, after first 'a', insert 'member of or a'.

No. 58, page 2, line 7, leave out 'terrorist' and insert 'proscribed'.

No. 59, page 2, line 8, leave out 'immediately'.

No. 60, page 2, line 10, after 'of', insert

'or remain a member or'.

No. 61, page 2, line 10, leave out 'terrorist' and insert 'proscribed'.

No. 62, page 2, line 11, after 'concerned', insert 'with or involved'.

No. 63, page 2, line 12, leave out

'connected with the affairs of Northern Ireland'

and insert

'within or connected with the affairs of the United Kingdom'.

No. 8, page 2, line 12, leave out

'connected with the affairs of Northern Ireland'.

No. 25, page 2, line 14, at end insert—

'(6A) In determining whether a prisoner would be a danger to the public the Commission—

(a) must have regard to any opinion submitted by the Chief Officer of the Royal Ulster Constabulary; and

(b) must not rely only on psychiatric or psychological opinions arrived at after interviews with the prisoner.'.

No. 28, page 2, line 14, at end insert—

'6(A) The fifth condition is that the terrorist organisation to which the prisoner belonged (or any successor or sister organisation of a different name) has substantially decommissioned weapons.

6(B) The sixth condition is that the prisoner has completely renounced the use of violence for good.'.

No. 36, page 2, line 14, at end insert—

'(6A) The fifth condition is that the prisoner has renounced violence and is willing to comply with any order made by the Secretary of State requiring him to fulfil community service of such a nature and for such a duration as the order may specify.'.

No. 64, page 2, line 16, leave out '10th April 1998' and insert '31st August 1994'.

No. 20, page 2, line 16, at end insert

'and in respect of which the applicant was charged before 10th April 1998,'.

No. 79, page 2, line 19, after '1996', insert

'or was committed by a member of Her Majesty's armed forces in the course of his duties while serving in Northern Ireland'.

No. 80, page 2, line 19, leave out from '1996' to end of line 22.

No. 10, in clause 5, page 3, line 40, leave out 'and third' and insert 'third and fourth'.

No. 72, in clause 9, page 4, line 33, after 'not', insert

'remain a member of or'.

No. 73, page 4, line 33, after 'terrorist', insert 'or proscribed'.

New clause 1—*Warrant of Chief Constable*—

'Notwithstanding the provisions of section 3, no prisoner shall be released if the Secretary of State receives a warrant from the Chief Constable of the Royal Ulster Constabulary certifying that in his opinion the prisoner is still an active supporter of a terrorist organisation, whether or not it is specified under section 3(8).'.

New clause 2—*Renunciation of violence*—

'.—Notwithstanding the provisions of Section 3 no prisoner shall be released unless he has sworn on oath to renounce violence for good nor support any organisation which advocates or uses violence.'.

Mr. Ross: I hope that I am not expected to speak to all the amendments and new clauses, as only about half belong to me. However, I have read them all with interest, and, by and large, they address the same general problem regarding conditions of release. I shall run swiftly through those standing in my name, so that the Committee may understand my intentions.

Amendment No. 50 proposes to omit the word "shall" and insert the word "may" in the appropriate place. That would create a measure of discretion, which is currently absent from the Bill. Amendments Nos. 51 and 52 correct the Bill's drafting, which I suspect is not quite right. I invite the Minister to accept my changes, but, if he is happier with what he has put down, I will have no great problem with that.

The Bill refers only to fixed terms, but amendment No. 55 and several other amendments propose that the same standards should apply to all those who are seeking release, whether they have fixed terms, life sentences or an indeterminate sentence. I see no good reason why individuals who come before the commission should not be on an equal footing, and have to fulfil the same conditions before they are released.

Amendment No. 53 proposes to restrict "prisoners" to those subject to sentences passed within Northern Ireland. If someone has committed a crime outwith Northern Ireland, and if sentence is passed on them elsewhere in the UK, he or she is in another jurisdiction. Therefore, an individual convicted in the Republic of Ireland, for example—or perhaps even in Germany or another foreign state—should be outwith the scope of the Bill.

[Mr. Ross]

I wish to refer to amendments Nos. 54 and 35. The hon. Member for North Antrim (Rev. Ian Paisley) tabled similar amendments, not knowing what I was doing. The amendments follow amendment No. 53, and propose that all the conditions must be met in each case.

Amendment No. 57 simply tries to widen the scope from a supporter of a violent terrorist organisation to include membership of that organisation. In Committee, the Secretary of State ran into difficulty on the question of what was "terrorist" and what was "proscribed". My hon. Friend the hon. Member for Lagan Valley (Mr. Donaldson) asked about the position of someone who belonged to a proscribed organisation but was not treated as a terrorist. That seemed to us to set up a strange situation, which we could not understand.

Amendment. No. 58 would change the Bill to include membership of a proscribed organisation. Those organisations are all listed, and can be added to by the Secretary of State. The Government could get into an awful mess if they do not treat all the bodies on the same footing, and apply the same description to all of them and their members.

Amendment No. 59 proposes to leave out the word "immediately". I do not see why the measure should be introduced only immediately. The commission must look beyond the immediate effect of someone getting out, and consider what that individual will do next week, or in three months' time. The Bill should take a longer view.

I hope that the Minister has noted that amendment No. 60 should read

"or remain a member of".

as the amendment paper, as printed, has the final word as "or". There is evidently a typographical error. The amendment would widen the scope of the Bill to provide that someone who got out of prison was not only associated with or a supporter of a proscribed organisation, but remained a member of that terrorist proscribed organisation. I simply cannot understand why the word "proscribed" has not been used throughout the Bill, and I hope that we will get a clear explanation.

Amendment No. 63 again tries to widen the scope. The Bill as drafted talks about terrorism

"connected with the affairs of Northern Ireland".

The terrorist campaign has been concerned with the constitutional position of Northern Ireland within the United Kingdom. To say, therefore, that the Bill is concerned only with the affairs of Northern Ireland seems restrictive. In those circumstances, we should widen the measure to include acts connected

"with the affairs of the United Kingdom"

and take the nation as a whole. That would extend the scope to include terrorist actions carried out against the British Army in Germany or British possessions overseas which would be concerned with the UK—but, in particular, with Northern Ireland with regard to the Bill. The Government must consider the Bill and the amendments carefully, because many of the amendments are extremely helpful to what they are trying to achieve and should be accepted. The other amendments in the group simply hark back to the area issue, to which I have referred.

The Government have been far too hidebound in their approach. They should have given the matter wider consideration and encompassed all terrorist organisations. The commissioners should have a measure of discretion, and we should restrict the provision to that which lies within the jurisdiction of our own courts, rather than pull in sentences passed by other courts, because commissioners could not be aware of all the evidence produced in such courts.

Those are my reasons for tabling the amendments. I hope that others who have tabled other amendments will clearly explain the reasoning behind them.

Mr. Moss: I shall speak to amendments Nos. 7, 8 and 10.

Amendment No. 7 would mean that clause 3(2)(a) would state:

"the prisoner is serving a sentence of imprisonment in Northern Ireland and the following four conditions are satisfied".

We should carefully consider the Government's distinction between fixed-term prisoners and those serving a life sentence. The Bill makes a clear distinction, with three of the four conditions in clause 3 applying to those on fixed terms and all four applying to those on life sentences.

The last condition, at clause 3(6), is the most crucial:

"The fourth condition is that, if the prisoner were released immediately, he would not be a danger to the public."

Why have the Government assumed that only life prisoners could be a danger to the public? Lifers could be less likely to be a danger or to cause problems once they were released, because the prospects of reincarceration would be far more serious than for those on fixed terms.

Some fixed-term prisoners may be far more committed to terrorism and to the cause than their colleagues on longer sentences, including life sentences. On conviction, it may not have been possible to make more serious charges stick to such prisoners, perhaps through lack of evidence, but it may have been deemed to be in the interests of society in Northern Ireland to take them out of circulation, and the prosecution may have gone for a lesser charge to secure conviction.

We strongly question why the Government have made a distinction between fixed-term and life prisoners, especially in respect of the fourth condition. We are not persuaded that all fixed-term prisoners are not likely to be a danger to the public if they are released early, and I should be interested to hear the arguments to the contrary. The amendment makes it clear that any prisoner serving a sentence in Northern Ireland must meet all four conditions set out later in the clause.

Amendment No. 8 would leave out the words

"connected with the affairs of Northern Ireland".

The question is simple: should we think of releasing prisoners who the commission believes could

"become concerned in the commission, preparation or instigation of acts of terrorism"?

The Bill goes on to use the words

"connected with the affairs of Northern Ireland."

If we end the clause with the word "terrorism", it makes much more sense, because it is just as important that someone released from prison under the Bill should not join a terrorist group that operates either in mainland

Britain or elsewhere in the world. Our friends in other countries would be distinctly unimpressed if we were to release prisoners who happened then to join other terrorist organisations around the world.

4.30 pm

Perhaps the Government intended the words

"connected with the affairs of Northern Ireland"

to embrace mainland Britain, but it seems unnecessary to be that pedantic. If the subsection ended with the word "terrorism", it would include prisoners likely to join terrorist organisations elsewhere in the world.

Amendment No. 10 is a consequential amendment.

Mr. McNamara: If we took out those words, would it not allow someone imprisoned in Northern Ireland and involved in middle east terrorism to apply for the benefit of the legislation?

Mr. Moss: No, that does not apply, because, in subsection (3), the first condition is that the sentence must have been passed in Northern Ireland for a qualifying offence. An offence of terrorism in the middle east would not qualify under that subsection.

Mr. McNamara: A scheduled offence is a qualifying offence—that is all.

The Chairman: Order. I had not appreciated that the hon. Member for North-East Cambridgeshire (Mr. Moss) had sat down. I call Mr. Peter Robinson.

Mr. Peter Robinson (Belfast, East): I wish to speak in support of four amendments tabled by my hon. Friend the Member for North Antrim (Rev. Ian Paisley) and me, and supported by other hon. Members. They fall into two categories. However, before I deal with them, I seek clarification on a point of procedure.

It would be helpful, Sir Alan, if you could say what mechanism there is for Members from Northern Ireland to divide on amendments that are not lead amendments. It is not unreasonable for Northern Ireland Members to expect to have some Divisions on amendments which they feel are important. However, the draconian guillotine procedure that the Minister has stampeded upon us, with an outrageously short time to deal with a significant Bill, means that, within an hour, we must dispose of dozens of amendments. Moreover, if we discuss the amendments, we shall take up our voting time.

Hon. Members from Northern Ireland find that most unsatisfactory. We must protest about the way in which the Government are handling this legislation. We should not be surprised about the Government's approach, because they have entered into an agreement, and it does not really matter what hon. Members think about the basis of the Bill. The Government will push it through, because that is the agreement that they have signed.

The amendments that we have tabled fall into two classes. Amendment No. 33, in common with a number of other amendments, would require prisoners to be dealt with in precisely the same way whether they are serving a life sentence or a fixed-term sentence.

Why should someone in prison for a fixed term be entitled to go before the commission without satisfying the fourth condition, which is that, if he were to be released, he would not be a danger to the public? We should all be satisfied that a prisoner, whether serving a fixed term or a life sentence, is not a danger to the public. Perhaps the Minister will explain the tortuous reasoning that would allow a fixed-term prisoner to be released even though he may be a danger to the public.

Prisoners must meet the four criteria in the Bill. The other amendments that we have tabled seek to add a fifth condition. The necessity for that fifth condition arises from the fact that the four conditions in the Bill relate not so much to the individual behaviour or state of mind of the prisoner who is to be released as to the fact that he is a prisoner—which is fairly evident if he is to be released—and that he is part of an organisation. Under the Bill, if that organisation is not on the list of terrorist organisations specified by the Secretary of State, the prisoner is capable of being released, provided he satisfies the requirement that, as part of that organisation, he will not resume or assist in the preparation of acts of terrorism. Amendment No. 36 would require that prisoner to satisfy the commission that he or she has renounced violence.

Furthermore, having satisfied the commission that they have renounced violence, prisoners should show some regret for their crimes by putting themselves at the disposal of the Secretary of State for some form of community service. Prisoners should not be able to walk out of prison as unreconstructed terrorists without having regretted any of the offences for which they were in prison. They should not expect to go on to the streets and to go back to whatever it was they were doing. The amendment would require prisoners to change, and to show that they are willing to be assimilated into society and to repay their debt to society.

Mr. William Ross: In tabling amendment No. 36, the hon. Gentleman no doubt recalls that, during the 1956–61 IRA terrorist campaign, individuals were interned for the duration, but it was possible for those who were prepared to give an undertaking that they would no longer be involved in violence to be released. Now, at the end of a very long period of terrorist violence, the hon. Gentleman is asking for exactly the same thing to happen. That seems to me to be entirely reasonable.

Mr. Robinson: It is worth saying that the criteria in the Bill fall into two categories. Some deal with issues relating to the prisoner, whereas the provision that we are about to come to relates to the definition of a terrorist organisation.

I do not think that any prisoner should be allowed simply to walk out of gaol because his organisation claims to have a certain status. According to the Bill, it is the behaviour of the individual, not that of his organisation, which will determine whether he returns to prison. It is therefore vital for the commission to be given a clear undertaking that the individual is willing to comply with any order issued by the Secretary of State in connection with community service, has expressed regret for his crimes, and has renounced violence for good.

Mr. Robert McCartney: I want to speak specifically about amendment No. 7.

The Bill provides for a distinction between prisoners serving fixed-term sentences and those serving life sentences. That distinction is arbitrary, irrational and

[Mr. Robert McCartney]

illogical. Not infrequently, those serving life sentences—although technically guilty of murder, for which the law prescribes only life imprisonment—are what are known in the business as "gofers". They have been involved in conspiracies, keeping a watch, picking up vital information to identify targets, and driving cars containing the weapons handed over to those who carried out the actual murders. Technically, all those people are guilty of murder, but some—this may be, indirectly, an argument in favour of prisoner release—were very much on the periphery of hard-core terrorist violence.

On the other hand, many people serving fixed-term sentences were hard-core terrorists, involved in a series of terrorist crimes that do not, however, require the imposition of a life sentence. One of the most notorious loyalist terrorists, Adair, was convicted of a host of terrorist offences, but, as I recollect, was not sentenced to a life term—although the judge who sentenced him considered him to be one of the most serious terrorist criminals to have come before the courts.

Mr. Andrew Hunter (Basingstoke): Is not the point that he orchestrated, devised and encouraged acts of terrorism, rather than being personally involved in their commission?

Mr. McCartney: I am grateful for that helpful intervention. Adair was certainly involved in such activity, although I believe that he was also involved in much of the other kind.

Attempted murder is another issue. Let us suppose that someone is caught planting a large bomb, with the intention of causing the death and mutilation of a number of people—a bomb like the Enniskillen bomb, for instance. That person is charged either with attempted murder, which does not carry a mandatory life sentence, or with being in possession of explosives with the intention of causing serious physical harm, which also does not carry a life sentence.

Such a person may have been involved in a series of offences. He may have a long record of terrorist involvement. Yet, because he has been given a fixed-term rather than a life sentence, he is absolved from the fourth condition. We are dealing with people whose psychiatric or psychological background should cause them to be deemed hard-core terrorists, who are likely to be recidivists of some kind, but who will be absolved from the condition that,

"if the prisoner were released immediately, he would not be a danger to the public."

Because such people are fixed-term prisoners, the criterion whether they are likely to be a danger to the public if released is thrown out of the window.

The Committee should not approve such an arbitrary and illogical distinction. It does not protect the public at all, although, if I understand the conditions correctly—particularly the fourth condition—the object is to protect the public from dangerous criminals who are likely to remain dangerous criminals, and, in such a capacity, to cause harm and danger in future. I support amendment No. 7, which makes all four conditions applicable not just to those sentenced to life imprisonment, but to those sentenced to fixed-term imprisonment.

4.45 pm

Mr. Maclean: I want to speak to amendments Nos. 25 and 28 and new clauses 1 and 2, which I tabled.

Amendment No. 25 states:

"In determining whether a prisoner would be a danger to the public the Commission . . . must have regard to any opinion submitted by the Chief Officer of the Royal Ulster Constabulary; and . . . must not rely only on psychiatric or psychological opinions arrived at after interviews with the prisoner."

I am worried about the fact that the Bill does not seem to provide for the chief officer's opinions to count in any regard.

Clause 3(6) merely states:

"The fourth condition is that, if the prisoner were released immediately, he would not be a danger to the public."

What evidence must the commissioners have before reaching such a conclusion? As my amendment suggests, I fear that they may rely too heavily on the result of psychological or psychometric testing or risk assessment conducted by psychologists or psychiatrists. Let us suppose, however, that they adopt other means of determining whether the prisoner is likely to be a danger to the public. Are they entitled to hear submissions from the Northern Ireland Office? Can the Minister tell the commission that he has information suggesting that the individual may still be a danger to the public, irrespective of the conclusions that the psychiatrists may reach?

What if the RUC has information relating to the prisoner, which convinces the chief officer that he is likely to be a danger to the public? Can he submit that information to the commission, and is the commission entitled to take it into account?

The Bill does not give enough flesh to the rather bland condition that,

"if the prisoner were released immediately, he would not be a danger to the public."

The legislation should provide for the views of those with experience, or a reliable opinion on whether the prisoner would be a danger to the public, to be taken into account. That should be their entitlement.

Mr. Robert McCartney: No doubt, given his ministerial experience, the right hon. Gentleman is familiar with the following circumstances. A number of individuals are jointly charged. Some—generally those on the periphery of the offence—make statements of admission that may even involve the trigger man, the man who shot the victim. Because that man is a confident, hard-core terrorist, however, he does not say a word, and is subsequently discharged. That information is within the knowledge of the senior police officer, and—being information about the nature of the individual to be released—ought properly to be supplied.

Mr. Maclean: The hon. and learned Gentleman is absolutely right. His intervention raises an additional question, which I hope to be able to raise on Wednesday: the question of the reasons that may be given to the prisoner. In many instances, the safety of RUC officers and other members of the security forces could be gravely endangered if they supplied information suggesting that a prisoner was a danger to the public, knowing full well that, if the commissioners decided not to release that prisoner, they would have to give reasons for his not being released.

The Bill is silent on the protection that will be afforded to sensitive security information. That may be cast-iron, vital information that reasonable commissioners would conclude should not result in someone's release. However, the RUC might be afraid to give it, because their security operations would be compromised.

Amendment No. 28 is a key one. I am approaching decommissioning from a slightly different route, and that will be further discussed in the next debate. It is crucial for the Bill to state that no prisoner shall be released until the terrorist organisation to which he belonged or any successor organisation, whatever it chooses to call itself, has substantially decommissioned its weapons. I suspect that some Northern Ireland terrorist organisations will evolve or go through name changes as their lawyers find ways to pick holes in the legislation.

I am merely trying to put into legislation the Prime Minister's commitment to the House on 6 May, and no doubt his oral commitment to Northern Ireland Members on other occasions. It would be extraordinary—people would find it obscene—for the Government to go ahead with the Bill without an amendment to link the decommissioning, or the substantial decommissioning, of weapons with terrorist releases.

My amendment does not even state that all weapons must be surrendered before any terrorist is released. It merely uses the Prime Minister's term, "substantially decommissioned weapons." I fail to see how any reasonable person could find that amendment unreasonable. I hope that the Minister will accept it as a condition in clause 3, or that he will accept the amendment in the name of my hon. Friend the Member for Bracknell (Mr. MacKay).

My new clause 2 again approaches the problem from a slightly different route. Nowhere does the Bill state that a prisoner must swear an oath that he has renounced violence for good. The Minister may say, "So what? If he intends to return to violence, he will swear to anything. He may say that he will be a good boy." As the hon. and learned Member for North Down (Mr. McCartney) suggested, he may agree to do community service. The Minister may say that an oath will not stop people from returning to violence. I know that it will not stop a person who is dedicated to returning to violence, but it is another hurdle that a prisoner has to overcome if he is to convince the commissioners that he has given up violence for good. It is a sign of good faith by a prisoner that he has renounced violence for good.

I shall not push the Government to the death on the new clause, but it makes a valid point, and the Government should explain why they do not think that it is necessary for a prisoner to renounce violence for good and take an oath to that effect.

I stress the importance of amendment No. 28, which would ensure that a prisoner would not be released until the terrorist organisation to which he belonged had started the process that the Prime Minister promised the House—that that organisation has substantially decommissioned its weapons. The condition should not be that the organisation has entered talks that may one day lead to the setting up of a committee of yet more foreign experts, which might lead to decommissioning. It should not be said that prisoners should be released because that great process has started.

The Prime Minister told the House that of course terrorist organisations should substantially decommission their weapons before prisoners are released. I am simply trying to take the Prime Minister at his word, and build it into the Bill.

Mr. Jeffrey Donaldson (Lagan Valley): Amendment No. 20 is in my name and that of my right hon. Friend the Member for Upper Bann (Mr. Trimble). Clause 3(7)(a) lays down a requirement that a qualifying offence is one which

"was committed before 10th April 1998".

We seek to add the words

"and in respect of which the applicant was charged before 10th April 1998."

It is important to draw a line somewhere in the process. The Bill as drafted applies to those who are still at large, and who may in due course be charged with a crime that was committed before 10 April. That opens the prospect of many more convicted terrorists qualifying under the Bill than are currently in prison.

No one has yet been charged with many of the terrorist crimes committed in Northern Ireland, including some of the most serious crimes over the past 30 years of terrorist violence. For example, no one has been charged with offences in connection with the bomb in Enniskillen on Remembrance Sunday 1987, which killed many innocent people. Under the terms of the Bill, if at any future time a terrorist is charged with an offence in connection with that bombing, he or she will qualify under the terms of the Bill for accelerated release.

Clause 10(6) states:

"In the case of any other sentence passed after the day on which this Act comes into force, the accelerated release day is the second anniversary of the start of the sentence (disregarding custody before the sentence was passed)."

That means that the people who exploded the Enniskillen bomb, who murdered 11 innocent people, will serve no more than two years. That is totally unacceptable in a democratic society. I hope that the security forces will continue to pursue the people who exploded that bomb, and that they will be charged, and, if guilty, found guilty. Our amendment would ensure that they would not qualify for accelerated release, because it would be a mockery and a travesty of justice if the people who committed that atrocity served only two years.

I hope that the Minister will carefully consider the amendment, and will agree that we need to draw a line somewhere. If we do not, where does all this end? No one has been charged with about 70 per cent. of terrorist offences in County Fermanagh. We are debating potentially hundreds of terrorists who have yet to be charged with crimes and who could qualify under the Bill. We are debating not just prisoners but many other terrorists who have never been apprehended for their crimes. Our amendment would mean that terrorists who are charged after 10 April and convicted of serious terrorist offences that were committed before that date will not qualify.

I use that crime only as an example. There are countless other murders in Northern Ireland for which no one has been charged. It would equally be a travesty of justice for each and every one of those murders if the people who committed them were subsequently charged with and convicted of murder, perhaps multiple murder,

[Mr. Jeffrey Donaldson]

and released after only two years. That would say to the people of Northern Ireland including the victims of the Enniskillen bomb that those lives were worth just two years in prison. What does that say about justice? I hope that the Government will accept the amendment.

5 pm

Mr. McNamara: I listened with interest and much sympathy to the hon. Member for Lagan Valley (Mr. Donaldson), but the Committee is getting into a major difficulty in seeking to rewrite an agreement that has already been signed. I understand the desire of those who are not party to the agreement to alter and wreck it; that is perfectly proper. But it is a bit off for those who have signed up to it—who jumped on the tails of my right hon. Friends the Prime Minister and the Secretary of State for Northern Ireland and said, "Me, too. Can I go to Northern Ireland to take part in this great campaign to get the agreement carried?"—to seek to rewrite it. I put that in a way that might be accepted as parliamentary; it will do for the time being.

I want to deal with some of the points raised by the amendments. It is wrong—as, for example, is suggested in new clause 1—to give the police the final say on whether a person should be released. That is internment under a new name.

To ask people being released to take an oath would ensure that the prisons remained full. That may be the object of the right hon. Member for Penrith and The Border (Mr. Maclean). There is no evidence that taking an oath would end the violence, but there is much evidence that people would refuse to sign such an undertaking. Even though he was not involved in violence of any sort, after he had been interned, a former Member for Fermanagh and South Tyrone, Frank Maguire, refused to sign an undertaking that he had not been involved in violence or that he would give it up. He refused to be coerced to be released from an unjust internment in that way.

To link decommissioning to the release of prisoners or to put conditions on prisoners is unacceptable to wide sections of opinion in Northern Ireland. If carried, that proposal could wreck the agreement. People will say that the IRA, the Ulster Defence Association and the Ulster Volunteer Force are engaged in a tactical ceasefire, waiting to see what happens before going on. I do not believe that. The paramilitary organisations did not unilaterally cease violence in a vacuum: they did so in the expectation, held out to them by politicians and contained in the Belfast agreement, of a peace agreement that would remove the causes of violence. Amending the agreement once it has been accepted by putting new pre-conditions on one of its central and essential points, the release of prisoners, will be seen by elements in the paramilitary organisations—even if their leaderships do not regard it as such—as a betrayal of the position that they took up. Decommissioning is a demand that goes beyond the end to violence and many of them regard it as involving symbolic surrender. Organisations may refuse to decommission without restarting violence. If the consequence of that is to halt the release of prisoners, some people in both loyalist and republican communities, irrespective of whether they are represented by the current leaderships, are likely to restart the violence.

Mr. Dominic Grieve (Beaconsfield): Will the hon. Gentleman give way?

Mr. McNamara: Let me finish. I think I know the point that the hon. Gentleman wants to raise, because we crossed swords last time we spoke.

In my judgment, such people would have significant support for restarting violence. They would not have my support, but they would have support. New conditions would cause people to stop and think, "If this bit of the agreement can be tampered with, what is the next bit that will be tampered with?" I believe that that is what is being sought.

Mr. Grieve: Will the hon. Gentleman give way?

Mr. McNamara: I am trying to leave time for leader of the Democratic Unionist party to speak before the Minister replies. With great respect, the hon. Gentleman has not been here since the start of the debate and I will not give way.

I understand the point made by the hon. Member for Lagan Valley and the emotion involved. That emotion is felt not only about the Enniskillen killings but about Loughinisland and Greysteel. We can all catalogue many such events, but, unfortunately, what the hon. Gentleman wants is not contained in the agreement. The agreement provides for a specific cut-off date. Whether a person was charged or arrested would depend on the vagaries of third-party action, a decision by the Director of Public Prosecutions or the police, rather than on the time when the crime was committed.

Mr. Donaldson: Will the hon. Gentleman give way?

Mr. McNamara: I normally give way frequently, but I want to let another hon. Member speak on this important amendment.

Any cut-off date must be associated with the signing of the agreement. This is not a question of amnesty. The hon. Member for Lagan Valley read out the terms of clause 10. We must not allow ourselves to be tempted to rewrite the agreement. If we do, the whole of what we are standing for fails and the agreement crumbles.

Rev. Ian Paisley (North Antrim): I want a vote on amendment No. 36. I understand that time is tight so I shall not make a long speech. There are issues that the Committee should not run away from and which need to be settled by a vote here. Representatives here from Northern Ireland have the right to express themselves. As the right hon. Member for Penrith and The Border (Mr. Maclean) said, the Prime Minister made certain pledges to the people of Northern Ireland during the referendum. We were told that when the legislation came before the House, they would be incorporated in it. They have not been. We should, by way of amendment, have the opportunity at least to express the wishes of our constituents on the matter. That is what I wanted to underscore.

Mr. Ingram: Many points have been raised and I will try to address all of them. The hon. Member for Belfast,

East (Mr. Robinson) mentioned the time allocated to the debate. Under the rules of House, he had the right to object to that last Thursday evening. I was here at 10 pm.

Mr. Peter Robinson: The Government did not tell parties through the usual channels of their intention to sneak the guillotine through.

Mr. Ingram: The hon. Gentleman is always one to be spoon-fed on the procedure of the House. He has been in the House for a considerable time. He is a parliamentarian and should understand the rules of the House.

The amendments concern the criteria to be applied by the commissioners in considering whether a prisoner should receive a declaration. As my hon. Friend the Member for Hull, North (Mr. McNamara) said, the Bill gives effect to the commitments stated in the agreement that

"prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements",

and to the undertakings given by the Government on how the agreement would be implemented—which were stated in the paper that the Secretary of State placed in the Library on 20 April 1998. The parameters of this debate are therefore very clear.

The Bill states the three criteria—which I shall enumerate again—that will be applied. First:

"prisoners in Northern Ireland must have been convicted of a scheduled offence committed before 10 April 1998 and sentenced to five years or more or life imprisonment."

Secondly:

"A prisoner must not be a supporter of a terrorist organisation of the kind specified in the Bill, which means organisations that 'have not established or are not maintaining a complete and unequivocal ceasefire'."

Thirdly:

"A prisoner may not be declared eligible for early release if the commissioners consider that, if released immediately, he or she would be likely to become a supporter of a terrorist organisation or become involved in the initiation, preparation or instigation of acts of terrorism. That means that no prisoner who the commissioners believe will return to violence may be released under the Bill."

Fourthly:

"Prisoners sentenced to life imprisonment would not be released if they would be considered a danger to the public."—[*Official Report*, 10 June 1998; Vol. 313, c. 1087.]

Those criteria are rigorous and consistent with the terms of the agreement. In different ways, most of the amendments that we have been debating today would disturb the very balance of the agreement. Moreover, the other amendments would not improve the Bill but make it difficult to operate.

For those reasons, I do not intend to accept any of the amendments. I should like now to give detailed reasons for that rejection.

Amendments Nos. 50, 51 and 52 would allow the commissioners not to grant a declaration that a prisoner was eligible for release under the Bill in circumstances in which the conditions stated in the legislation have been satisfied. Clause 3 states the conditions—which are rigorous and comprehensive—that prisoners must meet before they are released.

Given the terms of the agreement, it would be perverse if the sentence review commissioners had the discretion not to release a person who had fully met those conditions. Moreover, inevitably, such discretion would give rise to various legal disputes on exercise and application of the discretion.

I therefore ask the Committee to reject amendments Nos. 50, 51 and 52.

Amendments Nos. 7, 55, 33, 35, 53 and 10 would required that fixed-term prisoners be subject to the same risk test that applies to life sentence prisoners. The hon. Member for Belfast, East argued in his speech in favour of applying the same test.

There are very good reasons for drawing a distinction between determinate sentences and life sentences. Life sentence prisoners will have committed murder or another very serious crime. In the case of discretionary life sentence prisoners—who will not have been convicted of murder—the life sentence is likely to have been imposed precisely because the court considered that risk was an issue. It is therefore entirely proper that the commissioners should take account of any risk of danger to the public.

I do not think that there is any dispute between the hon. Member for Belfast, East and me on applying such a risk test. However, under the law as it applies in Northern Ireland, fixed-term prisoners are released automatically after they have served the required portion of their sentence, and their release is not dependent on a favourable assessment of risk. Therefore, the amendments would introduce a significant new concept into the criminal justice system of Northern Ireland.

Mr. Grieve *rose—*

Mr. Peter Robinson: Will the hon. Gentleman give way?

Mr. Ingram: No, I shall not give way. In the time available—*[Interruption.]* The hon. Member for Belfast, East can shout all he wants, but I shall not give way, as I have to deal with all the points that have been raised.

I believe that the other criteria that determinate-sentence prisoners would have to satisfy are extremely robust and are appropriate for prisoners who have not been given life sentences by the courts. It has been made clear that a fixed-term prisoner may not be released if the commissioners consider that he is likely to become concerned in the commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland. Currently, there is not such a form of risk assessment—certainly not in the Northern Ireland (Remission of Sentences) Act 1995, which was passed by the previous Government and deals with release of determinate-sentence prisoners.

For those reasons, I ask the Committee to reject also that group of amendments.

I should like now to deal with amendments Nos. 57, 58, 60, 61, 72 and 73. The amendments, which were tabled by the hon. Member for East Londonderry (Mr. Ross), are intended to include additional terms in the Bill relating to membership of an organisation and proscription. The amendments raise two issues: first, whether it is necessary

[Mr. Ingram]

to exclude members of proscribed organisations from receiving a declaration that they are ineligible to benefit from the scheme; and, secondly, whether the legislation should refer directly to proscribed organisations.

5.15 pm

A supporter of an organisation may be a person who provides some form of practical or active support for the activities of the organisation. The support could involve collecting money in support of an organisation's activity, or meetings with terrorists who were engaged in acts of terrorism. Although the idea of membership may have a common-sense meaning that everyone can appreciate, to be a member of a proscribed organisation is a criminal offence, and it would be difficult to establish under law that a person was a member of such an organisation if he had not been convicted of membership. We have therefore used the term "supporter", as the test in proving support is an easier one to meet. Consequently, the legislation will be more robust.

The Bill's effect on organisations proscribed under the Prevention of Terrorism Acts or Emergency Provisions Acts was dealt with in the House in the debate on Second Reading. The Secretary of State stated clearly:

"This legislation will not remove the ban on organisations that are proscribed under our anti-terrorist laws. The IRA or UDA, for example, will continue to be proscribed, and membership of such organisations will continue to be a criminal offence."—[*Official Report*, 10 June 1998; Vol. 313, c. 1087.]

The amendments would confuse the issue yet again. The Bill will have no effect on proscription of an organisation. Moreover, it is still desirable that the questions whether an organisation has established and is maintaining a complete and unequivocal ceasefire and whether an organisation should remain proscribed—should remain separate. Proscription and eligibility under the Bill are essentially two distinct issues.

For those reasons, I ask the Committee to reject those amendments.

Amendments Nos. 59, 62 and 63 would amend the third condition, which deals with whether a prisoner will become a supporter of a terrorist organisation or engage in terrorism after release. I do not think that any of the amendments are necessary. Therefore, I recommend that they be rejected, as they will not improve the Bill.

Amendment No. 59 would change the third condition, so that it no longer is conditional on whether the prisoner would be released immediately. The legislation was drafted to ensure that the commissioners will consider the current circumstances of prisoners and current likelihoods, and to avoid any suggestion that the commissioners should speculate on unpredictable future events.

Clause 8 makes provision for prisoners who are not released immediately but have release dates in the future. The Secretary of State will refer cases back to the commissioners if circumstances change in the period between the setting of the declaration and the date of release. Therefore, clause 3(5) correctly deals with those to be released immediately.

Amendment No. 62 would extend the current form of words, from "concerned with" to

"concerned with or involved with".

Such an addition to the Bill would not be beneficial and is, therefore, unnecessary.

Amendment No. 63 is one of a number of amendments that remove from the third condition the qualification that acts of terrorism must be in connection with the affairs of Northern Ireland and replace it with the qualification that they must be in connection with the affairs of the United Kingdom. The Bill deals with terrorism in connection with Northern Ireland. It is not intended to have wider scope or to deal with international terrorism or terrorism generally. Amendment No. 8—which I ask the Committee not to accept—would have a similar effect.

Amendment No. 25 was tabled by the right hon. Member for Penrith and The Border (Mr. Maclean) and deals with the fourth condition, which is on risk. The commissioners will be required to make a rigorous assessment of the danger to the public. If the right hon. Gentleman had read the Bill before asking his questions, he would have seen what rules would be in place to deal with the issue of danger. In making that rigorous assessment, the commissioners will be expected to take account of relevant psychological or psychiatric factors and other relevant information, including that provided by the RUC. The legislation is clear regarding the risk test, so the addition provided by the amendment is not necessary. If the right hon. Gentleman had examined the Bill, he would have been able to assess the rules that will come into force, their parameters and whose advice is likely to be taken into account, even though the rules are not specified in the Bill.

I deal now with amendments Nos. 28, 36, 34, 54, 29, 30 and 31 and new clauses 1 and 2. All would add further conditions to the legislation. New clause 1, tabled by the right hon. Member for Penrith and The Border, would prevent the release of a prisoner if the Chief Constable certified that he was still an active supporter of a terrorist organisation whether or not specified under clause 3(8). The new clause would usurp the jurisdiction of the commissioners appointed under the Bill and give the Chief Constable final jurisdiction over release. That would work against the very principle of establishing the commissioners in the first place and giving them responsibility under the Bill, and it may indeed be contrary to the European convention on human rights, although that would have to be tested elsewhere.

It is important to understand that the commissioners may take account of advice received from the Chief Constable or others, but the final decision on whether a prisoner should be released must rest with the commissioners. My hon. Friend the Member for Hull, North made a telling intervention on that point.

Amendment No. 28, also tabled by the right hon. Member for Penrith and The Border, requires that if a prisoner belongs to a terrorist organisation, the organisation must have substantially decommissioned weapons and the prisoner must have completely renounced violence for good before the commissioners grant a declaration. Whether an organisation is co-operating with the decommissioning commission is not a matter for the commissioners but is properly a matter for the Secretary of State to take into account when considering whether an organisation should be excluded from the scheme. It is not a matter for the commissioners but should rightly rest with the Secretary of State, who is also accountable to Parliament.

Amendment No. 36, tabled by the hon. Member for North Antrim (Rev. Ian Paisley) and supported by the hon. Member for Belfast, East requires that a prisoner renounce violence but also requires that he be prepared to undertake community work. In a similar manner, new clause 2, which was tabled by the right hon. Member for Penrith and The Border, would prevent the release of a prisoner unless he gave an oath renouncing violence.

Clause 9 includes stringent licence conditions. These conditions have effect on prisoners who have been licensed and will be imposed rigorously. Moreover, prisoners who are released will have to satisfy those rigorous conditions. In these circumstances, it is unnecessary to require prisoners to give undertakings about their behaviour. Indeed, it would be unfortunate if prisoners were to believe that any undertakings that they might give could take precedence over the already tough licence conditions, as if their saying that they would be on their best behaviour somehow absolved them from meeting all the other criteria. The proposal is therefore unsound.

A requirement to undertake community service on release would be a significant new departure. If prisoners are to be released under the scheme, the aim should be to ensure that they lead a law-abiding and productive life. They should be encouraged to make a positive contribution to society. It would be a major step to set up a scheme to supervise community service, and it could serve merely to delay the point at which former prisoners were reintegrated into society. However, we are actively considering a strategy to ensure that all prisoners who are released can find a way to be reintegrated into society, in the hope that they do not return to their evil ways.

Amendments Nos. 34, 54, 29, 30, and 31 are consequential on the amendments with which I have already dealt, so I ask the Committee to reject them, too.

Amendments Nos. 64 and 20 relate to the requirement that to qualify for the scheme, a prisoner must have committed his offence before 10 April 1998, the date of the Good Friday agreement. Amendment No. 64 would change the date to 31 August 1994, which was the date on which the first IRA ceasefire began. Those involved in the discussions leading up to the conclusion of the agreement were clear that any provisions in relation to prisoners should apply on the basis of a cut-off based on the date of the agreement. That is part of the agreement, and I remind the Committee that the agreement was endorsed by 71 per cent. of the people in Northern Ireland.

Amendment No. 20, which was tabled by the right hon. Member for Upper Bann (Mr. Trimble) and supported by the hon. Member for Lagan Valley (Mr. Donaldson), would limit the benefits under the legislation to those who were charged before 10 April 1998 with offences before that date. It is an established principle that changes such as those proposed in the Bill should relate to the point at which the offence occurred rather than the point at which an offender was caught or the point at which he was convicted. That principle is enshrined in law—*[Interruption.]* I hear the hon. and learned Member for North Down (Mr. McCartney) querying that. He is a respected and intelligent senior counsel in Northern Ireland, and I am sure that he understands the strength of that point. The important thing is that what we are proposing is wholly compatible with the discussions surrounding the agreement, with what was said by the participants to the agreement and with the undertakings given at that time.

Included in this group are amendments tabled by my hon. Friend the Member for Linlithgow (Mr. Dalyell), who is not in his place to move them. We may well debate them later if he can find some way to bring them before us. In case they had been moved and in case anyone was thinking of voting for them, I should be asking for them to be rejected, too.

Mr. Malcolm Moss (North-East Cambridgeshire): I am disappointed by the Minister's response, certainly to the amendments tabled by the official Opposition. Of course, the hon. Member for Hull, North (Mr. McNamara) chipped in yet again to protect one side of the equation.

I have read the agreement, and it is not unreasonable for people to interpret it in the sense in which it has been interpreted in the amendments that we have tabled. The section of the agreement that deals with prisoners states on page 25:

> "Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements. The situation in this regard will be kept under review."

The next paragraph states that the review process would provide for account to be taken of the seriousness of the offences of which the person was convicted and of the need to protect the community. The agreement does not say anything about a distinction between fixed-term and life-term prisoners; it talks simply about protecting the community.

There is a certain illogicality in the Minister's response and in the Government's position in that there are fixed-term prisoners who, if let out, will be more of a danger to the community than lifers. The agreement does not make the distinction, and I think that the matter should be revisited in another place.

Mr. William Ross: Much of what the Minister said was completely unsatisfactory, although it was interesting in that it revealed that undertakings had been given. We would hope to pursue these matters on Report. In the light of that, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Rev. Ian Paisley: I beg to move amendment No. 36—

The Chairman: Order. On a technicality, the hon. Gentleman cannot move amendment No. 36 before amendment No. 34, because amendment No. 36 is consequential on amendment No. 34. If he wants a Division to take account of that, I advise him to move amendment No. 34.

Amendment proposed: No. 34, in clause 3, page 1, line 26, leave out

'the first three of the following four'

and insert

'all of the following five'.—*[Rev. Ian Paisley.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 7, Noes 257.

Division No. 300] **[5.29 pm**

AYES

Donaldson, Jeffrey
Hunter, Andrew
McCartney, Robert *(N Down)*
Maclean, Rt Hon David
Paisley, Rev Ian
Thompson, William
Wilkinson, John

Tellers for the Ayes:
Mr. William Ross and
Mr. Peter Robinson.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Ashdown, Rt Hon Paddy
Ashton, Joe
Ballard, Jackie
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Benn, Rt Hon Tony
Bennett, Andrew F
Best, Harold
Blears, Ms Hazel
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Stephen
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chisholm, Malcolm
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cotter, Brian
Cousins, Jim
Cox, Tom
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Darling, Rt Hon Alistair
Darvill, Keith
Davies, Rt Hon Denzil *(Llanelli)*
Denham, John
Dismore, Andrew
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Ellman, Mrs Louise
Fatchett, Derek
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hancock, Mike
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Linton, Martin
Livingstone, Ken
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon John *(Aberavon)*
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Radice, Giles
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Straw, Rt Hon Jack
Stuart, Ms Gisela
Stunell, Andrew
Taylor, Ms Dari *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Tyler, Paul
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. David Jamieson and
Janet Anderson.

Question accordingly negatived.

Mr. MacKay: I beg to move amendment No. 1, in clause 3, page 2, leave out lines 23 to 40 and insert—

'(8) A terrorist organisation is an organisation which—

(a) has been concerned in terrorism, or in promoting it, and

(b) has not established or is not maintaining a complete and unequivocal ceasefire.

(9) The Secretary of State may specify by order than an organisation is not a terrorist organisation if on application by that organisation he believes that it—

(a) is committed to the use now and in the future of only democratic and peaceful means to achieve its objectives;

(b) is not involved in any acts of violence or of preparation for violence;

(c) is not directing, assisting or promoting acts of violence committed or planned by other people;

(d) is committed to the total disarmament of all paramilitary organisations and the achievement of the decommissioning of all paramilitary arms, including any of its own, by 22nd May 2000, and

(e) is co-operating fully with any Commission of the kind referred to in section 7 of the Northern Ireland Arms Decommissioning Act 1997 in the implementation of the Belfast Agreement of 10th April 1998 published as Cm 3883.'.

The Chairman: With this, it will be convenient to discuss the following: Amendment (a) to the proposed amendment, in line 9, at end insert—

'(ba) is not involved in raising funds through coercion, extortion or any other illegal means;'. Amendment (b) to the proposed amendment, leave out lines 12 to 18 and insert—

'(d) has already decommissioned a significant proportion of its illegally held firearms, ammunition and explosives in accordance with the provisions of the Northern Ireland Arms Decommissioning Act 1997 and is fulfilling a decommissioning timetable which will ensure that is has completed decommissioning before 22nd May 2000;

(e) has commenced the dismantling of its paramilitary structure; and

(f) in the opinion of the Chief Constable of the Royal Ulster Constabulary no longer represents a threat to the community.'.

Amendment No. 37, in page 2, line 24, leave out 'may specify only' and insert 'shall specify'.

Amendment No. 38, in page 2, line 24, leave out 'he believes'.

Amendment No. 9, in page 2, line 26, leave out

'connected with the affairs of Northern Ireland'.

Amendment No. 65, in page 2, line 30, leave out from 'shall' to end of line 31 and insert

'satisfy himself that an organisation—'.

Amendment No. 40, in page 2, line 30, leave out

'in particular take into account whether'

and insert

'satisfy himself completely, having taken advice from the Chief Constable of the Royal Ulster Constabulary, that'.

Amendment No. 66, in page 2, line 34, after 'any', insert 'criminal act or any'.

Amendment No. 67, in page 2, line 36, after 'promoting', insert

'any criminal act or any'.

Amendment No. 68, in page 2, line 36, after 'committed', insert 'by any individuals or'.

Amendment No. 41, in page 2, leave out lines 38 to 40 and insert—

'(d) has already decommissioned a significant proportion of its illegally held firearms, ammunition and explosives in accordance with the provisions of the Northern Ireland Arms Decommissioning Act 1997 and is fulfilling a decommissioning timetable which will ensure that it has completed decommissioning before 22nd May 2000.'.

Amendment No. 21, in page 2, line 40, at end insert

'in working to achieve the decommissioning of all the paramilitary arms of that organisation by or before 22 May 2000 in accordance with the Belfast Agreement of 10th April 1998 (Cm 3883).'.

Amendment No. 69, in page 2, line 40, at end insert

'and complying with all procedures and directions given by any such Commission in respect of the decommissioning of the weapons and explosives and other such material owned by or under the control of the organisation'.

Amendment No. 76, in page 2, line 40, at end insert

'including by the commencement of actual and ongoing decommissioning of its paramilitary arms'.

Amendment No. 42, in page 2, line 40, at end insert—

'(e) has commenced the dismantling of its paramilitary structure;

(f) in the opinion of the Chief Constable of the Royal Ulster Constabulary no longer represents a threat to the community.'.

Amendment No. 77, in page 2, line 40, at end insert—

'(9A) The fact that an organisation which is a proscribed organisation under either the Prevention of Terrorism (Temporary Provisions) Act 1989 or the Northern Ireland (Emergency Provisions) Act 1996 is not specified as a terrorist organisation for the purposes of this Act does not affect its status as a proscribed organisation under those Acts.'.

Amendment No. 2, in page 2, line 42, leave out '(8)' and insert (9).

Amendment No. 3, in page 2, line 43, leave out from 'of' to 'apply' and insert 'subsection (8) does'.

Amendment No. 78, in page 2, line 44, leave out from 'organisation' to end of line 46.

Amendment No. 4, in page 2, line 47, leave out '(8)' and insert (9).

Amendment No. 74, in clause 9, page 4, line 35, after 'concerned', insert

'in any criminal act or'.

Amendment No. 11, in page 4, line 36, leave out

'connected with the affairs of Northern Ireland'.

Amendment No. 75, in page 4, line 37, leave out 'Northern Ireland' and insert 'United Kingdom'.

Mr. MacKay: The two most sensitive issues in the Province and on the mainland are the early release of terrorist prisoners and the decommissioning of arms and explosives. As I have said before, there are elements within the Good Friday agreement that we all find difficult to accept. The element that the Opposition find the most unacceptable is the early release of terrorist prisoners who have committed the most vile and dreadful crimes, and whom any civilised society would put behind bars for a very long time. However, we have reluctantly agreed to the early release of prisoners because it is part of a total agreement that we hope and pray might lead to a lasting settlement in the Province and peace for the people of Northern Ireland, who have suffered so much during the troubles of the past 30 years.

[Mr. MacKay]

On reading the agreement, we have taken heart from the fact that it includes clauses on the decommissioning of arms and explosives. The agreement is very specific, and stipulates that all arms and explosives must be decommissioned within two years of the agreement being signed. We have also taken heart from the fact that the early release of prisoners is clearly dependent on the total renunciation of all forms of violence. Any reasonable person would include decommissioning in that.

5.45 pm

During the referendum campaign, those of us who supported the Government and the yes campaign rapidly realised that many ordinary, decent people in both communities in Northern Ireland were still worried about the early release of prisoners. So we sought assurances from the Prime Minister that the early release of terrorist prisoners would occur only if their paramilitary associates co-operated fully with the decommissioning commission. We pressed the Prime Minister regularly, and I will give one important example. On 6 May, during Prime Minister's Question Time, my right hon. Friend the Leader of the Opposition stated:

"Opposition Members will argue strongly that the IRA cannot have prisoners released if it does not give up its guns and explosives."

The Prime Minister helpfully responded:

"Again, I agree with the right hon. Gentleman. It is essential that organisations that want to benefit from the early release of prisoners should give up violence. Decommissioning is part of that, of course, but it goes further."

Mr. Ingram: What else does it say?

Mr. MacKay: Once again, the Minister of State asks me what else it says. I am happy to read out the rest of the quotation because it supports my argument. The Prime Minister continued:

"It is not just a question of decommissioning, but a question of making sure, as the agreement says, that there is a complete and unequivocal ceasefire."—[*Official Report*, 6 May 1998; Vol. 311, c. 711.]

I agree entirely; it is all part of the package. What is more, there is a provision in the agreement for the matter to be kept under constant review. There was absolutely no doubt in our minds, the minds of all reasonable commentators and, much more importantly, the minds of the people of Northern Ireland that they had been given proper reassurances and promises by the Prime Minister.

When my right hon. Friend the Leader of the Opposition and I were in the Province at the end of the referendum campaign, campaigning for a yes vote, we found that many people who previously had reservations had finally decided at the last minute, because of the Prime Minister's assurances, to vote yes. I have absolutely no doubt—and I pay credit to the Prime Minister—that we would not have had a 71 per cent. yes vote without the assurances that he gave and that we had pressed him to give. Without those assurances, the Prime Minister, the Secretary of State and I would not have been able to have said in the House that the result showed that a majority in both communities had voted yes.

One can imagine our dismay and that of the people of Northern Ireland when the legislation was published. An editorial in *The Times* this morning stated:

"Mr. Blair sought to build on that assurance to secure a majority within Unionism for the agreement. The Prime Minister succeeded, but only by making a pledge which the Government now seems intent on fudging."

The headline was:

"Irish sentences. This pledge on decommissioning cannot be dodged or fudged."

Hon. Members should not just take my word for it; they should take the word of *The Times* in its editorial today. *[Interruption.]* There is laughter from the Government Benches. I hope that the people of Northern Ireland will note that we and *The Times* are trying to hold the Prime Minister to account on important matters concerning the early release of prisoners and decommissioning, and that those on the Treasury Bench and the Parliamentary Private Secretary, the hon. Member for Sheffield, Hillsborough (Helen Jackson), find it extremely amusing.

Mr. Peter Robinson: While the hon. Gentleman is on the subject of fudge, will he explain to the Committee why, when the Leader of the Opposition, the right hon. Member for Richmond, Yorks (Mr. Hague), made it clear in Prime Minister's questions on 6 May that the Opposition's position was that there should be substantial decommissioning of weapons before any prisoner releases, the Opposition's amendment does not include that requirement?

Mr. MacKay: We believe that it does. It is right and proper that organisations comply fully with the decommissioning commission. I am grateful to the Secretary of State because we had private discussions before the Bill was drafted and she was kind enough to include the word "fully", which strengthened the Bill. I have no problem with that part of the Bill, as the Secretary of State well knows.

The Secretary of State for Northern Ireland (Marjorie Mowlam): The Bill repeats the Prime Minister's words.

Mr. MacKay: As the Secretary of State says, the Bill repeats the Prime Minister's words at the Balmoral agricultural show, and I am pleased that they have been included. It means that while prisoners are being released, there will be parallel moves towards decommissioning. We all know that prisoners will be released at different times, depending on the length of their sentence and the remission that they are granted under the Bill.

The Bill is unsatisfactory in that it requires the Secretary of State and her successors merely to take into account whether there is co-operation with the decommissioning commission. We mean no disrespect to the Secretary of State, but that is a cop-out; it is weak and insufficient. The logical conclusion is that a Secretary of State can take into account whether decommissioning is taking place, decide that other, perhaps political, factors are more important and say, "It does not matter that decommissioning is not taking place. We shall go ahead and release the prisoners anyway." The Bill does not contain the copper-bottomed guarantee given by the Prime Minister at the Dispatch Box on 6 May and repeated around the Province by him and his spin doctors.

Our amendment simply states:

"The Secretary of State may specify by order that an organisation is not a terrorist organisation if on application by that organisation he believes that it"—

this is the condition in paragraph (e)—

"is co-operating fully with any Commission of the kind referred to in section 7".

That confirms and makes copper-bottomed the Prime Minister's pledge. I hope that, in responding to the debate, the Secretary of State or the Minister of State will accept the amendment.

This is a matter of trust, which goes to the heart of government. People voted on the basis of the Prime Minister's pledges and assurances. They were encouraged to do so by me and my colleagues because we believed those assurances. *[Interruption.]* Now we find that they are not included in the Bill, which is unacceptable.

Mr. McNamara: The hon. Gentleman is wrong.

Mr. MacKay: Let us have nothing from the hon. Member for Hull, North (Mr. McNamara) or anyone else about these being in any way wrecking amendments, or amendments that go against the agreement.

I shall quote again from the editorial in *The Times* today. Referring to the amendment in my name, it states:

"His is not a wrecking or teasing amendment, but an attempt to write into law a pledge freely given. If the Government does not accept it, then other parties in the Commons should feel free to oppose what could be fatally flawed legislation."

I warn the Secretary of State that if our amendments are not accepted in an appropriate form, we shall be unable to support the Bill on Third Reading because it will be fatally flawed and wrong. It will let down the people of Northern Ireland and show that in future, we shall never be able to trust the word of the Prime Minister at the Dispatch Box.

Mr. Winnick: I do not for one moment question the need for the Committee to be concerned about decommissioning; I am in favour of it. The Good Friday agreement spells out clearly what should be done. It has often been argued, in the previous Parliament and this Parliament, that if organisations that have been involved in terrorism want to show genuine good faith, one way in which to do so is to decommission their arms. There is no argument about the desirability of decommissioning; we are all in favour of it.

It is important to bear in mind the fact that decommissioning in itself does not demonstrate that an organisation, whether it is the IRA or a loyalist paramilitary group, would necessarily stick by the ceasefire. Some arms could be given up, but, however desirable that is in itself, it does not demonstrate that violence would not occur again. Let there be no misunderstanding—I am keen for decommissioning to take place, but the question would inevitably arise of what percentage of arms was being given up. Some would say that it was only a small percentage. How could one show that all arms, or the majority of them, were being given up? Those questions are bound to arise. However desirable decommissioning is, the important factor is that the organisations that have engaged in violence should not return to it.

Mr. Grieve: Does the hon. Gentleman agree that if an organisation has pledged to give up violence and moreover, as part of the agreement, has pledged to facilitate decommissioning and carry it out within two years, nothing could be better construed as an act preparatory to violence than a failure to decommission?

Mr. Winnick: As I have already said, to decommission would undoubtedly show the genuineness of the organisation's concern. There is no difference of opinion between us about the desirability of decommissioning, but we are debating whether it will occur along the lines that we would like. I return to my earlier point about how much decommissioning will take place. For example, if the Provisional IRA gives up some arms, will we be satisfied that those were all it possessed or will people, perhaps including me, say that it is only a small percentage and ask why it does not give up the rest?

Even more important than decommissioning is that those organisations that have been involved in terrorism should no longer engage in such violent acts. They should no longer commit the crimes and atrocities that many of the prisoners have carried out and of which they have duly been convicted. Those crimes and atrocities on both sides have appalled decent-minded men and women, and we hope that they have now permanently come to an end.

Mr. Robert McCartney: Is the hon. Gentleman aware that at the Sinn Fein Ard-Fheis which endorsed the agreement, speaker after speaker stated that the party should maintain the twin-track policy of a military strategy which required the retention of arms as well as the political path? How does that square with his suggestion that we should trust these people, when they will not decommission?

6 pm

Mr. Winnick: The hon. and learned Gentleman misunderstands my argument: it is not a matter of trusting such people. I am very reluctant to trust anyone engaged in terrorism, or anyone who has been an apologist for terrorism. The fact is that the agreement, which the hon. and learned Gentleman strenuously opposes, has been reached. There are other aspects to decommissioning that must be borne in mind.

The IRA argument is that it was never militarily defeated, and that to give up its arms would be a sign of defeat. We know that it was never militarily defeated; we only wish it had been. That would have avoided so many of the terrible crimes committed over the past quarter century. The IRA has, however, been politically defeated—*[Interruption.]* I do not know what the mumbling is about. The Provisional IRA set out in 1970 to use terrorism and violence to force Northern Ireland, against the wishes of its majority, to leave the United Kingdom. The IRA worked on the assumption over all these years that, if it applied enough pressure by bombing at home and on the mainland, sooner or later, the British people and their Government would weaken, whereupon it would get what it wanted. It has not got what it wanted. Northern Ireland Members know that a united Ireland is as remote today—it may be even more remote—as it was when the IRA started off in 1970.

If anything, the legitimacy of Northern Ireland's position in the United Kingdom, never questioned by the international community, has been strengthened as a result of the constitutional changes in the Irish Republic.

[Mr. Winnick]

So while there is understandable concern about decommissioning, it would be unfortunate if we did not look at the larger political picture. Like all its predecessors since 1920, the IRA has not succeeded. A united Ireland will not come about through violence or terrorism—as many of us said at the time when we had the chance to express our views directly to Sinn Fein.

I remember a meeting in September 1983, when a delegation from the parliamentary Labour party Northern Ireland group, which included my hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Soley), went to Northern Ireland to meet representatives of the political organisations that agreed to speak to us. One such organisation was Sinn Fein, whose leadership were in attendance. I said then that the IRA would never succeed. No section of the community in Britain would allow it to, or would reject the wishes of the majority of the people of Northern Ireland. That is the larger political picture.

Fortunately, the leadership of Sinn Fein and the IRA have come around to the view that the military campaign begun in 1970 will not succeed. As we know from our constituency post bags, there was not the slightest sign of the British people saying, "We have had enough; we will give in." It would be quite wrong, therefore, not to recognise the political victory over terrorism that democracy has achieved.

The Provisional IRA's predecessor, the Official IRA—it is now split into various groups whose attitude to Northern Ireland is more Unionist than that of the Unionists, if that is possible—ultimately gave up terrorism. That is why the Provisionals appeared on the scene. At least two main political parties that originated half a century ago in the Irish Republic, during what is known there as the war of independence and then the civil war, never gave up their arms, but were no less committed to constitutional practice than we are.

Nothing in the Bill would allow the automatic release of prisoners. If it did, many people, not least me, would be worried. The Bill spells out precisely what is necessary before prisoners can be released. The organisation to which they belong must be

"committed to the use now and in the future of only democratic and peaceful means to achieve its objectives".

That will have to be decided on the merits of each case. An organisation must have

"ceased to be involved in any acts of violence or of preparation for violence . . . directing or promoting acts of violence committed by other organisations".

These are surely important criteria; certain assurances on them will have to be given to the commission.

The cynical view that the agreement is a charade and that the IRA is not genuinely interested in ceasefires is a different matter altogether—but it is not the view, I understand, of the main Opposition party. The Opposition accept the agreement, even though there can be no guarantees, especially when dealing with organisations such as IRA-Sinn Fein. But it is certainly worth testing its commitment to see whether it is genuine.

When, in November 1993, the Conservative Government announced their contacts with the IRA—no ceasefire being in operation at the time—the Labour Opposition made no mileage out of that, although it is quite legitimate for Oppositions to do so on a host of other issues. We took the view that if the then Government were entertaining contacts with the IRA without a formal ceasefire, they were not doing so for fun or for electoral favours. They were doing it because they believed that it was in the national interest. They wanted to test the water, to discover whether there was any possibility that the IRA was genuine.

I well remember my hon. Friend the Member for Hull, North (Mr. McNamara), leading for the Opposition, saying that we accepted the then Government's explanation and would pursue the same path.

Mr. MacKay: The Committee is aware of the hon. Gentleman's considerable experience and knowledge of the subject, as co-chairman of the British-Irish parliamentary body. He has outlined some of the preconditions in clause 3(9), and he may have noticed me nodding my assent to them. My problem is not with them; it is with the fact that the Secretary of State

"shall in particular take into account"

whether these organisations are meeting the conditions. I suggest that that is not strong enough; I suggest that the conditions must be satisfied. Does the hon. Gentleman, with all his experience of the Province, agree?

Mr. Winnick: I do not believe that there is much difference between Government and Opposition. We agree on the desirability of decommissioning, which we all want. No one would suggest that the Prime Minister is any less convinced of its desirability than is the hon. Gentleman. To my knowledge, no one—at least in the official Opposition—would wish to question that. No one would wish to question that it is largely a matter of taking into consideration many factors to discover whether it is possible to reach a position where, by and large, there is permanent peace in Northern Ireland—at least, where the main terrorist organisations will no longer engage in such activity. The hon. Member for Bracknell (Mr. MacKay) made a genuine point—not just a debating point. Either we must find a possible compromise, or the Government may decide whether it is possible under the agreement to accept the hon. Gentleman's suggestion.

At the weekend, Conservative spin doctors did much to create the impression that the official Opposition were not satisfied, and might vote against the Government today or on Third Reading. That would be extremely undesirable. In my view—I may be wrong; others will assess that—one reason why, over the past 25 or 27 years, we have succeeded in preventing Northern Ireland from becoming a political issue to the extent that it produces conflicting exchanges between Government and Opposition resembling those that, rightly in a democracy, take place on many other issues, is that we basically agreed on the main issues. We agreed on the defeat of terrorism—on trying to persuade those engaged in terrorism that their objectives could not be reached, and that constitutional means were the only way in which there could be any suggestion of uniting Ireland. It is up to those who want a united Ireland to argue their point of view in a democratic way—

The Temporary Chairman (Mr. Edward O'Hara): Order. I have been most generous to the hon. Gentleman, recognising that he has much experience and historical

knowledge to bring to the debate, but I must ask him to bring himself more closely within the terms of the amendment.

Mr. Winnick: Thank you very much, Mr. O'Hara.

We have succeeded over the past 27 years because the main political parties in the House have been united. As I have illustrated, at various times in opposition—such as when contacts were made with the IRA—we gave support when we could have made much of what the previous Government were doing. I repeat, in conclusion, that it would be unfortunate if, today or on Third Reading, hon. Members were to divide the unity that has been established on the means of reaching a settlement in Northern Ireland. It is important that we preserve that unity between the main parties, and it would not be desirable for the Committee to divide—at least between the official Opposition and the Government—on the desirability of decommissioning, on which there is no basic disagreement.

Mr. Robert McCartney: Listening to the hon. Member for Walsall, North (Mr. Winnick), I had to pinch myself to believe what I was hearing. Contrary to what he said, the IRA has not been defeated in any manner—many of us in Northern Ireland suspect that that is because no real effort has ever been made to defeat it. Many of us believe—the belief is widespread—that the hon. Gentleman's fears that a great division of opinion will occur between the official Opposition and the Government on the present arrangements are unfounded.

Mr. Winnick: I am grateful to the hon. and learned Gentleman for allowing me to intervene so early in his speech. When he says that the IRA has not been defeated, presumably he means politically defeated. That is precisely what the IRA and Sinn Fein constantly tell their members. They may boast that they have not been defeated, but is it not a fact that what the Provisional IRA set out to do in 1970—to bring about, by violence, the unity of Ireland—is as remote now as it was then? Why does the hon. and learned Gentleman not admit it?

6.15 pm

Mr. McCartney: I do not admit it because it is a myth. Sinn Fein-IRA have retained all their weaponry. Their record from 1970 to the present time is one of unremitting political success.

The IRA has retained all its weaponry; there is no suggestion that, militarily, it is any less strong than it was. From a political point of view, under the terms of the agreement, it has obtained, or will almost certainly obtain, two Ministers in Government in a Northern Ireland Assembly under the d'Hondt provisions. It has made it clear that it considers the agreement nothing more than a transitional phase, en route to journey's end.

The IRA has removed section 75 of the Government of Ireland Act 1920, which asserted the sovereignty of this Parliament over

"all persons, matters, and things"

in Northern Ireland. It has made the Act of Union and the Northern Ireland Constitution Act 1973 subordinate to the proposed legislation setting up the political and constitutional settlement relating to the agreement. It will obtain executive bodies, including a north-south ministerial council with all-Ireland executive powers. It will obtain implementation bodies on an all-Ireland basis, to implement those powers. It is a record not of failure but of unremitting success.

Amendment No.1, tabled by the official Opposition, contains several weaknesses. The suggestion that the requirement to co-operate

"fully with any Commission of the kind referred to in section 7 of the Northern Ireland Arms Decommissioning Act 1997 in the implementation of the Belfast Agreement of 10th April 1998 published as Cm 3883"

requires the IRA to decommission anything within two years is a complete misreading of the situation. The agreement requires Sinn Fein, or any other political party fronting a terrorist organisation, only to use such influence as it may have in persuading that organisation to disarm.

Everyone knows that Sinn Fein happily signed up to the Mitchell principles, which required more or less the same commitment. Sinn Fein will happily sign up to any of the requirements in the agreement. It will then simply say, "We are a political party. We have an electoral mandate. We have sufficient Members under the Northern Ireland (Elections) Bill to entitle us to two Ministers in Government, and we have no guns and no Semtex. As long as we use such influence as we may have, you cannot put us out if the IRA refuses to decommission." At the same time, it will use as political leverage, in the assembly or in future negotiations, the threat of a renewed IRA mainland campaign to extract further concessions from the Government, as it has from a series of British Governments. It is laughable to suggest that it has recognised the principle of consent.

The fact that there could never be a united Ireland without the practical consent of a majority of the population in Northern Ireland never required any Act of Parliament or any agreement. It was a brute fact of political life with which those nationalists always had to contend, but there was an additional factor in relation to the majority in Northern Ireland saying no. There was the assertion by the British Government of their sovereign right over Northern Ireland as part of a unitary state, the United Kingdom of Great Britain and Northern Ireland.

Martin McGuinness and the Taoiseach have both said categorically that, as a result of the agreement, the British people and the British Parliament are out of the equation of the constitutional future of Northern Ireland. That was said not by an Ulster Unionist, but by a Taoiseach of the Irish Republic, and the statement has been made not on one occasion, but on many occasions.

Of course, that is correct. Before the agreement, there was a claim of sovereignty by the British Government. That no longer exists under the terms of the agreement. To assert in the House that the IRA has suffered any military or political defeat is erroneous. The people who have suffered defeat are the pro-Union people of Northern Ireland.

The Temporary Chairman: Order. The hon. and learned Gentleman's preamble on the nature and principles of the IRA was rather lengthy. When he saw my body language, he returned to the amendment, but he is now straying back to his preamble. I ask him to return to the terms of the amendment.

Mr. McCartney: I am grateful for your advice, Mr. O'Hara.

[Mr. McCartney]

The hon. Member for Walsall, North need have no fear of any reappraisal of the joint position of the Government and the Opposition on Northern Ireland. There will be some form of agreed fudge on this essential issue.

Mr. Winnick: Good.

Mr. McCartney: The hon. Gentleman may well say "Good," but I remind him of a principle that has been stated many times. When the Opposition and the Government are noisily and vigorously in opposition, the principles of democracy and the best conventions of the House are being observed, but when the Opposition and the Government are in a state of unctuous, self-congratulatory cohesion and are assisting one another, people somewhere—in this case, the pro-Union people of Northern Ireland—are being treated shabbily.

The hon. Gentleman was right to refer to the silence of the then Opposition at the time when Sir Patrick Mayhew—now Lord Mayhew—was conducting the secret negotiations. That has been the record in this House in relation to the pro-Union majority in Northern Ireland, and it will continue through the fudge of an amendment that is not serious and does not address the real issue.

Mr. McNamara: If there was unctuous cohesion, it does not seem to be present in this debate. There is a fundamental difference between the Government and the Opposition on the matter, so the hon. and learned Member for North Down (Mr. McCartney) should not read too much into what has happened in the past. There may be other disagreements with the Opposition on the agreement, although I hope that those will not arise.

The uniqueness of the agreement is indeed that the British Government no longer claim sovereignty, as the hon. and learned Gentleman would define it, but the sovereignty lies in the people of Northern Ireland. Their position will not be altered except by their consent. The irony is that that guarantee is supported not by the people of Great Britain, but by the people of the whole of Ireland, by an overwhelming majority. Those who want a united Ireland have guaranteed those who want to maintain their British connection their right to do so as long as they have a majority.

That is far more important than any alteration that may have been made to the Act of Union or to the Government of Ireland Act 1920, because the power now lies with the people in Northern Ireland. I hope that in time that will lead to a united Ireland, but that will be the decision—

The Temporary Chairman: Order. Once again, I must remind an hon. Member that the subject under debate is the definition and specification of terrorist organisations.

Mr. McNamara: I was suggesting that those who signed up to the agreement, whether they were terrorist organisations or not, misinterpreted it if they did not understand the changed situation that resulted from it. The British Government are present in Northern Ireland only by virtue of the consent of a majority of the people of the island of Ireland, while there is a majority in the north who want us there.

The amendment is interesting. A rehabilitation process is being undertaken by the hon. Member for Bracknell (Mr. MacKay). Not having been present when the agreement was signed, he is trying to demonstrate his presence now. His amendment is superfluous, unless the Opposition are attempting again to rewrite the agreement.

Clause 3(8) and (9) contain the Blair criteria. Some of us would argue that those go beyond what was in the agreement or in any document shown by the British Government to the parties during the talks. Those criteria certainly were not in the briefing document, which explained the Government's view of the effect of the agreement in the section on prisoner release. The amendment goes too far in imposing new conditions on the process.

In addition to the questions about linking decommissioning with release, the amendment raises other problems. The agreement does not say that decommissioning must have been achieved within two years of the agreement. The hon. Member for Bracknell says that he is stiffening up the agreement or expressing in other words what is in the agreement, but that is not the case.

The agreement states:

"All participants . . . also confirmed their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have"—

which suggests that some of them have no influence—

"to achieve the decommissioning of all paramilitary arms within two years following endorsement".

The agreement does not state that that will be achieved. It does not set a deadline. That is an aspiration.

Mr. Grieve: How can there be a clear and unequivocal ceasefire, as provided for in clause 2, and a commitment to, and declaration of support for, exclusively democratic and peaceful means of resolving differences, if one of the parties to the agreement reneges on the undertaking to decommission in the two-year period?

Mr. McNamara: The parties have not reneged on any undertaking to decommission within two years. If the hon. Gentleman reads the agreement, he will see that it says that they will use their best offices in that regard. As no one is exploding bombs and there is no paramilitary activity, it suggests that people have covertly—if not openly—acquiesced to what has been suggested. That is absolutely correct and should occur.

The proposed new subsection (8) purports to establish an objective test of what is a terrorist organisation, but it eliminates completely the judgment or belief of the Secretary of State. Therefore, any decision would presumably be reviewable by a court. Judicial review of my right hon. Friend's decision can occur, but only if that decision is perverse, it is an administrative matter, the correct procedure has not been followed, or the decision was contrary to natural justice. Under this amendment, a public review could be requested.

The proposed subsection (9)(d) introduces a new decommissioning test, which is about the overt policy of paramilitary organisations rather than their concrete actions. In other words, if the IRA were to decommission weapons, but could not bring itself to admit that in public, under the terms of the hon. Gentleman's amendment, IRA prisoners would be ineligible for release. That would be manifestly unfair.

6.30 pm

New subsection (9)(e) refers to co-operating fully with the decommissioning body

"in the implementation of the Belfast Agreement".

That is presumably intended to add the test of making significant moves towards decommissioning within two years—which is what the hon. Gentleman said. However, the agreement views that as a parallel process that is not linked to prisoner release. There is no linkage between prisoner release and decommissioning in the document—and nor was there any such linkage in the briefing documents. Therefore, the hon. Gentleman again seeks to rewrite the agreement.

Mr. Robert McCartney: I agree entirely that that linkage is not in the agreement, but it is most definitely present in the Prime Minister's undertakings to the people of Northern Ireland.

Mr. McNamara: Like everyone else, the Prime Minister was bound by the agreement, and the undertakings that he gave were in the spirit of that agreement. That is apparent from the tests in the existing clauses. Some people would claim that the Bill goes too far, but I believe that it is just about acceptable on the basis of what my right hon. Friend the Prime Minister has said. I remind hon. Members that the Prime Minister is no more in a position to rewrite the agreement than the Taoiseach, the leaders of the Ulster Unionist party, the SDLP or any other party that signed the agreement—the agreement is the agreement is the agreement. Anyone who tries to put a gloss on it, engage in some sort of scriptural exegesis on it or say that something is in it when it is not will be in a very difficult position.

This is the agreement for which the people of Ireland voted and which was in the document that my right hon. Friend presented to Parliament. The Bill encompasses the spirit of the Belfast agreement regarding the release of prisoners and I believe that we should reject amendment No. 1 out of hand. I think it reprehensible that those who jumped on the coat-tails of my right hon. Friend the Prime Minister and the Secretary of State—they realised that the Good Friday agreement was a jolly good thing and said, "Please sir, me too sir; can I be associated with it too, sir?"—should now be engaged in the spurious and damaging business of trying to undermine everything in that agreement.

Mr. Hunter: If the hon. Member for Hull, North (Mr. McNamara) is correct, I fear that many people in Northern Ireland will regret the vote that they cast in the referendum and will seek other avenues and channels through which to express that regret. I hope that the hon. Gentleman is wrong. I listened to the theological debate with great interest. I suppose that the matter will be decided ultimately through on-going dialogue between my hon. Friend the Member for Bracknell (Mr. MacKay), the Secretary of State and the Government. However, there is clearly a fundamental difference of interpretation.

I shall speak briefly to amendment No. 1 and then to amendments (a) and (b), which I tabled. My hon. Friend will know how much support he received from Opposition Members when, on Second Reading, he said:

"a significant number of moderate people in both communities finally decided to vote yes only when the Prime Minister had given them a clear and unequivocal assurance that decommissioning and the renunciation of violence would be incorporated in the legislation on early prisoner release and the setting up of the assembly.

In the Opposition's view, the Bill goes only some of the way to satisfying those assurances and will, therefore, require amendment in Committee next week. The most serious omission is that it does not establish a clear legislative linkage between some actual decommissioning having taken place and the accelerated release of prisoners."—[*Official Report*, 10 June 1998; Vol. 313, c. 1093–94.]

Later in the debate, my hon. Friend intervened on the Minister of State, the hon. Member for East Kilbride (Mr. Ingram). Referring to the Prime Minister's exchange with the Leader of the Opposition on 6 May, my hon. Friend said:

"Any reasonable person who looks at what he"—

the Prime Minister—

"said—and a lot of reasonable people in the Province looked at it and decided in the end to vote yes during the referendum campaign—would judge that decommissioning had to take place before prisoners were released. That is absolute fact. If that is not conceded in the legislation, the people of Northern Ireland will have been ratted upon."—[*Official Report*, 10 June 1998; Vol. 313, c. 1163–64.]

My hon. Friend then withdrew his final words.

I listened carefully to my hon. Friend's speech today. He assured us that, as a result of his private exchange with the Secretary of State, he was of the opinion that amendment No. 1 conforms with the specifications and requirements that he urged on Second Reading. I am sure that many people will study carefully both the amendments and my hon. Friend's words. Some of us have a slight difficulty, in that we were not privy to the conversation between my hon. Friend and the Secretary of State, and are therefore not precisely sure of the line of reasoning, the interpretation of the Bill and the interpretation of the Opposition amendments that led to that reconciliation of views, and which assured my hon. Friend—and should therefore assure us—that amendment No. 1 is consistent with the actual and on-going decommissioning of weapons during the process of prisoner releases.

That difficulty is compounded somewhat by the fact that those Conservative Members who have followed events in Northern Ireland over time were asked five years ago to defend the position that the IRA had to decommission all its weapons and explosives before it was admitted to negotiations. In the course of time, we were asked to defend the position that only some weapons and explosives had to be decommissioned.

In course of time, that, too, was changed, and we were asked to support and defend the new position: that the IRA should decommission weapons and explosives during the course of the talks. We defended that position. That was then changed, and we were asked to defend the position that only some of its weapons and explosives needed to be decommissioned during the talks.

Now the position has changed, and we are happy to rise in defence of the position that all weapons will be decommissioned by 2000. However, we should like a little more persuasion that that could not be interpreted as, once again, bowing to the threat of terror, or prostituting the rule of law to the demands of those who have no respect for law or order.

Amendment (a) to amendment No. 1 proposes to add a requirement to those conditions that an organisation must

[Mr. Hunter]

observe and the requirements it must meet for it to be deemed not to be a terrorist organisation. I propose that that organisation should not be involved

"in raising funds through coercion, extortion or any other illegal means;".

I raised that point at Second Reading during the speech of the right hon. Member for Upper Bann (Mr. Trimble), because the requirements in the Bill and the Opposition amendment are deficient in that one important respect.

It is right that an organisation deemed "not terrorist" must be committed exclusively to democratic and peaceful means and must not be involved in acts of violence, in preparing acts of violence or in sub-contracting others to do the same. That leaves untouched the area of terrorist funds and fund-raising activities. Any organisation can raise funds legally for legal and legitimate purposes which are non-terrorist. That is not the point I have in mind.

Historically, terrorist organisations in Northern Ireland have been involved in raising money by a number of illegal means—racketeering, blatant extortion and coercion, and the illegal siphoning of funds from superficially legitimate practices. Those illegal practices are among the hallmarks of a terrorist organisation. If an organisation continues to practise them, it can reasonably be assumed that the organisation is continuing, or is preparing to resume, activities for which illegal funds are required. I appreciate that it might be argued that the practices that I have in mind are covered by the prohibition of "preparation for violence", but that is questionable at the very least.

If the Government are seeking to include that sort of activity as an indication that an organisation is a terrorist organisation, I would suggest that that should be made explicit in the Bill. I would therefore argue for the inclusion of my proposed paragraph (ba) into the new subsection (9), and I ask the Government to give that serious consideration. I acknowledge that the wording may be imperfect—it was my own effort and it could, therefore, be regarded as a probing amendment. However, I hope that the Secretary of State will take it seriously.

With my amendment (b), the argument—which I hope is sustainable—is that we are not seeking to alter the agreement, but we wish to obtain clarification and definition of how the agreement is to be implemented in practical terms. The amendment proposes to add three further subsections to the proposed subsection (9).

6.45 pm

Clause 3(9)(d) requires an organisation to be "co-operating fully" with the decommissioning commission. I hope that all Opposition Members can be reassured that the wording of amendment No. 1 incorporates actual and continuing decommissioning during prisoner release. I am seeking to explore, probe and establish what might be at stake here. In amendment No. 1, two additional requirements are proposed by way of clarification. The first is that the organisation must be committed

"to the total disarmament of all paramilitary organisations and the achievement of the decommissioning of all paramilitary arms, including any of its own, by 22nd May 2000."

I propose that there should be a further definition of "co-operating fully" which, perhaps, is not inconsistent with the understanding that my hon. Friend the Member for Bracknell has formed following his conversation with the Secretary of State. First, there must already have been decommissioning—an advance payment of good intent. Secondly, that must have amounted to a significant proportion of that organisation's illegally held arms. Thirdly, the organisation will have begun implementing a decommissioning timetable to be completed before 22 May 2000.

Mr. Willis: I am grateful to the hon. Gentleman for giving way, as I may not get a chance to speak because of the numbers who wish to take part in the debate. Does he agree that one of the difficulties of his amendment—and one of the difficulties faced by the Government—is precision? Once one tries for precision, one can further cloud the waters. What does the hon. Gentleman mean by "a significant proportion"? What does he mean by

"commenced the dismantling of its paramilitary structure"?

Unless we know where we are starting from, both definitions are impossible to attain.

Mr. Hunter: The hon. Gentleman is reinforcing my prime point. The Bill as it stands simply contains the phrase "co-operating fully". I am trying to advance a way—he tells me that it is insufficient—of defining what the Government mean by "co-operating fully". In a sense, his fundamental objection is not directed at me, but at the Bill for failing to define what "co-operating fully" means. I am trying to answer the very same question that he is posing.

Mr. Willis: But the hon. Gentleman is not answering it in the amendment.

Mr. Hunter: I hear the hon. Gentleman's sedentary intervention, but, with respect, I would not for a moment claim that my drafting is perfect. I regard myself as an amateur in these matters. I am merely pointing towards what I believe to be a definition and a clarification of the concept of fully co-operating, which requires such definition and clarification. I do not suppose that he could improve my amendment, although that would be an interesting academic debate on another occasion.

Paragraph (e) of my amendment (b) demands the dismantling of paramilitary structure. I shall accelerate and simply make the point that terrorist organisations cannot operate in a vacuum because their classic activities—recruiting, training, intelligence gathering, targeting, researching and testing improvised weapons, purchasing arms, fund raising and so on—require organisation, command and communication structures, cells and active units. One indication of serious intent would be the dismantling of those structures.

Paragraph (f) of my amendment (b) requires the Chief Constable of the Royal Ulster Constabulary to conclude that any organisation

"no longer represents a threat to the community."

That is entirely reasonable. The Bill states that the decision would be a solo decision made by the Secretary of State—ultimately, it would be subjective. This part of my amendment (b) addresses both of those valid points and criticisms. As a confidence-building measure, to use

the fashionable phrase, it is reasonable to seek an endorsement from a second party, and the Chief Constable of the RUC is appropriate. I hope that consideration will be given to those points.

Mr. Peter Robinson: The amendments go to the heart of a controversy that has raged for considerable time in Northern Ireland. The question is, will the Prime Minister of the United Kingdom live up to the commitments he gave to the people of Northern Ireland—commitments which many hon. Members decided on Second Reading were essential for a yes vote in the referendum, which was obtained? Speaker after speaker recognised that his intervention, his visits to Northern Ireland, his issuing of commitments in the House and in the Province, and his speeches—he even went to the extent of signing billboards with his commitments written thereon—encouraged many people in Northern Ireland to believe that his interpretation of the agreement, which was contrary to the interpretation of the hon. Member for Hull, North (Mr. McNamara) and myself, was one which they could accept.

That interpretation, as it relates to the Bill, ensured that there would be direct linkage between the handing over of illegal weapons by paramilitary organisations and the release of paramilitary prisoners. There was no doubt in the minds of the people of Northern Ireland what the Prime Minister was conveying to them. They believed, and their newspapers, television and radio led them to believe, that he was saying expressly what he had said in the House to the Leader of the Opposition.

The Leader of the Opposition asked:

"Does he agree that prisoners should not be released early until the organisations to which they belong have substantially decommissioned their weapons?"

The Prime Minister said that the answer to that question was yes. That was yes to substantial decommissioning of illegal weapons, before prisoners were to be released. He went on to say:

"the independent Commission, and the Secretary of State, are bound to have regard to whether decommissioning has taken place."—[*Official Report*, 6 May 1998; Vol. 311, c. 711.]

There was no doubt in the mind of the Prime Minister on 6 May; nor could there have been any doubt in the mind of the Opposition on the response that they had received from him. There was certainly no doubt in the minds of the people of Northern Ireland that the agreement that they were about to vote for in the referendum made sure that there would be decommissioning before prisoner releases would take place.

When we looked at the Bill, we looked to see whether the Prime Minister's promise to the people of Northern Ireland would be kept. Clearly it has not been kept. There is no requirement for decommissioning, and prisoners can, and no doubt will, be released before one ounce of Semtex, one bullet, one detonator or one gun is handed over. Every hon. Member knows that that is what will happen, because the Bill is the same sort of fudge that has happened before.

The hon. Member for Basingstoke (Mr. Hunter) described the sad and sorry tale of how decommissioning has been dealt with by the House. All of us were told, not only by Prime Minister, that the requirement was there for Sinn Fein-IRA to decommission before they could get into the talks process. A Unionist leader even said that, if they did not do it, he would bring the talks to an end. They did not do it, but the talks went on.

The same Unionist leader strangely voted against Second Reading of the Bill; I thought that Second Reading was a vote on the principle, yet the principle that he voted against was one that he had supported when he signed the agreement. That is strange, but it is not for me to unravel. Unfortunately, he is not here to unravel it for himself.

The talks process proceeded without any decommissioning taking place, yet a smokescreen was put up by various leaders before the talks began to suggest to the people of Northern Ireland that decommissioning would occur, if not at the beginning, then during the process. Exactly the same smokescreen is going up today. The commitment is not in the Bill, and I must say to the Opposition spokesman that it certainly is not in his amendment—it just is not there. The amendment stands up like a limp piece of lettuce. It has no backbone, is devoid of substance, and does not fulfil what clearly was the view of the Leader of the Opposition, who, in his question on 6 May, said that not only prior decommissioning, but substantial decommissioning, was required.

The amendment does not require substantial decommissioning. I intervened on the hon. Member for Bracknell (Mr. MacKay), who said that he had come away from what I hope was a cosy meeting with the Secretary of State convinced that, if he could get the substance of the amendment through the House or achieve an undertaking to that effect, it would mean what I want it to mean—that there would be prior decommissioning. The Secretary of State or the Minister will be able to say in winding up whether the Government's interpretation is that there will be prior decommissioning.

Marjorie Mowlam: May I help the hon. Gentleman? I offered briefings to Members of both Houses who wanted the detail of the Bill, because I thought that it had not been explained in the press as helpfully as it perhaps could have been. I offered and carried out a number of briefings, but I never discussed specifically worded amendments. I did say, helpfully, to a number of hon. Members that we would consider anything that they wanted to bring forward. That is what happened.

Mr. Robinson: It gets more and more interesting. It must have been the Secretary of State's aura that persuaded the Opposition that what she intended to do was of greater substance than the amendment suggests. Nothing in the amendment even hints at prior decommissioning. To suggest that adding the words

"in the implementation of the Belfast Agreement of 10th April 1998 published as Cm 3883"

means that there will be prior decommissioning is nonsense. As the hon. Member for Hull, North says, the agreement does not require decommissioning. It requires that the participants

"also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement."

7 pm

Thus the agreement contains only an undertaking to use influence. It contains no requirement, and imposes no

[Mr. Robinson]

sanction, if decommissioning does not happen, so let us not suggest to the people of Northern Ireland that the insertion of some reference to the Belfast agreement suddenly creates a requirement for decommissioning to take place. Nothing could be further from the truth.

A smokescreen has been put up not only by the Government in references in the Bill, but, sadly, by the Opposition in their amendment, which does not meet the requirement of people from my tradition: prior decommissioning. That brings us back to the issue of defining a terrorist organisation.

If an organisation holds on to a stockpile of 100 tonnes of weaponry, it is reasonable to describe it as a terrorist organisation. "Not so," says the Secretary of State. "It can hold on to those weapons and still not be defined as a terrorist organisation. It will therefore not be specified on the list." The Secretary of State and I have different opinions on that matter, and she is entitled to her view. However, the Opposition have shown many times in the past that their view is precisely the same as mine.

Mr. MacKay: I am grateful to the hon. Gentleman for giving way, because he has been quoting me incorrectly extensively. Let me explain to the House again the difference between the Opposition and the Government at this stage—I hope that the difference will not remain for much longer.

The Bill as it stands says only that the Secretary of State must take into account whether paramilitary groups are co-operating with the commission. We say that any paramilitary group and its political associates must prove to the Secretary of State that they have been complying with the commission—in other words, decommissioning. That is the matter in dispute. There is no smokescreen from the Opposition. The only smokescreen comes from the hon. Member for Belfast, East (Mr. Robinson), who, instead of trying to smear the right hon. Member for Upper Bann (Mr. Trimble) and his colleagues who have worked hard towards the agreement, should try to ensure that, like us—

The Temporary Chairman: Order. That is a lengthy intervention. I am conscious that there is a guillotine on this debate in less than half an hour.

Mr. Robinson: The hon. Gentleman's argument does not cut ice. Even if a requirement is placed on the Secretary of State, the requirement still does not include prior decommissioning. The amendment does not say that there must be prior decommissioning.

The hon. Gentleman simply cannot get away with saying that the Secretary of State is required to deal with those issues.

Mr. MacKay *indicated dissent.*

Mr. Robinson: He shakes his head like a nodding dog in the back of a car, but that does not disprove my argument. The fact remains that the Leader of the Opposition made it abundantly clear at the Dispatch Box that he required substantial decommissioning before any terrorists were to be released. The Opposition have not included that in their amendment, the Government have not included it in the Bill, and it is therefore clear to the people of Northern Ireland that not only the Government but the official Opposition have welshed on their commitment.

Mr. Tom King (Bridgwater): I wish to speak briefly on the most sensitive issue in the agreement. Like the hon. Member for Walsall, North (Mr. Winnick), I recall a meeting of the British-Irish Parliamentary Body, which happened to be meeting on the day when the Downing Street declaration was signed. It met in the morning, and it was decided to debate the agreement in the afternoon. Although a number of British Members expressed general enthusiasm and optimism for the declaration and the further opportunities that it offered, they recognised that one of the key issues that would have to be addressed immediately, obviously and naturally, was decommissioning.

Every Irish Member of the Dail who was at that meeting regarded that as the most unhelpful intervention that British Members could have made. They said that those who knew anything about the history of Ireland thought that anybody who talked about decommissioning must be seeking to wreck any hope of progress, and that it was quite unrealistic to expect decommissioning to take place, especially in the time frame then envisaged by my right hon. Friend the Member for Huntingdon (Mr. Major). That showed, at that moment in the process, that decommissioning would prove to be an extremely difficult issue.

In my experience of Northern Ireland, the hon. and learned Member for North Down (Mr. McCartney), who has now left the Chamber, is the classic illustration of those from the Unionist side who believe nothing from their own Government but read every Sinn Fein speech avidly from cover to cover, and believe every word in them. He is someone who does not listen to the right hon. Member for Upper Bann (Mr. Trimble) saying that the agreement strengthens the Union, because that is the speech listened to by Sinn Fein, who fear it does. The speeches made by the Sinn Fein leadership are read by various people on the wings of Unionism—those who cannot form their own view, and believe everything they hear.

The hon. Gentleman was well answered by the hon. Member for Hull, North (Mr. McNamara). It was a rare occasion when I agreed with almost everything that he said about the importance of the decisions being made by the people on the island of Ireland. Their decision confirms the position of Northern Ireland as part of the United Kingdom so long as the people of Northern Ireland so wish it. The fact that that is now accepted by the overwhelming majority of people throughout the island of Ireland destroys the central plank of Sinn Fein's arguments over the years.

After that, however, the hon. Member for Hull, North made an appalling speech. If ever anything was more significantly off message, I cannot imagine it. He said that the Prime Minister's contribution and pledges should be disregarded, and that the Prime Minister had no authority to make a pledge, because he could only hand round copies of the agreement and give no reassurance. He said that the decisions of the people of Northern Ireland, which everybody recognises, and the Prime Minister's intervention, contribution and pledges were critical to the outcome of the referendum. There would be no

agreement, and we would not be having this debate today, if there had not been a positive vote in the referendum, and the Prime Minister's pledge was critical in achieving that result.

I wish to say a word about decommissioning. My hon. Friend the Member for Basingstoke (Mr. Hunter) was right: we do not start from here. Unfortunately, we start from a succession of concessions that have been made over decommissioning. The hon. Member for Hull, North gave me the impression that he was against decommissioning. I do not think that he meant to give that impression. He may have been seeking to say that it was a question of timing and that it should not be forced, but he seemed to say that there was no case for it.

Many people in Northern Ireland never expected to be in this position. They always thought that the other side would put up an insuperable roadblock, which meant that they could go along with the process because they would not be the ones who ultimately would wreck it. I have heard Mr. Mitchel McLaughlin say that he thought that the Unionists had gone further than he ever expected. In those circumstances, I am not yet satisfied that Sinn Fein has gone further than it expected to go. Decommissioning is the step—for Sinn Fein and perhaps for a wider spectrum of Irish opinion—that they must now be prepared to take.

I recognise that all sorts of complications and sensitivities are involved in decommissioning. I have the impression that General de Chastelain and his colleagues have been anxious to come up with ways in which those sensitivities can be met, and some weapons can be handed over.

I know that there is a nervousness and insecurity about exposure to the threat from loyalist terror gangs, but it is not possible to fight such gangs with heavy machine guns, sniper rifles, RPG7s and other rocket launchers. We may not be able to decommission fertiliser, which has been one of the more effective terrorist weapons in recent years, but we can take an intelligent and constructive approach.

The Secretary of State knows how loth I have been to intervene in these matters, as I have a deep sympathy for anyone facing the challenges and pressures of her office. However, I believe that we must make a start on decommissioning, and we must make it absolutely clear that the period of concessions on this matter will not be an endless push at an open door.

I think that the hon. Member for Walsall, North (Mr. Winnick) said that the challenge was whether people who have an influence over these matters are genuine about wanting peace. As I understand it, the Continuity IRA has access to some weapons. The quartermaster may be part of that splinter group. While those arms exist, despite the good faith of the people whom, at present, the Secretary of State must talk to, negotiate with and accept binding commitments from, there is no guarantee that they will hold control of that very dangerous weaponry for ever. Against that background, a positive step must be taken to remove the weapons from the island of Ireland.

Several hon. Members *rose—*

The Temporary Chairman: Order. I ask hon. Members to bear in mind the fact that time is short, and that a number of hon. Members wish to speak.

Mr. Donaldson: I shall be brief, and I shall speak to amendments Nos. 21, 76 and 77.

Amendments Nos. 21 and 76 deal with the issue of linking decommissioning to the release of prisoners. Decommissioning is an integral part of the agreement. It is in the agreement, and it is politically correct to link various aspects of the agreement. It may not be explicit in the agreement that certain aspects are linked, but the Bill clearly links decommissioning to the release of prisoners. It is one of a range of factors that the Secretary of State is to take into account in determining whether a terrorist organisation is no longer acting as such.

Decommissioning is important, because it is tangible evidence of whether terrorist organisations are committed to democratic and peaceful means. This agreement has been sold to the people of Northern Ireland as providing the way towards peace. How can we hope to get peace if the terrorist organisations that hold these paramilitary arms are not prepared to decommission them? We are not talking about a few arms: the IRA has more than 100 tonnes of illegal weaponry. That is a huge arsenal on a small island. We cannot ignore that fact, because, as the right hon. Member for Bridgwater (Mr. King) said, it is not just the IRA that has access to those weapons, but other organisations that have apparently broken away from the IRA.

Decommissioning is important not only to achieving stability but as tangible evidence that the IRA, the UDA and the UVF are now committed to exclusively peaceful means. If decommissioning does not happen, that will send a signal to the people of Northern Ireland that those organisations are not committed to exclusively peaceful means—otherwise, why would they hold on to the weapons?—and the threat of violence will remain.

The threat of violence is as potent as actual violence in its influence over the democratic and political process in Northern Ireland. That is why the republican movement in particular will continue to use the threat of violence within the assembly and the Executive to further its political agenda.

It is up to members of the republican movement to prove that I am wrong. The most tangible evidence that they can provide to me and the people I represent is to decommission their weapons. The people I represent have been on the receiving end of IRA violence, and they need to know that it has given up violence for good. Without decommissioning, they will not be convinced.

Mr. William Ross: Are not my hon. Friend's concerns increased by the fact that some of those who have left the Provisional IRA and have gone to the new terrorist bodies are reputed to be those who had control of the weapons—the adjutants? The people who know where the weapons are have control of them, and they can pass them on to their new companions at any time, should they so desire.

7.15 pm

Mr. Donaldson: I thank my hon. Friend for his intervention. It is a well-established fact that one of the leading members of the new organisation called the Real IRA, which is linked to the 32 County Sovereignty Committee, is the former quartermaster of the Provisional IRA. He has access to and knowledge of the whereabouts of these illegal weapons. Substantial evidence suggests that some of the weaponry already being used by that group, including Semtex explosives and mortars used in recent attacks, came from the IRA's arsenal of weaponry. That cannot be ignored.

[Mr. Donaldson]

Decommissioning is important. From a political perspective, if terrorist organisations are to benefit from the agreement by the release of their prisoners, why should we not require them to deliver real peace through an end to violence and the decommissioning of their weapons? If we say to them, "Here are the benefits, but we do not actually require you to deliver your side of the bargain," they will not deliver their side of the bargain, and the weapons will remain in their hands.

Amendment No. 77 refers to the proscription of terrorist organisations. On Second Reading, the Secretary of State said:

"This legislation will not remove the ban on organisations that are proscribed under our anti-terrorist laws. The IRA or UDA, for example, will continue to be proscribed, and membership of such organisations will continue to be a criminal offence."—[*Official Report*, 10 June 1998; Vol. 313, c. 1087.]

I see no difficulty in the Government accepting amendment No. 77, which states:

"The fact that an organisation which is a proscribed organisation under either the Prevention of Terrorism (Temporary Provisions) Act 1989 or the Northern Ireland (Emergency Provisions) Act 1996 is not specified as a terrorist organisation for the purposes of this Act does not affect its status as a proscribed organisation under those Acts."

If the Government fail to accept the amendment, many people will wonder why they are not prepared to make explicit in the Bill that which the Secretary of State has already declared in the House.

Such declarations in the past have, in the fulness of time, been found wanting. I hope that the Government will accept my amendment, so that it is clear from the legislation that she means what she says. Organisations that are proscribed under the other legislation to which I have referred should not be removed from the list of proscribed organisations simply as a result of the provisions of this Bill as it stands.

I also hope that the Government will accept amendments that seek to strengthen the link between the need for actual and on-going decommissioning, and the release of prisoners.

Marjorie Mowlam: We have had a wide-ranging debate. I shall begin by responding to what the shadow Secretary of State for Northern Ireland said in his opening remarks. He suggested that the Prime Minister had fudged his commitments to the people of Northern Ireland. I should like to put on record the fact that I consider that to be untrue and unfair to the Prime Minister, especially in view of the lengths to which he has gone in Northern Ireland and in the Bill to set out the position clearly.

The Prime Minister set out his position in full in his speech in Belfast on 14 May during the referendum campaign. He said:

"In clarifying whether the terms and spirit of the agreement are being met and whether violence has genuinely been given up for good, there are a range of factors to take into account."

Those words were subsequently used in the Bill. It is therefore entirely wrong to say that requiring those matters to be taken into account constitutes a fudge of the Prime Minister's commitment.

Mr. Grieve: Will the Secretary of State give way?

Marjorie Mowlam: I am sorry, but I will not. I have given away all the available time, so that as many hon. Members as possible could speak.

In the House on 6 May, my right hon. Friend the Prime Minister made it clear that he agreed with the right hon. Member for Huntingdon (Mr. Major) that the Secretary of State was

"bound to have regard as to whether decommissioning has taken place."—[*Official Report*, 6 May 1998; Vol. 311, c. 711.]

The Prime Minister agreed with that, and so do I. It is reflected in the Bill, which requires me to take into account whether an organisation is "co-operating fully" with the decommissioning commission.

Let me deal with two matters that were mentioned in some shape or form by every speaker. The first is whether and how we can tie down in the Bill the interlocking nature of the Good Friday agreement—the links involved in it—and the second is how that relates to decommissioning. I hope that, in the nine minutes that I have left, I can respond to all who raised that issue.

As it stands, the agreement recognises a number of explicit links. For example, the participants agreed that

"Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements."

That link is fully reflected in clause 3; but it is also true to say that underlying those explicit links are deeper and more fundamental understandings.

The Government are in no doubt that a fundamental element of those underlying understandings is that those who seek to benefit from the agreement can do so only on the basis of a genuine and unequivocal commitment to exclusively peaceful means, now and in the future. That is fundamental. Without it—or if there were any suggestion that it was not being followed in practice—a key foundation of the agreement would be fatally undermined.

The right hon. Member for Upper Bann (Mr. Trimble) expressed that clearly when he said on Second Reading, speaking of arrangements for prisoner releases:

"People would not find this concept acceptable unless they knew that, as a result of the agreement as a whole, there was to be a genuine ending of violence and a genuine peace. What might be tolerable in the context of a genuine and permanent end to violence would not be tolerable otherwise."—[*Official Report*, 10 June 1998; Vol. 313, c.1097.]

My right hon. Friend the Prime Minister said the same in Belfast on 14 May. He said:

"I believe that most people will be ready to accept even the hardest parts if they had genuine confidence that the paramilitaries were really ready to give up violence for good."

The Government have taken care to ensure in the Bill that, when that fundamental commitment is called seriously into doubt, we can act to stop prisoner releases. I can suspend the scheme as a whole; I can exclude specific organisations from benefiting from it; I can vary the two-year point set as the target for completion of all releases. I assure the Committee that I will not hesitate to use those powers if the foundation of the agreement—an end, now and in the future, to violence, and a commitment, now and in the future, to exclusively peaceful means—appears to have been set aside. As the Prime Minister said—and meant it—

"There can be no fudge between democracy and terror."

There is, however, another fundamental foundation to the agreement, which we must also take care to preserve. Where violence has been genuinely brought to an end, and where there is a genuine and unequivocal commitment to

the use of exclusively peaceful means now and in the future, the way is open for those previously committed to violence to benefit from the terms of the agreement, without new preconditions or barriers being set up in their path other than those clearly stated in the agreement itself.

As my right hon. Friend the Prime Minister said in his speech in Belfast—which the right hon. Member for Upper Bann said had a crucial effect on public opinion—

"We are not setting new preconditions or barriers. On the contrary, we want as many people as possible to use the Agreement as their bridge across to an exclusively democratic path. We will encourage them to take this path."

Were we to write into the Bill preconditions, barriers, tests or links—however desirable they may be—if they were not in the agreement, we would ourselves be departing from it. We would then lose all moral authority to hold other participants fully to the commitments into which they have entered.

In all this, the key is confidence: confidence on all sides of the community in Northern Ireland that the terms and spirit of the agreement are being adhered to by everyone involved. If that confidence is fundamentally undermined, conditions will not exist in which prisoners can be released, or continue to be released. We shall use the powers available to us in the Bill accordingly.

The hon. Member for Basingstoke (Mr. Hunter) raised some specific points. Clause 3(9) does not contain an exhaustive list of factors to be taken into account; other factors can and will be taken into account if they are relevant. Any coercive fund raising would in any event give rise to issues relating to acts of violence. Fund raising may well constitute a part of acts of preparation for violence, which are referred to in clause 3(9)(b).

Along with others, the hon. Gentleman asked what was meant by "co-operating fully" with the independent commission on decommissioning. The answer is simple. On 14 May, the Prime Minister referred to

"full co-operation with the independent commission on decommissioning to implement the provisions in the Agreement."

What we are looking for is full co-operation as a part of the implementation of these factors.

The gist of amendment No. 1 requires me to designate organisations that benefit, rather than excluding those that are not to benefit. The latter, not the former, is required in the agreement. The amendment also adds to the test in the agreement a complete and unequivocal ceasefire, with five separate tests, each of which must be passed. That is not consistent with the agreement or with the Prime Minister's speech at Balmoral, which set out four factors that were to be taken into account in the reaching of an overall judgment. I ask the Committee to reject the amendment.

Let me add a footnote on amendment No. 21. I should like the opportunity to consider the issue further, and to consider whether the language of clause 3(9)(d) could be adjusted to make the point clear beyond reasonable doubt.

We are not debating these issues in a vacuum. It is not as if the Government had produced the Bill out of the blue. The issues concern the parties and people of Northern Ireland intimately. As the right hon. Member for Bridgwater (Mr. King) made clear, it is they who have decided, for the first time, in negotiations in Belfast, a point of view that has now been endorsed in the referendum.

I say that to emphasise the fact that, if there is a difference between us in the Committee, it is not over the importance of the issues that we are debating or the concerns to which they give rise, which are understandable and shared by all of us. The difference is this: we do not believe that it would be right to overrule by our actions here what has been agreed by the parties in Northern Ireland, and endorsed overwhelmingly by the people of Northern Ireland. We are determined to hold every participant to the commitments that they made in reaching that agreement. The Government are no less determined to implement what has been agreed by the parties and endorsed by the people.

7.30 pm

Mr. MacKay: The Secretary of State has attempted to say that the editorial in *The Times* and I were wrong to suggest that the Prime Minister has fudged his commitments. I again refer the right hon. Lady to what the Prime Minister's said last month at Prime Minister's Question Time:

"It is essential that organisations that want to benefit from the early release of prisoners should give up violence. Decommissioning is part of that."—[*Official Report*, 6 May 1998; Vol. 311, c. 711.]

That is not included in the legislation. It will be included only if our amendment is accepted. I commend it to the Committee.

Question put, That the amendment be made:—

The Committee divided: Ayes 125, Noes 274.

Division No. 301] **[7.30 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Colvin, Michael
Cran, James
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Duncan, Alan
Duncan Smith, Iain
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*

Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robertson, Laurence *(Tewk'b'ry)*
Ross, William *(E Lond'y)*
Ruffley, David
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid–Norfolk)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Streeter, Gary
Swayne, Desmond
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Thompson, William
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. John M. Taylor and
Mr. Tim Collins.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Ashdown, Rt Hon Paddy
Ashton, Joe
Ballard, Jackie
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Benn, Rt Hon Tony
Berningham, Gerald
Best, Harold
Blears, Ms Hazel
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Stephen
Cable, Dr Vincent
Caborn, Richard
Campbell, Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canavan, Dennis
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Church, Ms Judith
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Charles *(Norwich S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cotter, Brian
Cousins, Jim
Cox, Tom
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Darling, Rt Hon Alistair
Darvill, Keith
Davies, Geraint *(Croydon C)*
Dismore, Andrew
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Fatchett, Derek
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Harvey, Nick
Healey, John
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Linton, Martin
Livingstone, Ken
Llwyd, Elfyn
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon John *(Aberavon)*
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Radice, Giles
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Strang, Rt Hon Dr Gavin

Stuart, Ms Gisela
Stunell, Andrew
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Twigg, Derek *(Halton)*
Tyler, Paul
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Janet Anderson and
Mr. David Jamieson.

Question accordingly negatived.

7.45 pm

Mr. MacKay: I beg to move amendment No. 5, in page 2, line 47, at end insert—

'(11) The Secretary of State shall in particular review the list of organisations specified under this section after 22 May 2000 in the light of the reports of any Commission of the kind referred to in section 7 of the Northern Ireland Decommissioning Act 1997.'.

We have had modest, rather than good, success with the Government today. I appreciated the Minister of State agreeing to one of our amendments earlier and was disappointed that the Secretary of State was unable to accept our more substantive amendment a moment ago. I hope that we will at least get two out of three.

Let me explain why the amendment is important. There are some happy coincidences in respect of two-year limits. The agreement specifies that all decommissioning of arms and explosives should occur within two years. Equally, the Bill allows prisoners who are not otherwise released to be released two years after the Bill becomes law. I need hardly say that nearly all those prisoners will be the most dangerous and hardened, who have committed the worst offences. Principally, they will be lifers—those whom all reasonable people in both communities will feel most uncomfortable about releasing back into society.

We support the Bill overall, but we believe that it is fatally flawed without amendment No. 1. The agreement specifies that all prisoners will be released after two years. That is fair enough, but the least the Secretary of State can do is to ask the decommissioning commission to give a report after 22 May 2000, after the two years stated in the agreement are up. One would hope that the commission would say that everything had occurred as it should have done under the agreement, that the relevant paramilitary organisations had complied with the amendment, and that the arms and explosives had been decommissioned. There would then be no good reason not to let out these hardened and brutal murderers. However, if the report said that decommissioning had not been fully complied with, it would be correct, under the legislation as amended, for the Secretary of State not to let them out. The best chance to get complete decommissioning of arms and explosives, which both I and the Secretary of State want, is to say that the remaining hardened prisoners will not be let out of gaol until final decommissioning has occurred.

In the previous debate, we wrangled about when decommissioning was taking place, when it started and whether prisoners should be let out early. Hon. Members on both sides of the argument legitimately expressed concern that it would be imprecise. That is as may be, but there is nothing imprecise about the remaining prisoners. The agreement states categorically that all decommissioning of arms and explosives should be concluded by 22 May 2000.

I should think that the Bill will not become law until next month. Two years from that date, the remaining prisoners will be released. Therefore, the Secretary of State, or her successor, will have ample opportunity between 22 May 2000 and the date in July 2000 to determine whether the decommissioning requirement has been complied with. If it has not, those hardened prisoners should not be released.

I commend amendment No. 5 to the Committee.

Marjorie Mowlam: Amendment No. 5 would require me to do what I shall already be doing under clause 3(10). As hon. Members will know—as I stated in our previous debate—I am very sympathetic to the intention behind the amendment. However, the matter is dealt with already by clause 3(10), which I shall resist being duplicated.

Clause 3(10) owes a great deal to helpful suggestions made by the right hon. Member for Upper Bann (Mr. Trimble) and the hon. Member for Lagan Valley (Mr. Donaldson). The list of designated terrorist organisations that cannot benefit under the Bill is not a once-and-for-all list. Organisations can move on to and off the list, which must be kept under review at all times.

Clause 3(10) helpfully makes explicit the need for constant review. I am grateful to the right hon. Member for Upper Bann for suggesting that any misunderstanding would be avoided if the Bill contained the requirement for regular reviews. I intend to keep the list under regular review throughout the agreement's implementation—including both before and after 22 May 2000, which is the second anniversary of the referendums. Moreover, clause 3(10) already requires me to do so. To that extent, amendment No. 5 unnecessarily duplicates the clause.

We have always said that crucial to successful implementation of the agreement is confidence that all parts of it are implemented. If there is no progress on one part of the agreement, implementation of it all will be put at risk.

All supporters of the agreement are committed by the agreement to total disarmament of all paramilitary organisations. They are committed also to using any influence that they have to achieving decommissioning of all paramilitary arms by 22 May 2000.

Mr. William Thompson (West Tyrone): Does the Secretary of State mean that the provision will operate in the same way in which it operated during the talks? Does she mean that terrorist organisations will be able to commit an offence, be taken off the list for a short time, and—once they say that they have returned to a ceasefire—again be included in the list? Surely such a situation is unacceptable.

Marjorie Mowlam: I thank the hon. Gentleman for his questions. He should remember that the Prime Minister clearly stated—I have supported the statement many times

[Marjorie Mowlam]

in the House—that the criteria will become more rigorous as the two years pass. Therefore, as time goes by—regardless of whether something may have been agreeable initially—if an organisation is asked to leave, it will become increasingly difficult for it to return. We have already made serious commitments in the Bill, which we expect to be fulfilled—just as we are fulfilling other commitments.

I do not think that the hon. Member for Bracknell (Mr. MacKay) and I disagree fundamentally on the matter. I ask him to understand that the Bill already gives me wide powers to suspend the scheme, to exclude specific organisations and to vary the two-year cut-off point. If confidence that the whole agreement is being implemented is missing—whether because of a failure in decommissioning or because of a failure in another fundamental commitment—the Government have powers to stop the prisoner arrangements. We shall use those powers if circumstances—specifically the need for confidence—warrant it.

Mr. Grieve: I am grateful to the Secretary of State for clarifying how she will approach the release of prisoners and, specifically, the matter of the list of organisations. However, notwithstanding her comments, it is difficult to determine how insertion in the Bill of amendment No. 5 would negate what she is attempting to achieve elsewhere in the Bill.

Marjorie Mowlam: The amendment duplicates the clause. It is repetitious.

Mr. Grieve: Although I hear the Secretary of State say "duplication", I think that duplication may sometimes serve a purpose—which, in this case, undoubtedly is reassurance. My hon. Friend the Member for Bracknell (Mr. MacKay) was trying to express the anxiety that people feel. I certainly endorse his belief that there is such anxiety. People are anxious that, the further down the road we go—the closer we get to the date on which it is likely that the terrorists who have been convicted of the most unpleasant offences will be due for release—the greater the temptation will be for the decommissioning issue to be pushed entirely out of the picture.

The anxiety has been reinforced by the difficulties that the Government seem to be having over the clear and explicit comments that the Prime Minister made before the referendum. Although I am mindful of the fact that the Government face an extremely difficult task in that matter, and that words and semantics sometimes can be unhelpful, there is, nevertheless, an anxiety.

What seemed, before the referendum, to be clear and explicit assurances, which I think were wholly reconcilable with a proper and legal interpretation of the agreement, seem now to have been subtly moved away from because of an anxiety which—although I am not quite sure where it lies—may be based on a desire not to offend other parties to the agreement. Perhaps that is why the Ulster Unionists have been so upset by the change, and why further reassurance in any form—even if it is not in the form of amendment No. 1—would be welcomed.

I do not want to labour the point or to take up the time of the Committee. Nevertheless, including as an explicit part of the legislation a requirement to review after 22 May 2000 the list of organisations would seem to go some way towards dealing with the anxiety.

Mr. Hunter: I appreciate the fact that my hon. Friend does not want to detain the Committee. However, I invite him to make more of the point that clause 3(10), which states that

"The Secretary of State shall from time to time review the list of organisations",

is not duplicated by amendment No. 5. Nor does the Bill reflect the Prime Minister's words that urgency will increase as time passes. Therefore, amendment No. 5 is valid, and the Secretary of State's comments were inappropriate.

Mr. Grieve: I am most grateful to my hon. Friend, and do not disagree with a single word that he said. Perhaps I was making too great a concession by saying that the amendment duplicates the clause.

I suppose that, as a lawyer, I am aware that documents such as the agreement can be read in different ways. I am aware also that it is possible to express in a Bill the same purpose—how to achieve the same end—in different ways. I therefore always try to listen carefully to the comments of the Secretary of State and the Minister when they explain to the Committee what they are trying to achieve. I am extremely mindful of the difficulties that they face on those points.

I agree with my hon. Friend the Member for Basingstoke (Mr. Hunter) that it would certainly be more explicit to include in the Bill the specific reassurance that, after 22 May 2000, the list of specified organisations will be reviewed. I do not think that such a provision would be an unnecessary duplication. However, as I said, in so far as it is a duplication, it is a reassurance—which, in the context within which we are operating, would be particularly available.

As I said, I will not labour the point or take up any more of the Committee's time, but I hope that the Secretary of State will give the matter serious consideration. The amendment can be included in the Bill without adversely affecting other matters about which I appreciate she is anxious, and its inclusion would go some way toward providing an important reassurance that the list of organisations will be reviewed in the light of the conditions that prevail after 22 May 2000.

8 pm

Mr. Nicholas Winterton (Macclesfield): I fully support amendment No. 5, which was moved so succinctly by my hon. Friend the Member for Bracknell (Mr. MacKay), who speaks on Northern Ireland affairs for the Opposition.

I have a simple question for the Secretary of State: if the Prime Minister felt it necessary to give verbal assurances during the referendum campaign in Northern Ireland to persuade a majority of the people, and certainly large numbers of Unionists, to support a yes vote, and went out on a limb on several issues to get a yes vote of a size that would justify proceeding with the Good Friday agreement, why will the Secretary of State not include the

amendment in the legislation on the same ground—that it would give some reassurance to the Unionist people of Northern Ireland that she is sincere?

The Bill gives the Secretary of State a discretionary power to review the list "from time to time", but how she will review it is very much—*[Interruption.]* The Minister of State, Northern Ireland Office, the hon. Member for East Kilbride (Mr. Ingram), is commenting quietly and courteously from a sedentary position.

Mr. Grieve: That is unlike him.

Mr. Winterton: No; I have known the Minister for some time and he has always been most courteous.

I feel strongly about this issue. The Opposition have sought to support the Government, but I must establish my position very clearly. Had I been a voter in Northern Ireland, I should have voted no in the referendum. The Secretary of State and her Ministers know that I was one of three Conservative and Unionist Members of Parliament who voted against Second Reading of the Bill, so my principled opposition to it is established. However, the Bill received a Second Reading with a substantial majority, so I see it as my duty to try to improve the Bill.

The Prime Minister felt it necessary to give additional reassurances to the loyalist Unionist people of Northern Ireland. By the way, that transcends the religious divide—there are many Catholics who are Unionists. They would be reassured if the Secretary of State would accept this rational amendment for the very reasons advanced by my hon. Friend the Member for Basingstoke (Mr. Hunter), and for the even more moderate reasons proposed my hon. Friend the Member for Beaconsfield (Mr. Grieve), who is a practising barrister. The amendment would provide the reassurances that I believe the people of Northern Ireland justly require from the Secretary of State because of the huge powers that the Bill gives her and because of the element of discretion involved.

The House likes the Secretary of State. She has sought to do an excellent job, and a very difficult one. The fact that I disagree with much of what she has done is irrelevant at this stage. My position on Northern Ireland was established way back in 1971–72, so I speak from a position of some commitment to the Unionist people and to peace in Northern Ireland. I plead with the Secretary of State to make this one modest concession, even if she and the Government consider it to be a duplication of what she believes is already part of the legislation.

Mr. Thompson: I support the amendment because it was tabled by the Opposition, and I appreciate the Opposition's attempt to clarify and strengthen the Bill. Unfortunately, that attempt has been rejected by the Government.

I am not sure that the amendment will be all that effective, however. As I understand it, under the agreement, prisoners will be released in two years' time. I suspect that they will be out in two years because an agreement has been made and signed by all the participants, and I assure the Committee that Sinn Fein and the IRA expect the Government and all the participants in the agreement to fulfil that agreement. They will expect their prisoners to be out by 22 May 2000, irrespective of the terrible crimes that they have committed. I have lived in Northern Ireland and seen Governments operating for long enough to know that those prisoners probably will be out.

Perhaps the Secretary of State will clarify for me how she would be able to include the IRA on the list. We are told that organisations on the list will have to have established and have to be maintaining

"a complete and unequivocal ceasefire."

My understanding is that the IRA ceasefire is a four-month renewable ceasefire. Does that qualify in the mind of the Secretary of State? It certainly would not qualify in mine.

The IRA has said that it will reconsider the position in four months' time. If it is satisfied with the political progress, it will renew its ceasefire. In other words, the ceasefire is on a four-month, renewable basis. That can hardly accord with the provisions of the Bill.

I am somewhat concerned about what the Secretary of State said about organisations that are on the list and which then move off it but which may then be able to move back on to it. That seems to be a replica of what happened under the Mitchell principles. When the talks were taking place, the organisations were supposed to have committed themselves fully to peaceful means. When it was discovered that they were murdering people, they were put out of the talks for a few weeks to do penance; then they were brought back in as repentant, reformed groups. Such a situation, which was implied in the Secretary of State's words this evening, is completely unacceptable.

If organisations get on the list and then sin, they should be removed from the list, and it should be made clear that they will never be allowed back on. We cannot allow organisations to be put on the list, taken off for a short time until they have mended their ways—or appear to have done so—and then allowed back on. We need some reassurance from the Secretary of State that that will not happen.

Mr. Nicholas Winterton: Does my hon. Friend—I should like to call him that—believe that Sinn Fein-IRA will ever decommission a majority of its weaponry? Is that likely to happen before 22 May 2000? Under the Mitchell principles, we were told that there would be no discussion until decommissioning had taken place, but the goalposts were shifted. Will the same happen now?

Mr. Thompson: I do not believe for a moment that Sinn Fein-IRA have the slightest intention of ever decommissioning. Their power lies not in their votes, but in their guns—and not necessarily in the use of those guns but in the equally potent threat that they will be used. They have clearly said that they will not decommission, because the moment they do so, they will lose their power.

Sinn Fein is the most powerful party in Northern Ireland. Every word that Sinn Fein members speak is recorded. The Government take note of everything that they say. We are told that they have direct telephone communication with the Secretary of State. We are told that when they are stopped on the road by the security forces they can ring up and get clearance so that the security forces allow them to go on. I do not believe that Sinn Fein-IRA will give up their guns, because they would lose their power and their influence.

[Mr. Thompson]

However, we are told that Sinn Fein-IRA will give up their guns. People seem to think that they will, although I do not believe it. Let us give them the chance in the Bill, but let us do all that we can to strengthen it so that they will be able to decommission if they ever intend to do so. I do not believe that they will, because their power lies in their guns and they will not give them up.

Mr. Hunter: The provisional selection of amendments conveniently gives this debate the title "Review of lists of terrorist organisations". Of direct relevance to the amendment and the clause is a point that featured at least twice on Second Reading. I hope that the Secretary of State will be able to refer to it in some detail if she replies.

The hon. Member for Lagan Valley (Mr. Donaldson) talked in detail about the potential conflict between the workings of the Prevention of Terrorism (Temporary Provisions) Act 1989 and this aspect of the Bill. He envisaged circumstances in which there could be a contradiction of interests; with the application of different criteria, an organisation that would remain proscribed under the PTA would be deemed non-terrorist under the Bill.

The Minister has not fully addressed the issue. I accept that there is not much time, but it is directly relevant to the amendment. Perhaps the Secretary of State will consider making some comment.

Marjorie Mowlam: I should like to respond briefly to some of the points that have been made. To answer the hon. Member for West Tyrone (Mr. Thompson), I have made it clear this evening and before that the tests will become more rigorous over time. That is the important fact to remember. The agreement will not work unless there is confidence that all the different elements are working. A continuing review process is built in if any element is not working. We have made it clear that we shall support parties that complain and ask for a review, because we want to ensure that all elements of the agreement work. If any element is not working, the agreement will not work. It is crucial that all the parts work together.

The hon. Member for West Tyrone referred to me talking to Members of Parliament. I talk to all Members of Parliament. The hon. Gentleman has not phoned me or asked me to call him. I have talked to every Member of Parliament who has asked me and I shall continue to do so.

We have had helpful contributions in the spirit of what we are trying to do from some Conservative Members, even though the hon. Member for Macclesfield (Mr. Winterton) disagrees fundamentally with what is going on. The contribution of the hon. Member for Beaconsfield (Mr. Grieve) matches that of the right hon. Member for Bridgwater (Mr. King) earlier. Both have serious questions about whether the agreement will work, but, because the consent of the people of Northern Ireland has been demonstrated, they are willing to work to move the process forward.

8.15 pm

The hon. Members for Macclesfield and for Beaconsfield asked for further reassurance. I want to offer what reassurance I can to all the people of Northern Ireland. I would not like the hon. Gentlemen to think that the Bill will go through without such reassurances being offered. I should like to put on record again the fact that no supporter of a terrorist organisation will be released. The four factors mentioned by the Prime Minister are reproduced in the Bill. The situation will be kept under regular review and the two-year cut-off can be increased. I will have other powers, including the power to suspend the agreement. I hope that the hon. Gentlemen recognise that those substantial safeguards and reassurances are in the Bill. Subsection (10) deals with the important points.

Mr. Nicholas Winterton: I am grateful to the Secretary of State for the reasonable way in which she is responding to the concerns of those of us who want additional reassurances in the Bill. She has talked about suspending the agreement. This might be a hypothetical question, but if the circumstances were such that it was justified to pull the rug on the agreement would the Secretary of State have the courage and determination to do so, even though she would not want to? That is a leading question and a difficult one, but it is critical. Would she have the courage and determination to do what was right if the agreement was being fundamentally abused by one of the parties?

Marjorie Mowlam: The hon. Gentleman has asked for additional reassurances. The reassurances that the Prime Minister gave in the Balmoral speech on 14 May are in the Bill. Many people asked us to put them in, and we have done so. There is a clear provision for suspension of the scheme for those who are not signed up to an unequivocal, permanent commitment to a ceasefire.

Such questions always lead to headlines about the suspension of the legislation—although I see that most of the press have gone to dinner. We must build confidence to ensure that if everybody works on all the parts of the agreement, we have a chance of making it work. If we look for negatives, we shall certainly find them. We must look for the positives and work forward. As I have made clear in other speeches, if there are difficult judgments to make, I shall make them. Who got Sinn Fein out of the talks? Who made sure that the Ulster Democratic party was out of the talks? That shows our commitment to taking difficult decisions.

Mr. Grieve: Does the Secretary of State agree that one virtue of having a review on a fixed date, such as 22 May 2000 is that, in the past, deadlines have appeared to concentrate minds wonderfully? Indeed, it could be argued that there would not have been an agreement had there not been the deadline that it had to be achieved by Easter. One advantage of a deadline is that it will concentrate the minds of paramilitary organisations which may be a bit sluggish or have internal difficulties about decommissioning because of the consequences to them of not meeting that deadline.

Marjorie Mowlam: The hon. Gentleman is absolutely right to say that deadlines make a difference, but we are now in a materially different position. We now have an agreement in which all the parties in Northern Ireland have participated, and 71 per cent. of the people consent to its basic principle. It is important to recognise that nothing will be possible in the months and years ahead

unless confidence is built. We can put in place structures and plans, but they can work only if confidence is built by the people of Northern Ireland and the parties that are represented here.

We can talk dates and structures. As I said earlier, clause 3(10) offers reassurance on the face of the Bill. As a lawyer, the hon. Member for Beaconsfield understands that duplication is not necessarily desirable. I have offered reassurances in the Committee this evening and I do so again now. We have powers to revoke licences and to suspend the scheme, and we will use those powers if there is a breakdown in the unequivocal commitment to the ceasefire. The factors that put meat on the bones of the agreement are there, but it is up to the parties to make the agreement work; if they do not do so, it will not work, regardless of what we do.

Mr. MacKay: I agree with the Secretary of State that there is not huge disagreement between us on amendment No. 5—unlike on the previous group of amendments, which we tabled because we continue to believe that the promises and assurances given by the Prime Minister have not been incorporated into the legislation and that the people of Northern Ireland have been badly let down. However, that is a matter for Third Reading, so I shall not stretch your patience, Mr. Martin. Instead I shall address amendment No. 5.

My hon. Friends the Members for Beaconsfield (Mr. Grieve), for Macclesfield (Mr. Winterton) and for Basingstoke (Mr. Hunter) and the hon. Member for West Tyrone (Mr. Thompson) have made it clear to the Secretary of State that there are two reasons why we consider the amendment to be worth while and rather important. First, it is a confidence-building measure and, secondly, we do not accept the right hon. Lady's conclusion that it merely repeats what is in clause 3(10). We support subsection (10), but the additional subsection (11) is important because, as my hon. Friend the Member for Beaconsfield said, it would concentrate minds on the due date.

It is all very well for the Secretary of State to say that what really matters is the consent of the people of Northern Ireland. Of course she is right, but she also knows that minds need to be concentrated. It would concentrate minds hugely if the matter were so clearly stated that those whom I would describe as the remainder prisoners—those who are not due out until two years after the coming into force of the legislation—knew that they would not be released at all if the paramilitaries with whom they associated had not decommissioned.

Everyone agrees that decommissioning of arms and explosives will be difficult to achieve. The one possibility of achieving it—which the Secretary of State and I passionately want and which we know Northern Ireland needs—is to make the clause sufficiently clear to ensure that paramilitary organisations know that their boys in prison for longer sentences will not get out in two years' time if they have not decommissioned, and that the Secretary of State will be reviewing the matter.

I urge the Secretary of State to accept the amendment. Nothing that she has said shows that she fundamentally disagrees with it. It would be extremely helpful and would encourage decommissioning, which is precisely what she passionately wants. I urge the Committee to support the amendment.

Question put, That the amendment be made:—

The Committee divided: Ayes 125, Noes 278.

Division No. 302] **[8.24 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Arness, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Bercow, John
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Colvin, Michael
Cran, James
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Duncan, Alan
Duncan Smith, Iain
Faber, David
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Paice, James
Paisley, Rev Ian
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Peter *(Belfast E)*
Ross, William *(E Londy)*
Ruffley, David
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Streeter, Gary
Swayne, Desmond
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Thompson, William
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Wardle, Charles
Wells, Bowen
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Tim Collins and
Mr. Nigel Waterson.

NOES

Ainger, Nick
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Ashdown, Rt Hon Paddy
Ashton, Joe
Ballard, Jackie
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Benn, Rt Hon Tony
Bermingham, Gerald
Best, Harold
Blears, Ms Hazel
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Stephen
Cable, Dr Vincent
Campbell, Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canavan, Dennis
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Church, Ms Judith
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cotter, Brian
Cousins, Jim
Cox, Tom
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Darling, Rt Hon Alistair
Darvill, Keith
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Fatchett, Derek
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Linton, Martin
Livingstone, Ken
Llwyd, Elfyn
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheffld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon John *(Aberavon)*
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Radice, Giles
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Strang, Rt Hon Dr Gavin
Stuart, Ms Gisela
Stunell, Andrew
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Tyler, Paul
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Kevin Hughes and
Mr. Robert Ainsworth.

Question accordingly negatived.

Question proposed, That the clause stand part of the Bill.

Rev. Ian Paisley: I rise to oppose the Question, That clause 3 stand part of the Bill. Many hon. Members

will have noticed that this is the heart of the Bill, as is shown by the fact—if my counting is correct—that 52 amendments have been tabled to clause 3 and 15 amendments to the rest of the Bill.

The controversy in the Committee between the representatives from Northern Ireland and the Government relates to pledges made and broken because they could not be delivered. The Prime Minister came to Northern Ireland because he wanted success in the referendum. He knew that the position was difficult. Like the Prime Minister, my party and others had before us the statistics from investigations in Northern Ireland carried out by spin doctors on his behalf. The Prime Minister saw that the life of the yes campaign was haemorrhaging away so he decided that something must urgently be done. He attempted to take action at Balmoral. He then wrote the graffiti on the wall and succeeded that time in getting what he wanted. Some hon. Members think that the majority of Unionists voted yes; they did not. We must wait until 25 June to find out how many people will vote for candidates who are opposed to the agreement.

The main issue is decommissioning. I do not know why, but the Tory party has become strong on that issue. I am not convinced that it has been down any Damascus road and been converted, but, as a representative from Northern Ireland, I am amazed when the shadow Secretary of State, the hon. Member for Bracknell (Mr. MacKay), comes on "Good Morning Ulster" and tells of the great fight that he is putting up in the House to ensure that the pledges are fulfilled. I had a look at the amendment that the Tory party tabled and I could see in it no mention of linking decommissioning with the release of prisoners. I found it rather strange that the Tories did not attempt to write into the Bill what they claimed the Prime Minister had said. I wonder why not? I have asked them and they will not tell me.

The hon. Member for North-East Cambridgeshire (Mr. Moss) just laughs, as he laughed when he was in Northern Ireland as a Minister. The people of my constituency are under a great obligation to him, because he gave us a hospital—the Causeway hospital—that no other Minister would have given us. I visited it just the other day, and it is going up by leaps and bounds. Some day, if the Secretary of State survives, and if I survive, we shall perhaps stand together in that hospital to see it completed—although I hope not to need a bed there. So my constituents thank the Tory Front-Bench spokesman for what he did; and although he smiles, in his heart he knows that he has made no progress today. The Government have said no to him. Will he then vote against Third Reading? That might embarrass his hon. Friend the Member for Lagan Valley (Mr. Donaldson)—I do not know, but it will be interesting to see what happens.

We have already discussed these matters for a long time this evening. I do not intend to plough and harrow the field again, or to sow the corn again. Everyone knows what is at stake. The fact remains that Northern Ireland Members have no option but to vote against clause 3.

Mr. Hunter: I share the concern of the hon. Member for North Antrim (Rev. Ian Paisley) about clause 3. The Opposition also shared his anxieties in the shape of amendments Nos. 1 and 5, which we pressed to a Division. I hope that, when speaking to my amendments, I did not incur the hon. Gentleman's wrath—

Rev. Ian Paisley: Not at all.

Mr. Hunter: That is a great relief to me—I would not survive long in a debate with the hon. Gentleman.

I should like to raise again a point made during the debate on amendment No. 5 to which, owing to the shortage of time, the Secretary of State did not reply. The point was also raised on Second Reading. It relates to an argument that my hon. Friend the Member for Lagan Valley (Mr. Donaldson) expressed very clearly. There could be a conflict between the working of the PTA and the working of this Bill. The criteria in the two measures governing whether an organisation may be deemed to be a terrorist organisation are not necessarily the same. Last Wednesday, the hon. Member for Lagan Valley said:

"The Secretary of State told us that she will not be removing the IRA, the UVF and the UDA from the list of proscribed organisations because she still regards them as terrorist organisations."—[*Official Report*, 10 June 1998; Vol. 313, c. 1130.]

This point, as I say, has been made several times by several hon. Members, and I would hope now for an answer to it.

Mr. Maclean: I oppose clause 3 because the Government have not accepted any of the substantial amendments on decommissioning proposed to it. In the previous debate, the Secretary of State spoke at length about confidence measures among all parties. How can we have any such confidence when we can have no confidence in the word of the British Prime Minister, given in the House and in Northern Ireland? What he said has not materialised in the Bill.

I was in the House when the Prime Minister made his statement on 6 May; along with many other right hon. and hon. Members, I heard what he said—it is recorded in *Hansard*. I do not recall any sharp intake of breath in any quarter of the House as if to say that the Prime Minister had exceeded his brief, or had rewritten the Good Friday agreement, or had overstepped the mark. Indeed, I read no editorials or other learned articles the next day suggesting that the Prime Minister had got it wrong. All the press comment was to the effect that the Prime Minister had given a sensible and perfectly valid interpretation, filling in some details of the agreement, when he agreed with the Leader of the Opposition on decommissioning a substantial number of weapons.

What has changed in the past few weeks? Why do the Government now deny what clearly appeared to be the Prime Minister's intentions? What has changed to make the Government come up with this feeble and rather grubby line of argument? They say that adopting what the Prime Minister promised the House amounts to rewriting the agreement—that is the Government's excuse tonight. To accept any amendments, they claim, would be to rewrite the agreement.

8.45 pm

It was not regarded as rewriting the agreement when the Prime Minister said these things in the House and in Northern Ireland. Are we seriously being asked to believe that the notes meticulously prepared for the Prime

[Mr. Maclean]

Minister before Question Time by the excellent civil servants in the NIO, the Cabinet Office, the Prime Minister's office and possibly the Home Office did not include a line to take on the Good Friday agreement, or did not warn the Prime Minister of what it was possible to say and promise and what it was impossible to say because of the danger of Sinn Fein-IRA or other parties walking out of the talks? That would be stretching belief too far. No, the Prime Minister had a clear brief on what he could say within the spirit of the agreement that would be perfectly feasible and defensible, and which could be brought before the House in the form of enforceable legislation. He clearly had the same in mind when he made his promise at the Dispatch Box and when he toured Northern Ireland.

Mr. Hunter: The media, especially the newspapers in Northern Ireland, unequivocally reported that the Prime Minister had made a direct link between early release and participation in the Executive. They also reported that the right hon. Member for Upper Bann (Mr. Trimble) had said that the Prime Minister promised plain and direct legislation making the same link. The Northern Ireland Office must have been aware of the media reports, yet issued no denial.

Mr. Maclean: My hon. Friend is right: we all knew what was happening. Many of us took the Prime Minister at his word—although we may have learnt better now. Tonight may go down as a watershed, not as regards Northern Ireland, but as regards the Prime Minister. Even the hon. Member for Hull, North (Mr. McNamara) knows that the Prime Minister's interpretation was within the spirit of the agreement, but his advice to his party this evening was to ignore what the Prime Minister said because it would not be helpful. I say that what the Prime Minister said was helpful, and that we are entitled to take the word of a British Prime Minister, especially when it is entirely consistent with the Good Friday agreement.

Rev. Martin Smyth (Belfast, South): Does the right hon. Gentleman agree that this is not the first time a British Prime Minister has used words genuinely that have been believed by all, only to have the Northern Ireland Office turn those words around?

Mr. Maclean: I hear what the hon. Gentleman says. No doubt he will have evidence for that, but not much immediately comes to mind. I suspect that, in all these things, our memories are often short-lived or highly selective. However, the memory that I am recalling tonight is that of 6 May. Ulster Unionist Members and Democratic Unionist Members will have clear memories of the Prime Minister visiting Northern Ireland, and of the reports in the Northern Ireland press.

Again, I ask the Government to produce any information or any press reports that suggested, after the Prime Minister made speeches in Northern Ireland or a speech in the House, that he had got it wrong—that he had exceeded his brief, that he had rewritten the agreement or that he had overstepped the mark. Of course there were no such reports, not only because Government spin doctors were at work, but because most people, including Opposition Members—including me—believed that the Prime Minister's interpretation was perfectly correct. It was perfectly correct, in the spirit of the agreement, to link the release of prisoners with substantial decommissioning. I do not recall thinking at the time, "Goodness me, he has got that wrong, but it is a jolly good thing." Of course no one thought that the Prime Minister had got it wrong; we all thought that, in interpreting the agreement, he had got it right. Tonight's tragedy is that the Government have produced a Bill that does not carry that promise into law.

I find it extraordinary that we are in this position—a position which has undermined the Prime Minister's credibility on this issue, and may undermine his credibility on others. If we are to have peace in Northern Ireland, it must—as the Secretary of State repeatedly said—be built on confidence on all sides. How can we have confidence in the terrorist organisations concluding their part of the bargain if we cannot have confidence in the British Prime Minister honouring his?

Marjorie Mowlam: Is the right hon. Gentleman comparing the British Prime Minister to a terrorist organisation?

Mr. Maclean: No; the reverse. That is the point that I am making to the right hon. Lady. How can we have confidence in terrorist organisations when the word of the person whom we should have confidence in—the British Prime Minister—is not being embodied by the right hon. Lady in her legislation? She is making the opposite point to the one that I was endeavouring to make.

I trusted the word of the Prime Minister when he gave it in the House on 6 May. Nearly everyone did so—the people of Northern Ireland, the British press and, probably, every Opposition Member. I again ask the Secretary of State and the British Government to produce evidence from the press on the following day or to produce evidence from the Northern Ireland press showing that people thought that the Prime Minister was being disingenuous when he made his comment. We all believed it to be correct. What we believed to be correct then—a correct interpretation of the agreement, and a perfectly legitimate drafting of the legislation, linking decommissioning and the release of prisoners—has not been carried into the Bill. Why?

I ask the Government: what has changed? Is it a new threat from Sinn Fein-IRA or Ulster Defence Association terrorists? What has changed to make the Government backtrack on what the Prime Minister solemnly promised the House and the people of Northern Ireland?

A peace deal that is built on conning the public will not succeed. I say again to the Secretary of State that if we cannot convince the legitimate, law-abiding parties standing for election in Northern Ireland that the Prime Minister's word is to be trusted, how can we expect the terrorist organisations—people whom we do not trust to begin with—to honour the commitment to the spirit of the agreement, when it is open to them to turn round and say, "Ah, but the British Prime Minister did not honour the spirit of it either"?

Mr. Willis: Considering that the right hon. Member for Penrith and The Border (Mr. Maclean) was a Minister in the Northern Ireland Office—

Rev. Martin Smyth: He was not a Northern Ireland Office Minister.

Mr. Willis: My apologies to the right hon. Gentleman; he was a Home Office Minister. However, I still find his remarks on clause 3, which is an important part of the Bill, very sad indeed.

In May, whether the hon. Member for Belfast, South (Rev. Martin Smyth) and other hon. Members on the Ulster Unionist Bench and the Democratic Unionist Bench agree with it or not, 71 per cent. of the people of Northern Ireland voted in favour of the Northern Ireland agreement. They voted for the agreement set out in the document that I am holding; they did not vote for what the Prime Minister may or may not have said.

Every member of the public of Northern Ireland of voting age had a copy of the agreement. They were entitled to discuss it, and every Member of the House clearly understood that the referendum took place on the basis of that agreement. It was on the basis of that agreement that 71 per cent. of the people in Northern Ireland voted in favour, and they sent a clear message to politicians on both sides of the House that they wanted the spirit of the agreement to be enacted in legislation, so that the peace process could move forward. That was the reality.

The agreement is not a legal document as such. It is not something that lawyers could pore over, to question every word, cross every "t" and dot every "i". The people who sat around the table—the people who, for two years, talked and talked and talked while other hon. Members absented themselves from those talks—were the people who made the agreement, and it was they who decided, at the end of the day, that they wanted those principles to be enacted. The agreement is an act of faith, and the people of Northern Ireland will not forgive hon. Members if they decide to nit-pick over its bones instead of dealing with some of its substance. [HON. MEMBERS: "Nit-pick?"] There were clearly two major issues—

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. There can be only one contribution at a time. Mr. Phyllis? Mr. Willis.

Mr. Willis: Mr. Willis is even better, Mr. Martin. My kids all used to say that at school, by the way. I agree that there was a lot of noise; it was like being at the Tunisia-England match.

As has rightly been said, two major issues were facing the process as it moved forward: decommissioning and prisons. If it had been necessary to produce a Bill that was so precise that every word of every clause needed to be debated, it would never have passed through the House and the whole process would have died. Those hon. Members who, tonight, want that to happen, have made their arguments very clearly indeed. Their hidden agenda has nothing to do with carrying forward the spirit of the agreement; they are basically asking, "How can we wreck this?"

It is very sad that the right hon. Member for Richmond, Yorks (Mr. Hague) and the hon. Member for Bracknell (Mr. MacKay) tabled and voted on amendments that were obviously at the margins, because the hon. Member for North Antrim (Rev. Ian Paisley) is absolutely right: the amendments, especially amendment No. 1, would not achieve the official Opposition's stated aim—to enshrine in legislation the link between decommissioning and the release of prisoners. The editorial in *The Times* may agree with Front-Bench Members of the official Opposition that those were not wrecking amendments, but many Members and many people in Northern Ireland will see them as wrecking.

Mr. Moss: If the hon. Gentleman reads amendment No. 1 carefully, he will see that it contains a phrase taken from the section on prisoners on page 25 of the agreement. That relates to maintaining a complete and unequivocal ceasefire. Amendment No. 1 takes from the section on decommissioning a similar form of words. We have not rewritten the agreement at all.

Mr. Willis: I am grateful to the hon. Gentleman for his intervention. He is trying to wreck the agreement by default, but he is not doing it as clearly as the hon. Member for North Antrim and his party would like him to do it.

The attack on the Prime Minister tonight is shameful, but if the Opposition wanted to make a clear link between decommissioning and the release of prisoners, they should have tabled an amendment honestly. Instead, they are tinkering at the edges and addressing a different audience, who will not thank them if the process starts to go off the rails.

It is clear that when the Prime Minister went to Northern Ireland, the yes vote was flagging. His speech at Balmoral, which was his interpretation of the agreement, is a striking example of what happens when one tries to interpret a document such as the Belfast agreement. If there is a lesson to be learned, it is the need to ensure that that document in its entirety forms the basis of the peace deal in Northern Ireland. We support it, and we shall support the Government if there is a Division on clause stand part.

9 pm

Mr. William Ross: I listened with interest to the hon. Member for Harrogate and Knaresborough (Mr. Willis), and it is a pleasure to follow him. You have no idea, Mr. Martin, how great a pleasure it is to follow him. He is one of the best hands at digging holes with a JCB whom I have ever met in my life. He told us that the Bill was the Prime Minister's interpretation of the agreement, but, in the light of what has been said this evening, it is not the interpretation of the Government Front Bench, is it? That is a different kettle of fish. The entire debate has focused on that point, and the election in Northern Ireland will ultimately be fought and decided on the same point.

Mr. Ingram: Politicking.

Mr. Ross: I am not politicking. I am not even standing in the election, as the hon. Gentleman well knows. I am not a member of the party of the hon. Member for North Antrim (Rev. Ian Paisley), which the hon. Gentleman should also know. Perhaps his education is not yet complete.

We were told that there had to be an unequivocal ceasefire. That is what the Bill states, and it seems to follow on from the cessation of violence—a term which

[Mr. Ross]

was so beloved of the IRA leadership after the first ceasefire: just a cessation of violence, not a cessation of all violence.

I am sure that every day a list of the violent incidents that have taken place overnight in Northern Ireland is handed to the Secretary of State and her Ministers. They know that scarcely a night goes by without violent assaults. Some may be drug related and some just the private settling of scores, but many are paramilitary in nature. There is not a complete cessation of violence. Those carrying out the assaults may not be the Provisional IRA—they are just the subcontractors, but they spring from the same evil well.

The hon. Member for Harrogate and Knaresborough said that the Prime Minister had one interpretation of the agreement. The Prime Minister may have a commitment to substantial decommissioning of weapons, which include not just guns but explosives, anti-aircraft missiles and so on. One would have thought that the Prime Minister was well aware of what was in an agreement to which he had put his name, and what was in the Bill when it was being printed. I am sure that he was consulted and that his advisers told him what it meant. However, whenever the Prime Minister insists that he has to fulfil his undertakings, we are told that he is rewriting the agreement. That is said not only by hon. Members from different parties on this Bench, but by a leading member of his own party who is an apologist in the House for the nationalist viewpoint, the hon. Member for Hull, North (Mr. McNamara).

We are told also that there are new preconditions. That is the language used by Mr. Adams and Mr. McGuinness. We are told that they and others are not fulfilling the spirit of the agreement. Judging from what I have heard today, the agreement appears to have half a dozen different spirits that say different things. The hon. Member for Harrogate and Knaresborough got it right on at least one issue when he said that it is the words in the agreement that count—that is exactly what the republican movement, the IRA-Sinn Fein spokesmen and nationalist Members in this place have said time after time. However, the people of Northern Ireland were given a completely different view of the issue: they thought that their concern had been laid to rest by the words of the Prime Minister, but clearly it has not.

Those of us who live in Northern Ireland know that whenever IRA-Sinn Fein have looked at any Government statement, they have taken it away and scrutinised it, not so much line by line as word by word. They have analysed every statement down to the last dotted "i" and crossed "t" in an effort to determine not only what it meant but all the possible meanings. That is what they did with this agreement, which is why they were able to tell their people that it was a good agreement for Irish nationalism, and that they should vote for it.

I believe that many people in Northern Ireland were misled, but that the scales are now falling from their eyes. By trying to push something that was not so and giving a false impression to the people of Northern Ireland, we have not created a better situation: we have created a situation that is not inherently but certainly far worse than that which we faced three months ago. We shall live to regret this Bill, just as we shall live to regret this agreement—of that I have no doubt whatsoever.

Mr. Gerald Howarth (Aldershot): I think that all hon. Members would agree that this clause goes to the heart of the Bill.

Marjorie Mowlam: It is a shame that the hon. Member was not here earlier.

Mr. Howarth: I have not been in the Chamber throughout, but I have been present for a fair part of the Committee's consideration of the Bill. Perhaps the Secretary of State might do me the courtesy of correcting her comment—but there is no point in arguing about who was here when.

The point is that the clause goes to the heart of the Bill. So far as the British people are concerned, the linkage between the release of terrorists and the decommissioning of weapons is at the heart of the search for peace in Northern Ireland. It is no use the hon. Member for Harrogate and Knaresborough (Mr. Willis) saying that we should take a leap of faith and put our trust completely in the good faith of the parties involved. It is not the job of Parliament to legislate on the basis of good faith: it is our job to ensure that we pass legislation that gives clear guidance to the people of this country and to the courts in the interpretation of the law. That is what we must achieve.

There is no doubt—I hope the Secretary of State will acknowledge it—that the peace process in which she, the Government and the parties were involved was in serious threat of being derailed. As hon. Members—particularly my right hon. Friend the Member for Penrith and The Border (Mr. Maclean)—have pointed out, the Prime Minister's personal intervention and his assurances to the law-abiding majority in Northern Ireland that there would be a linkage between the decommissioning of weapons and the release of prisoners led to the referendum result in which the people of Northern Ireland endorsed the agreement by a substantial margin.

As we now examine the details, we are being invited to discard the Prime Minister's commitment to the people and to return to and rely on the agreement itself—which is essentially an act of faith. It is galling to the people of Britain to see those who wish to take part in the democratic process in Northern Ireland holding their convention and welcoming as heroes to that gathering men who had slain in cold blood their fellow citizens who held a contrary view. Some of those terrorists and murderers have murdered friends of mine, and friends of my right hon. and hon. Friends.

I am afraid that we will need more than an assurance that a reliance upon the good faith of those people will be sufficient to persuade us that the Government have put in place a programme that will result in the decommissioning of weapons—the condition whereby most people in the country will accept something that is otherwise unpalatable to them: the release of those who have perpetrated crimes of despicable violence.

The Secretary of State needs to understand that there appears to us to be a lack of clear linkage between not

only the agreement and the Prime Minister's words, but between the agreement and the Bill. The agreement refers to the parties confirming

"their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement."

In other words, within two years, that decommissioning must have taken place.

The Bill does not say that that process will get under way. We require the kind of linkage proposed by my hon. Friend the Member for Bracknell (Mr. MacKay), or the even more specific proposal in amendment No. 28, tabled by my right hon. Friend the Member for Penrith and The Border. He has suggested that in addition to the four conditions in the Bill, there should be a fifth and a sixth. The fifth is that the terrorist organisation to which a prisoner belongs has substantially decommissioned weapons. If the Government wish to reassure the British people that there is a clear linkage, I do not see why they have a problem with that—or why they have resisted the amendments.

The Government have made it clear that there is a specific requirement that the release of prisoners will coincide with the actual decommissioning of weapons. If those weapons are not decommissioned, it may be that the organisations that currently hold them will wish to renounce violence. However, there is a severe risk that those weapons will fall into the hands of others who do not belong to any current organisation. New organisations will be created in place of those who have caused torment and tyranny in Northern Ireland for the past generation.

The only answer is for the Secretary of State to come to the House with proposals that will result in the removal and destruction of those weapons. Unless they are destroyed, I can assure her that there will not be peace.

Mr. Peter Robinson: When the Belfast agreement was signed by the Prime Minister of the United Kingdom and the Prime Minister of the Republic of Ireland, it was judged to have been a great achievement—until it became apparent that it was being interpreted in different ways by almost everybody who had signed up to it. Each of them was able to go back to their constituencies and argue that the agreement meant this, that or the other.

Until this moment, it was not possible to have any independent adjudication of whose story was accurate and who had properly interpreted the agreement. Sooner or later, there had to be a moment when the arrangements within the agreement were brought into legislation.

The Bill is but the first example of that, and, given the dramatic U-turn by the Prime Minister in relation to his commitments to the people of Northern Ireland on the linking of prior decommissioning and the release of terrorist prisoners, it can hardly be a surprise to any hon. Member that he has decided that it would be appropriate to leave until after the assembly elections are out of the way the publication of the settlement Bill, which will give effect—or, perhaps, will not give effect—to his other pledges to the people of Northern Ireland. I warn the people of Northern Ireland that just as the Prime Minister has welshed on the promises relating to the Bill, he will welsh on the promises relating to the settlement Bill.

9.15 pm

The Prime Minister made two commitments to the people of Northern Ireland on the Bill. We have dealt with one, in respect of the prior decommissioning requirement, to a considerable extent, but there was another: the fifth of his handwritten pledges—that prisoners would be kept in unless violence was given up for good. It is unfortunate that our amendment No. 39 was not chosen for debate, because it included the permanency of the arrangement as a factor to be taken into account. I pointed out on Second Reading that a complete ceasefire is, and has proved to be, very different from a permanent ceasefire. The IRA called a complete cessation of its violence before Canary Wharf, but it was not a permanent cessation, as Canary Wharf, Manchester, Thiepval barracks and a number of other atrocities clearly showed.

The Prime Minister has not kept those commitments. There is no permanency about the requirement for a ceasefire in the Bill, and many people in Northern Ireland will already be realising that the Prime Minister, the Secretary of State and Northern Ireland Office Ministers were happy for the leader of the Ulster Unionist party, the Belfast *News Letter*, the *Belfast Telegraph*, the BBC and Ulster Television to retail those commitments to the people of Northern Ireland as a firm, concrete assurance that there would be decommissioning before any prisoner releases. There was not a word of objection from the Secretary of State or the Prime Minister to those undertakings being given in that spirit, through the media, to the people of Northern Ireland.

It simply is not good enough for the Liberal Democrat spokesman to say that the Prime Minister noticed that the campaign was flagging and, at the same time, that 71 per cent. of the people of Northern Ireland voted because they had read the agreement, and that their vote was only on the agreement and nothing to do with any assurances that they had been given. How can he say, on the one hand, that the campaign was flagging and, obviously, the Prime Minister was able to bolster it, and, on the other, that the Prime Minister's commitments did not make the difference to the size of the referendum vote? Of course they did. The agreement and the undertakings that the Prime Minister gave cannot be separated.

Mr. Hunter: Following those points, is not it worth recalling that, in May and June, after the general election, the Prime Minister agreed to terms offered by Sinn Fein-IRA for another ceasefire—terms that my right hon. Friend the Member for Huntingdon (Mr. Major) had declined on two occasions? They included the downgrading of the decommissioning issue, in sharp contrast to the Prime Minister's pledges during his visit to Belfast on 14 May?

Mr. Robinson: The hon. Gentleman makes his point well. In respect of the clause, the key issue is that the changes would require the "good faith" of the paramilitary organisations up front, before they were given tangible rewards from the agreement. The people of Northern Ireland have the right to know that something is coming from the paramilitary organisations, rather than always having to take them on trust as they get concession after concession from the Government, at the expense of the people of Northern Ireland.

The Secretary of State will regret her action tonight. Her refusal to accept amendments that would have fulfilled the promises of her Prime Minister and mine is

[Mr. Robinson]

a step which she will regret in the days and months ahead. The Bill will stand as a testament of the Prime Minister's broken pledges and the conning of the Northern Ireland electorate. Many will consider that they were deceived into voting yes on assurances given by the Prime Minister about what would happen as a result of the Bill, but which did not occur.

Mr. Donaldson: I very much regret the Government's failure to accept many amendments that have been moved today. Although I want peace, stability and progress in Northern Ireland, a process that is built on the basis of concessions to terrorism with no requirement on terrorists to end violence, dismantle their organisations and decommission their weapons will not deliver real peace.

I predict that the agreement will not deliver peace. The men of violence will pocket the concessions and, when the need arises, will return to violence because the agreement does not require them to end their violence for good. I agree with the hon. Member for Belfast, East (Mr. Robinson). I know from speaking to many people in Northern Ireland that they voted for the agreement on the basis of the Prime Minister's assurances. For the Liberal Democrat spokesman to suggest otherwise shows how little he has been to Northern Ireland and talked to the people. Had he been there more often, he would understand that the Prime Minister's words made a big impact in the campaign. He should at least read the newspapers, which made it clear that the Prime Minister's words had an enormous impact on how the people of Northern Ireland voted on the agreement. Simply to dismiss that by saying, "Oh, but they only voted on the agreement" misses the point completely.

Rev. Ian Paisley: Is it not strange that, on Second Reading, Labour Members freely admitted that the Prime Minister's visits and pledges brought about the majority yes vote?

Mr. Donaldson: I thank the hon. Gentleman for that comment.

We shall not try to hide the fact that once again the Government are fudging the decommissioning issue. We shall not be party to such a fudge. We shall make it clear to the people of Northern Ireland that the Government are fudging the decommissioning issue, just as it was fudged throughout the talks process. The Mitchell report and the report of the international body on decommissioning recommended decommissioning alongside the talks. I participated in those talks, right through to the end. I know what happened, and I know that the Government never pressed for the decommissioning of arms during the talks process. They continually sidelined the issue.

The Liberal Democrat spokesman tells us to have faith, but if it is based on the Government's past actions, and given that they have fudged the decommissioning issue throughout the process, what faith can we have? The ambiguity that surrounds decommissioning and its linkage with the release of prisoners is evidence that it will be fudged once again. The terrorists will not be required to decommission, and prisoners will be released this summer. They will walk onto the streets without a single gun, bullet or, to quote Danny Morrison, the rust on the rifles, having been decommissioned.

When the House returns in the autumn after the summer recess and we hear a report from the Secretary of State telling us how many prisoners have been released, I wonder what she will tell the House about the progress of decommissioning. How many rifles will have been handed over? We are told that we must trust the terrorists to deliver on their side of the bargain. This is not an act of faith: it is an Act of Parliament. Parliament has the right to interpret the agreement so as to provide the law of the United Kingdom, because this is the Government and the Parliament of the United Kingdom. Why should we be beholden to terrorist organisations? Why should not the sovereign Parliament of the United Kingdom determine of its own free will that it will require terrorist organisations to hand in their weapons, and that until they do so their prisoners will stay in prison. Are the Government no longer responsible for prisons?

Surely it is within the Government's capacity to ensure that decommissioning is required, and that it has commenced and is on-going before prisoners are released. The people of Northern Ireland who have suffered at the hands of terrorists will witness terrorist prisoners being released, but no guns will be handed in. Why? Because that is not required by the legislation. That is a huge mistake.

I say to hon. Members who support the agreement that, in the days, months and years ahead, when the process is floundering, they will regret the fact that we did not require the terrorists to deliver peace. If we leave the terrorists to deliver peace of their own free will, it will not happen. We should not provide the carrot and not have the stick. That is the reality when dealing with terrorism. The terrorists will take the carrots as they have always done. They will pocket the concessions, but they will not deliver their side of the bargain.

The House is asking the people of Northern Ireland to trust the Secretary of State to halt the release of prisoners in the course of time, when the guns have not been handed in. Can we rely on the Secretary of State to do that? Will she give us a firm commitment or, dare I say it, a pledge that, if the guns are not being handed in, she, as the person responsible, will halt the release of terrorist prisoners? As she has not accepted our amendments, will she give a pledge to the House and to the people of Northern Ireland that, in the absence of guns being handed in, she will halt the release of terrorist prisoners? I await her answer.

Marjorie Mowlam: I shall try to answer some of the questions that have been put.

Mr. William Ross: The right hon. Lady should answer the last one.

Marjorie Mowlam: It is my choice, and I shall answer the questions as well as I can in the time permitted.

The hon. Member for Belfast, East (Mr. Robinson) said that we were trying to delay the settlement Bill to prevent the House from seeing what it contains. The hon. Gentleman should pause for a moment and consider the amount of legislation relating to Northern Ireland that we have got through the House in the past year. This is our fifth Bill.

The settlement Bill could not be written before the Good Friday agreement. The parties had to agree to it, and it had to be followed by the referendum on 22 May.

We have had a very short time to draw up that Bill. I should like to pay tribute to the civil servants who have worked hard to get it into the required form so that it can come to the House in time to fulfil the Good Friday agreement promises. We are doing all we can to ensure that we honour what the people of Northern Ireland have, by consent, chosen as the way forward to reach an accommodation with which they can all live. That Bill is being drafted, and we shall get it to the House as soon as we can.

The hon. Members for Belfast, East and for Lagan Valley (Mr. Donaldson) questioned whether the words of the agreement addressed the link between decommissioning and the release of prisoners.

Let me read again what is in the agreement. The Bill states:

"the Secretary of State shall in particular take into account whether an organisation is committed to the use now and in the future of only democratic and peaceful means to achieve its objectives . . . has ceased to be involved in any acts of violence or of preparation for violence . . . is directing or promoting acts of violence committed by other organisations . . . is co-operating fully with any Commission of the kind referred to in section 7 of the Northern Ireland Arms Decommissioning Act".

That clearly establishes a link. It is in line with the words used by the Prime Minister on 16 and 14 May. People asked the Prime Minister to put his words into the Bill, and we have done so.

Mr. William Ross: Will the Secretary of State give way?

9.30 pm

Marjorie Mowlam: No. *[Interruption.]* Hon. Members can either ask me to answer questions, or ask me to spend my time giving way. I shall endeavour to answer the questions.

The hon. Member for Lagan Valley spoke of what he described as the concessions given to paramilitaries. That is not the case; what we are doing is implementing the agreement.

Mr. Donaldson: Is releasing prisoners not a concession?

Marjorie Mowlam: Let me say this. Accelerated prisoner releases are part of the agreement. As the hon. Gentleman knows better than many hon. Members, the agreement contains a number of sections—on a devolved assembly, a north-south ministerial council, accelerated release of prisoners, a review of the police, and the need for a commission to consider the best way forward. It also contains a number of elements relating to equality and human rights, and recommends the establishment of an equality commission.

We have said all along that people cannot cherry-pick. They cannot choose only the bits they like; everyone must sign up to the whole thing. That is what happened. Obviously there are parts that the hon. Member for Lagan Valley finds it difficult to accept, and I understand and respect his feelings, but, as I have said, we cannot accept the bits we like and reject the bits we do not like, and hope that it will succeed. Progress will be made only if, on the basis of the agreement, confidence can be established that everyone will get some of what they want, and no one will get 100 per cent. of what they want.

This is not about prejudging the situation, as the hon. Gentleman suggested. Of course trust needs to be created, but there is a link: the Prime Minister's words have been put into the Bill, as we have said they would be, and to describe the position otherwise is to misrepresent it—as the right hon. Member for Penrith and The Border (Mr. Maclean) and the hon. Member for Basingstoke (Mr. Hunter) tried to do.

The Prime Minister said very clearly that he would put his words into the Bill, and we have done that. It is outrageous to suggest that the Prime Minister has done otherwise. *[Interruption.]* You Opposition Members may interpret the position differently. I ask you to read what was said on 16 May.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. The right hon. Lady should not involve me in the argument.

Marjorie Mowlam: I apologise, Mr. Martin.

Let us look at what the Prime Minister said on 16 and 14 May, and compare it with the Bill. Judging from what Opposition Members have said, I do not think that they have done that, but I tell them that the words are there. It is wrong to suggest that the Prime Minister has failed to keep his promises on Northern Ireland. In his written pledge to the people of Northern Ireland, he said:

"No prisoners released unless violence has been given up for good."

As I explained earlier, that is the fundamental test underlying the agreement. It is reflected in the need for a complete and unequivocal ceasefire that is set out in the clause.

Those who said that the Prime Minister had swung the referendum vote were probably right. I do not doubt that he increased the yes vote: his 14 May speech in Belfast marked a crucial turning point. Opposition Members suggested that that made all the difference, but the vote was positive anyway. To suggest that the Prime Minister's speech was the overwhelming criterion is unrealistic. Unfortunately, some hon. Members seem not to have read the speech in detail. Far from departing from it or fudging it, the Government have taken care to reflect clearly and directly the exact terms of its undertakings.

I have here a copy of the Prime Minister's speech. Opposition Members quoted from it, and I have been trying to find the parts that they quoted, but I do not think that their remarks reflected in any way what the Prime Minister said. He said:

"In clarifying whether the terms and spirit of the agreement are being met and whether violence is genuinely given up for good, there are a range of factors to be taken into account."

Those factors are listed in the Bill: the Prime Minister's words are in the Bill. His four factors included full co-operation—

Mr. Moss: Will the right hon. Lady give way?

Marjorie Mowlam: No. I have told other hon. Members that I want to answer the questions that have been asked. The hon. Gentleman could have spoken earlier, but obviously chose not to do so.

[Marjorie Mowlam]

The Prime Minister's four factors included full co-operation with the independent commission on decommissioning to implement the agreement's provisions.

Mr. Moss: Will the right hon. Lady give way?

Marjorie Mowlam: No. I have made it clear to the hon. Gentleman that I am not giving way.

Mr. Moss: I shall remember that the Minister did not let me in.

Marjorie Mowlam: It is depressing that the hon. Gentleman finds it necessary to issue threats. I shall not give way.

The Prime Minister's first factor—full co-operation with the independent commission on decommissioning to implement the agreement's provisions—is reflected in clause 3(9)(d).

The hon. Member for Basingstoke asked about the relationship between proscription and specifying organisations in the Bill. As my hon. Friend the Minister of State, the Member for East Kilbride (Mr. Ingram) has said, proscription is concerned with the purposes of an organisation, and the Bill is concerned with the adequacy of the ceasefire. There is no conflict between those definitions.

The hon. Member for Aldershot (Mr. Howarth) spoke movingly about the victims of the troubles. I know the hon. Gentleman's background, and I understand his feelings on the issue. We have visited, known or had experience of families who have suffered as a result of the troubles. But nobody has a monopoly on suffering; in last week's debate suffering was almost traded, and that was rather distasteful. The Good Friday agreement has the consent of the people of Northern Ireland, and it is an attempt to ensure that no more of the hon. Gentleman's colleagues in the forces, or people in Northern Ireland, will have to go through such pain.

We have a chance to make the agreement work, but many hon. Members think that it will not. It is the best chance we have had for many years for a settlement in Northern Ireland. The hon. Member for Aldershot spoke about the violence of splinter groups. I agree that there is such violence, that it is disruptive, and that those groups want to destroy the peace process. The one way in which we can make sure that they do not is to keep up security, because the Government's first job is to protect the people of Northern Ireland. I guarantee that that will continue, but we must also show that there is an alternative way forward.

There must be accommodation and discussion, and the agreement is the first step in that direction. I do not say that we have arrived, because there is much building to be done, and confidence and trust to be put in place, but I hope that the agreement will enable people to take a positive step in the right direction.

The hon. Member for Aldershot also said several times that the Prime Minister's comments on 6 May and 14 May are not in the Bill, as did the right hon. Member for Penrith and The Border (Mr. Maclean). They tried to portray the Prime Minister as having been less than honest, and to say that he had deceived people. They should look at his speeches, at what is in the Bill, and at the commitment that he has put into getting the process to where it is. This is an attempt to make political capital out of the situation rather than change it. *[Interruption.]* Conservative Members may say that that is not the case, but that is what it feels like.

Mr. Moss: Will the right hon. Lady give way?

Marjorie Mowlam: Let me finish the point; then I shall certainly give way.

I have no desire to fall out with the Opposition. In opposition, I was clear that bipartisanship made a difference. It helped no end as we worked together. Despite the aggression that has often come from Conservative Members, I hope that we can have our differences on this even though we fundamentally agree that it is the way forward, and try to move the process forward. I hope that that is possible.

Mr. Moss: I am most grateful to the Secretary of State for giving way. I have a simple question. In clause 3, the Government have attempted to define a terrorist organisation. Our amendment No. (d) uses the words

"is committed to the total disarmament of all paramilitary organisations and the achievement of the decommissioning of all paramilitary arms . . . by 22nd May 2000."

How does that differ fundamentally from the words in the agreement on decommissioning:

"All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations . . . to achieve the decommissioning of all paramilitary arms within two years"?

That is 22 May 2000.

Marjorie Mowlam: We are not going to get very far by reading parts of the Bill to each other. We have faithfully represented in the Bill the agreement that was signed and the comments that the Prime Minister made. Opposition Members carry to imply differently, but we have acted in good faith in the Bill, in line with the reassurances that the Prime Minister gave on the agreement. That is why we have not accepted the amendments.

Mr. Winnick: My right hon. Friend said that she wants to work with the Opposition. Does she remember the many occasions when we were in opposition when we could have made mileage out of the Government's position, such as when they were conducting contacts with the IRA without any ceasefire? We refused to do that, because we believed that Government and Opposition should work together in the interests of Northern Ireland. Should not they learn that lesson?

Marjorie Mowlam: I thank my hon. Friend. I agree. I am trying tonight not to indulge in what some sections of the Opposition want us to do: to show a difference. I said "some sections", because I do not believe that my discussions with those on the Opposition Front Bench are fully played out by Back-Bench Members. That, I think, is the situation. I have avoided pointing out the contradictions with what has happened in the past, because I want to look to the future in Northern Ireland, not live in the past.

Question put, That the clause stand part of the Bill:—

The Committee divided: Ayes 221, Noes 10.

Division No. 303] **[9.43 pm**

AYES

Ainger, Nick
Allan, Richard
Anderson, Janet *(Rossendale)*
Ashdown, Rt Hon Paddy
Ashton, Joe
Ballard, Jackie
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Martin *(Tatton)*
Bermingham, Gerald
Best, Harold
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Stephen
Campbell, Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canavan, Dennis
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Church, Ms Judith
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Cooper, Yvette
Corbyn, Jeremy
Cotter, Brian
Cousins, Jim
Cox, Tom
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Darvill, Keith
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Dowd, Jim
Drew, David
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Flynn, Paul
Follett, Barbara
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Hoon, Geoffrey
Hope, Phil
Howells, Dr Kim
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Nigel *(Cheltenham)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Llwyd, Elfyn
Love, Andrew
McAvoy, Thomas
McCafferty, Ms Chris
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Rhodri *(Cardiff W)*
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Bill *(Normanton)*
Olner, Bill
Osborne, Ms Sandra
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Radice, Giles
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruane, Chris
Russell, Bob *(Colchester)*
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Squire, Ms Rachel
Starkey, Dr Phyllis
Stewart, Ian *(Eccles)*
Stunell, Andrew
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Tyler, Paul
Ward, Ms Claire
Wareing, Robert N
Watts, David
Wicks, Malcolm
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Kevin Hughes and
Mr. Robert Ainsworth.

NOES

Atkinson, David *(Bour'mth E)*
Donaldson, Jeffrey
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Maclean, Rt Hon David
Paisley, Rev Ian
Robinson, Peter *(Belfast E)*
Swayne, Desmond
Thompson, William
Wilkinson, John

Tellers for the Noes:
Mr. William Ross and
Rev. Martin Smyth.

Question accordingly agreed to.

Clause 3 ordered to stand part of the Bill.

Clauses 4 to 7 ordered to stand part of the Bill.

To report progress and ask leave to sit again.—*[Mr. Dowd.]*

Committee report progress; to sit again tomorrow.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Mr. Michael J. Martin): With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

NORTHERN IRELAND

That the draft Criminal Justice (Children) (Northern Ireland) Order 1998, which was laid before this House on 1st June, be approved.

That the draft Northern Ireland Act 1974 (Interim Period Extension) Order 1998, which was laid before this House on 1st June, be approved.—*[Mr. Dowd.]*

Question agreed to.

AGRICULTURE COMMITTEE

Ordered,

That Mr. Tim Collins be discharged from the Agriculture Committee and Mr. David Curry be added to the Committee.—*[Mr. McWilliam, on behalf of the Committee of Selection.]*

CATERING COMMITTEE

Ordered,

That Mr. Keith Simpson be discharged from the Catering Committee and Miss Julie Kirkbride be added to the Committee.—*[Mr. McWilliam, on behalf of the Committee of Selection.]*

TRADE AND INDUSTRY COMMITTEE

Ordered,

That Mr. David Prior be discharged from the Trade and Industry Committee and Mr. John Bercow be added to the Committee.—*[Mr. McWilliam, on behalf of the Committee of Selection.]*

TREASURY COMMITTEE

Ordered,

That Mr. Quentin Davies be discharged from the Treasury Committee and Mr. Nick Gibb be added to the Committee.—*[Mr. McWilliam, on behalf of the Committee of Selection.]*

PETITION

Education in Somerset

9.57 pm

Jackie Ballard (Taunton): I should like to present a petition of 679 signatures, collected by my constituent Thomas Marlowe, who attends Halcon primary school in Taunton. The petition says:

The petition of Thomas Marlowe, of 25 Cromwell Road, and 679 other Somerset residents, declares that we support action to end budget cuts to our schools.

The petitioners therefore request that the House of Commons take note of our concerns and urge the Secretary of State for Education and Employment to re-examine provision for education in the Somerset area.

And the petitioners remain, etc.

To lie upon the Table.

EU Structural Funds

Motion made, and Question proposed, That this House do now adjourn.—*[Ms Bridget Prentice.]*

9.58 pm

Mr. Gareth Thomas (Clwyd, West): Hon. Members may feel that it is particularly timely that a Welsh Member should be given the opportunity to raise the important subject of European Union structural funds, when the Council of Ministers is meeting in our capital city of Cardiff, which will soon be home to the National Assembly for Wales, our first ever all-Wales elected body.

My hon. Friend the Under-Secretary of State for Trade and Industry will know that there is considerable interest in Agenda 2000 and the review of structural funds, particularly in Wales, and it is not difficult to understand why.

The Welsh economy has undergone enormous structural changes in recent years, with the contraction of the traditional heavy industries of coal and steel. The difficult process of transformation of the Welsh economy has undoubtedly been assisted by European funding in respect of financing infrastructure and other projects.

It being Ten o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Pope.]*

Mr. Thomas: The interest that has been generated in Wales in reforming structural funds is understandable, given the context of economic change which has been very much a feature of life in Wales recently.

There is a positive feeling in Wales towards Europe. It is worth emphasising that there is a great expectation that the help and assistance that deprived areas of Wales have received in recent years will continue well into the next millennium.

I appreciate the fact that the review of structural funds is a sensitive subject, and I acknowledge that the Government, and my hon. Friend the Minister, who represents the lead UK Government Department, are involved in what are no doubt delicate negotiations with our European partners. Given the requirements relating to the size of the EU budget and the financial implications of enlargement, the process of reform is likely to be difficult.

During tonight's short debate, I wish, first, to seek clarification from my hon. Friend on the nature of the review process and the timetable within which Government Departments are working. Secondly, I should like to take the opportunity to put the Welsh case, particularly for objective 1 status—the most valuable funding available from Europe—and to seek assurances that Wales will be dealt with fairly. The Welsh expression "chwarae teg" means fair play, and that is all we are seeking. I have no intention of denigrating the case that has been put on behalf of other regions and nations of the United Kingdom, particularly Cornwall and South Yorkshire.

I acknowledge that the Welsh case has been, and will continue to be, put forcefully by the Under-Secretary of State for Wales, my hon. Friend the Member for Neath (Mr. Hain), and my right hon. Friend the Secretary of State for Wales.

Outside Wales, there is perhaps a perception that we have done well economically in recent years. There have been many well-publicised inward investment projects, but, as those who know the Welsh economy well will vouchsafe, those projects and the bulk of inward investment have been confined to the more prosperous south-eastern and north-eastern regions, leaving behind the western parts of Wales and the old industrial valleys.

The Welsh Development Agency has a high profile and it has done a good job. It is a success story, although inward investment, both foreign and UK-based, has declined in recent years. The impression may have been given that Wales does not need help, but that is not the case. In south-east Wales, particularly in Cardiff, there is increasing economic prosperity and optimism, but that is not true of the areas represented by me and some of my hon. Friends. In west Wales and the valleys, there is severe economic deprivation.

Mrs. Betty Williams (Conwy): Does my hon. Friend agree that figures recently published by the Welsh Development Agency's international division show that, between 1993 and 1997, not a single job was created by foreign inward investment in the Conwy unitary authority area, which is part of my constituency and, furthermore, UK inward investment created only 18 jobs in that area?

On foreign inward investment, I am sure that my hon. Friends will agree that that part of north-west Wales is the worst in Wales and in Europe. I do not think—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. This is a long intervention, even for an Adjournment debate. That is sufficient.

Mr. Thomas: My hon. Friend is entirely right. The record on inward investment, particularly in that part of Wales, has been poor and the cause of considerable concern. It gives the lie to the idea that Wales has universally done well out of inward investment. There is a growing east-west divide in Wales. Regions in the east have done better and prospered from inward investment, but that has not percolated through to the more peripheral areas of the west and the valleys—their peripherality is very much a feature of their economy.

The levels of gross domestic product in those unitary authorities are particularly low. I shall not burden hon. Members with too many statistics, but my hon. Friend the Minister will appreciate that, in such a policy area, statistics are unavoidable, particularly bearing in mind the fact that we are dealing with the criteria for objective 1, which requires sub-regions to establish that they have a GDP of less than 75 per cent. of the European average.

According to statistics produced not only by the House of Commons Library, but by the independent source of Cardiff university business school, the sub-region of west Wales and the valleys has a GDP per capita of 68 per cent. of the EU average, which is well within the 75 per cent. threshold, compared with 90 per cent. in eastern Wales. My constituency incorporates much of the unitary authority of Conwy, which has a GDP per capita of 59 per cent. of the EU average. Those are remarkably low figures and show that there is economic difficulty and deprivation in western areas of Wales which, in my respectful submission, should be reflected in a vigorous approach by all Government Departments in pressing for the best available funding from Europe.

There are statistics relating to economic activity. As those who have studied the figures are aware, levels of unemployment in the UK are not necessarily as high as in other European member states. That may reflect how the figures have been compiled in the past, but the figures for economic inactivity show that real unemployment in Wales, especially in my area, is even higher. Economic inactivity rises to about 30 per cent. in some areas, showing that there is great hidden unemployment.

West Wales and the valleys show up poorly on all indices of economic deprivation and poverty. The Welsh Office recently produced a Green Paper entitled "Better Health, Better Wales", revealing that the general and infant mortality rates in Wales are poor:

> "Within Wales a significant proportion of the population remain deeply disadvantaged in terms of expectation of life and health-related quality of life, and there are wide variations between those with the poorest health and those with the best."

Life expectancy in some parts of the south Wales valleys is about five years less than in other parts of Wales and considerably worse than in other parts of the UK.

It would be apt to refer, in the context of western Wales and the valleys, to the crisis facing rural communities which compounds the problems encountered by these peripheral areas where farming is a crucial part of the rural economy. Farm incomes have declined dramatically in recent years—a factor which I hope my hon. Friend the Minister will take into account.

I had the opportunity to put the case for my constituency and for western Wales and the valleys to the President of the European Commission when he came to Wales about three weeks ago, before the summit. Mr. Santer was quite surprised to discover how much we had depended on European funding during the transition from our dependence on declining industries. He was quoted in *The Western Mail* as saying that, if the right conditions and criteria were met, there was no reason why Wales could not benefit from objective 1 funding. He added that, if the western half of Wales met the criteria for objective 1 status, he could see no reason why the country should not benefit from such funding. I trust, therefore, that the DTI and other relevant Departments will pursue the Welsh case as vigorously as possible.

Mr. Chris Ruane (Vale of Clwyd): My hon. Friend has asked for fair play in respect of Wales. Is he aware that, when the structural funds were reviewed last time, under a Conservative Government, a senior British civil servant in Brussels said that north Wales got the rawest deal in Europe?

Mr. Thomas: There is a considerable legacy of disquiet about how that review was conducted. Many commentators in Wales feel that some parts of the country, particularly in the north, were badly dealt with. I am confident that the Government will pursue the interests of all regions of Wales as vigorously as possible.

Ms Jackie Lawrence (Preseli Pembrokeshire): My hon. Friend said that farm incomes in Wales had dropped by 43 per cent. Does he agree that Wales faces a dichotomy, in that, although it is incumbent on us to paint a picture of a successful, thriving, enthusiastic region, that presentation can often mask the problems that we have in parts of west Wales—especially my constituency, where

[Ms Jackie Lawrence]

not only have people been affected by the 43 per cent. drop in farm incomes, but our gross domestic product decreased by about 12.5 per cent. under the previous Administration?

Mr. Thomas: I am aware that the position in my hon. Friend's constituency is especially severe. It has a problem of peripherality, which is shared by the other areas that I mentioned—a feature which is unique to Wales—and, as the Welsh Affairs Select Committee said in its recent report, in Wales there has been an imbalance in economic activity and inward investment. Eastern areas of Wales—one wishes them well, and I notice that my hon. Friend the Member for Newport, West (Mr. Flynn) is in the Chamber—have done very well indeed, although perhaps not as well as they could. When we have the National Assembly for Wales, greater prosperity and optimism are to be expected in Wales.

At present, however, there is an imbalance. The wealth that appears to have come to Wales does not go beyond two narrow areas—the A55 corridor, bordering England, in north-east Wales, and the M4 corridor, in south-east Wales. Any objective assessment of the economic data will reveal that the western areas of Wales and the valleys are very badly off indeed, and have GDP levels far below the threshold of 75 per cent. In those circumstances, I am sure that my hon. Friend the Minister will be more than prepared to pursue the case as vigorously as possible.

10.16 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Mrs. Barbara Roche): I congratulate my hon. Friend the Member for Clwyd, West (Mr. Thomas) on initiating this important debate. I say to him—and to all my hon. Friends who intervened—that we note the important points that have been made.

The debate gives me the opportunity to bring hon. Members on both sides of the House up to date on the specific aspects of the proposed reform of the structural and cohesion funds. This is a good moment to discuss these issues, as we take forward discussion of the draft regulations under the United Kingdom presidency of the European Union. The proposals are also being considered by the Select Committee on Trade and Industry.

Ministers and officials in the Department of Trade and Industry, the lead Department on the funds' reform, liaise closely with colleagues in interested Departments, including the Welsh Office, to co-ordinate UK policy. Administration of structural funds programmes within Wales, and the distribution of funds to them, is the responsibility of the Welsh Office. The DTI has responsibility for the co-ordination of issues that affect the UK as a whole.

It might be helpful to set the present discussions on the structural funds' reform in the wider context of the challenges confronting the European Union. It is no exaggeration to say that this is a critical point in the Union's development, not least because successful enlargement will be vital in ensuring that the Union is ready for the 21st century. The Council of Ministers, meeting in Cardiff today and tomorrow, will discuss, among other matters, Agenda 2000. I congratulate my hon. Friend warmly on his timing.

Reform of the structural funds is one of the most important elements in the process. It is certainly one of the most visible benefits of the European Union to local people. For many people, the EU is manifested through structural funds. That is why it is so important that we get the reform right.

At the informal meeting of EU regional policy Ministers in Glasgow last week, which was chaired by my right hon. Friend the President of the Board of Trade, there was universal agreement on a number of principles: the importance of job creation and employability, and of regional competitiveness; the value of effective partnership between the Commission, national Governments, and regional and local organisations, and of a clear definition of role for each; and that subsidiarity—that is, decision making as close to the people as possible—should have practical effect. In other words, there should be more regional and local control over the funds' delivery. I know that the agreement on those principles will be welcomed by all hon. Members.

Those points mirror the views that emerged consistently from the local and regional consultations that took place earlier in the year across the UK. The UK-wide consultation exercise was invaluable in gathering views that we could feed into the negotiations. This is an appropriate moment for me to thank all the interested parties who took part. We are grateful for all their contributions.

During our presidency, we have taken the negotiations forward as effectively as possible, given the divergent views across member states on the detail of the proposed regulations. It has been expedient, therefore, to focus discussion on the general regulations that deal with simplifying the administration of the funds. Excessive bureaucracy is one of the aspects that people dislike about the administration of the funds, and we are determined to simplify it as much as possible.

In the consultation exercise, that was an issue close to the hearts of those, particularly on the monitoring committees throughout the country, whose task is to ensure proper administration of the programmes. That is why it is so important for the Government to liaise with those whose job is the practical administration of the funds.

I spoke at the national simplification conference in early May to discuss issues for regional partnerships. Over the past few months, I have corresponded with many hon. Members, and have met a number of Members and their local delegations to discuss structural fund reform. I shall continue to do so to ensure that local views are represented in the on-going discussions.

A key concern for the Government in pressing forward the negotiations under our presidency has been to leave a solid framework for their continuation next month into the Austrian presidency. On issues affecting finance and eligibility criteria, all member states have distinctive views. Most, including the UK, have difficulties with the current proposals. The discussions are likely to take place towards the end of the year and will continue into early 1999.

In the negotiations to date, the UK presidency has been able to secure agreement on some of the general principles that support the universally agreed aim of simplification of the funds, making them more effective and better value

for money. That is an important first step in such a radical reform proposal, and we should not underestimate the scale of the task and of the achievement.

Throughout the negotiations, the Government have kept and will continue to keep in mind one overarching principle, which will become more important as we head into the discussions in the autumn—the principle of fairness. That point has been made repeatedly this evening, and the Government have taken the message. Fairness has dominated the lobbying positions of the Government and local organisations in Brussels with the Commission and with other member states, since the publication of the Agenda 2000 communication.

Fairness means that the costs of reform should be shared fairly between all existing member states. The Government do not believe that the proposals as they stand will achieve this. We believe that if we are to make the funds affordable, all member states must accept cuts. Clearly, that means that no member state should receive more per capita than it does now.

Therefore, we are not prepared to bear disproportionate cuts in United Kingdom coverage. On the strength of our lobbying before publication of the proposals, we secured the last-minute concession of the safety net in the draft regulations that limits to one third loss of coverage for objective 2 and 5b areas. As I am sure my hon. Friend is aware, that could prove to be an invaluable achievement for Wales.

We should remember also that that is merely the starting point in a long and complex set of negotiations. There is a great deal more work to be done to achieve fair criteria and transparent systems across all the objectives. For example, we should like to see greater flexibility on the objective 1 GDP cut-off and the inclusion of a GDP criterion under the new objective 2. We are still some way from the discussions on eligibility criteria and financial issues, and we should certainly not try to prejudge their outcome.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): In adding my support, and my congratulations to the hon. Member for Clwyd, West (Mr. Thomas) on securing this debate, I respectfully suggest that there is no question of the west and the valleys of Wales qualifying under all the criteria. I draw to the Minister's attention the fact that this is a cross-party issue and that we fully support the comments of the hon. Gentleman and his colleagues this evening.

Mrs. Roche: I am extremely grateful to the hon. Gentleman for that intervention. I am encouraged by the many representations from, and my many discussions with, hon. Members on both sides of the House about this issue. That is a very encouraging part of the process as we pursue this issue that is so important to the United Kingdom.

We are at the beginning of this vital process, and I cannot overstate the importance of pursuing together, in common cause, the best deal for the United Kingdom as a whole. My hon. Friend has done the House a great service in raising this vital policy area tonight. I will ensure that we keep the House fully informed about all the discussions that are taking place.

Question put and agreed to.

Adjourned accordingly at twenty-seven minutes past Ten o'clock.

House of Commons

Tuesday 16 June 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

SHREWSBURY AND ATCHAM BOROUGH COUNCIL BILL *[Lords]*

Read a Second time, and committed.

Oral Answers to Questions

FOREIGN AND COMMONWEALTH AFFAIRS

The Secretary of State was asked—

EU Troika Visits (Great Lakes and East Timor)

1. **Ann Clwyd** (Cynon Valley): If he will make a statement on the EU troika visits to the great lakes and to East Timor. [44513]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): I apologise for the absence of my right hon. Friend the Foreign Secretary, who is attending the Cardiff European Council.

The Minister of State, my hon. Friend the Member for Manchester, Central (Mr. Lloyd), led a three-day EU troika visit to Uganda, Rwanda, Burundi and the Democratic Republic of the Congo on 2 to 4 June. The troika had productive meetings with the Presidents of each of the four countries. It reiterated the EU's commitment to promoting stability; security; democracy; respect for the rule of law and human rights; and economic development for the benefit of the great lakes region.

The EU heads of mission troika visit to East Timor, scheduled for early June, has been postponed because of Indonesian security concerns. We hope to reinstate the visit as soon as possible.

Ann Clwyd: On East Timor, does my hon. Friend agree that there is now a real opportunity to solve the long-standing problem of that very unfortunate country? Does he agree that President Habibie's suggestion of special status for East Timor within Indonesia falls far short of the right of the people of East Timor to a referendum, to allow them to determine their future and choose self-determination if they wish, as is their right under international law and United Nations resolutions?

Mr. Fatchett: I very much agree with my hon. Friend's first comments. We now have a window of opportunity to make progress in resolving the long-standing issue of the status of East Timor. During my recent visit to Indonesia, I took the opportunity to make that point to Foreign Minister Alatas. I was pleased to note signs of movement in Indonesia—specifically, the release of political prisoners.

My hon. Friend will also be pleased to know that I had the opportunity to meet Xanana Gusmao, who talked to me about his views on the development of East Timor. He was in good health, and I asked the Indonesian Government for his early release, with that of other political prisoners.

China

2. **Mr. Norman Baker** (Lewes): What assessment he has made of the effect of his policy of dialogue with China on its human rights record. [44514]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): We believe that our policy of dialogue, which we have pursued both bilaterally and within the European Union, supported by practical assistance, is beginning to produce results. China has taken several positive steps which we hope will bring about increasingly close co-operation with United Nations human rights mechanisms and will lead to practical improvements in areas such as the administration of justice.

Mr. Baker: Is it not the case that promises by the present Chinese Government are not worth the paper on which they are written? Will the Minister accept that the present Chinese Government are characterised by a total disregard for human rights, as demonstrated by the imprisonment of political prisoners in so-called re-education camps, by the torture of monks and nuns in Tibet and by the eradication of most things Tibetan? Is it not the case that, by failing to pursue a UN resolution, the Government have virtually given the green light to the continuation of human rights abuses and told the Chinese that economic interests are more important than human rights? Although the Government may mean well, is that not in fact an ethical foreign policy in reverse?

Mr. Fatchett: The hon. Gentleman draws totally incorrect conclusions in the last part of his question. The Government continue to press the human rights agenda with China. At every available opportunity, we talk about the need to improve human rights. As I said in response to the hon. Gentleman's main question, there are practical signs of improvements that we have achieved. However, it would be foolish of us to say that all is well. There is a great deal more to be done on human rights, and we shall continue to argue strongly for it.

Mr. Bill O'Brien (Normanton): I thank my hon. Friend for his response. The visit by the Chinese delegation arranged by the Inter-Parliamentary Union did a great deal of good in strengthening relations between China and the United Kingdom. My hon. Friend made a substantial contribution to that visit. Does he agree that such visits are the way to resolve the human rights problems and other issues in China? Long may the relationship between the UK and China continue.

Mr. Fatchett: It is important that we maintain and broaden the dialogue at all levels and take every

opportunity to stress our concerns about human rights in China. I know that my hon. Friend, as part of the all-party China group, has taken every opportunity to speak about those concerns and to press the human rights agenda.

Mrs. Ann Winterton (Congleton): Is not China's human rights record still abysmal—in particular, as it relates to the one child per family policy, which enforces abortion up to full term and continues to discriminate against baby girls? When will the Government take much more positive action in their dialogue with the Chinese Government, who understand only force and pressure? Sadly, so far, we have seen no improvement in the human rights record.

Mr. Fatchett: I reiterate that we take every opportunity to raise those issues. I shall list for the hon. Lady what we have achieved over the past few months. We have persuaded China to sign up to the international covenant on economic, social and cultural rights. We have persuaded China that human rights in Hong Kong will be reported on separately. We have persuaded China to accept a visit from the United Nations High Commissioner, Mary Robinson. All those are successful steps forward. I am the first to admit, together with the hon. Lady, that there is a long way to go, but we believe that dialogue is the best way to make progress.

Kosovo

3. **Mr. Lawrence Cunliffe** (Leigh): If he will make a statement on the situation in Kosovo. [44515]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): We remain deeply concerned about the extreme violence and indiscriminate attacks on civilians in Kosovo. I visited Belgrade and Pristina last week and urged both the Serbian Government and the Kosovar Albanians to find a peaceful way forward. The contact group of Foreign Ministers met in London on Friday and agreed that, if Belgrade did not take steps without delay, there would be moves to further measures to halt the violence, including those that may require the authorisation of the United Nations Security Council. We welcome the meeting in Moscow today between Presidents Yeltsin and Milosevic. President Milosevic must realise that there will be no let-up in international pressure until he takes steps to end the violence and resolve the problems of Kosovo peacefully at the negotiating table.

Mr. Cunliffe: I warmly welcome my hon. Friend's statement and the initiative taken by the Prime Minister and the Foreign Secretary to bring world leaders together on this great humanitarian issue. Some people believe, however, that NATO shadow boxing will not bring that tyrant to his knees. Some of us think that a man who, for a decade and a half, has practised the detestable system of ethnic cleansing will not be easily frightened by such manoeuvres. Is it not time that we stopped pussy-footing around and issued an ultimatum to that gangster saying that unless he stops the repression in Kosovo, we will commence military action?

Mr. Lloyd: The contact group has already gone a long way beyond simple condemnation of the actions of the Government in Yugoslavia. The contact group and the European Union have already begun the imposition of an investment ban and an assets freeze. A ban on air flights from Yugoslavia is under consideration. NATO is considering what steps it can take. Yesterday, for example, Operation Determined Falcon took place in airspace not over Yugoslavia but over the neighbouring countries. That was a real measure of NATO's determination. I assure the House that contingency planning by NATO continues. President Milosevic cannot claim—and nor should the world believe—that he has not been properly warned.

Sir Peter Tapsell (Louth and Horncastle): Whatever the great provocation, will Ministers think very long and carefully before committing the British Government to supporting direct military attacks on Serbia unless that policy has the support of the Russian Government and the United Nations Security Council? We should bear it in mind that the Kaiser is a poor role model in such matters and that many countries in other parts of the world might be attracted to the idea of taking what they regarded as just military action if United Nations support was not always considered essential.

Mr. Lloyd: There is no doubt that the resolution of this situation is now in the hands of President Milosevic: he should end the violence now. He should withdraw the security forces from Kosovo and allow in the international monitors and humanitarian agencies. If President Milosevic takes that agenda on board, we will begin to make progress. That is the right way forward. However, I think the House understands that options have not been ruled out at this stage.

Mr. Tam Dalyell (Linlithgow): What exactly would be achieved by air strikes?

Mr. Lloyd: My hon. Friend enters the realm of speculation. Actions have not been ruled out: at this moment, NATO is examining all credible options. However, the resolution of the present crisis clearly lies in the hands of President Milosevic. If he does the things that I have outlined—if he makes it clear that he intends to enter into meaningful and time-limited dialogue with the Kosovar Albanians—we will be able to resolve the crisis instantly. Beyond that, I shall not stand before the House and say that we are prepared to rule out credible options at this stage.

Mr. Menzies Campbell (North-East Fife): Does the Minister agree that the diplomatic steps taken today will work only if President Milosevic discontinues his brutality towards civilians in Kosovo and accepts that the status quo is no longer an option and that the autonomy of the province is inevitable? If those diplomatic steps are effective, will it not be another illustration of the principle enunciated earlier this year by the Secretary-General of the United Nations, Mr. Kofi Annan, that diplomacy is at its most effective when it is supported by a credible military threat?

Mr. Lloyd: We have received some reports of today's meeting between Presidents Yeltsin and Milosevic. For example, it is reported that President Milosevic has agreed to negotiate with the Kosovar Albanians, but at present it

is impossible to say whether that amounts to anything new. In that context, we await confirmation from President Milosevic. The hon. and learned Gentleman is absolutely right: if we were to say at this stage that we will not contemplate certain credible options, we would be playing into the hands of President Milosevic, and—I must also say—the extreme voices among the Kosovar Albanians.

Mr. Mike Gapes (Ilford, South): Will the Minister assure the House that any action taken will be consistent with the United Nations charter and will be designed not to inflame existing tensions in that very difficult region? Will he assure the House that further assistance will be given to the Government of Macedonia and that steps will be taken to assist the refugees who are at present in Albania—as well as other measures that may be necessary in order to try to resolve the conflict?

Mr. Lloyd: My hon. Friend has asked several important questions. Britain has certainly been active in seeking to bring a resolution before the United Nations Security Council. However, the actions taken by the international community will depend very much on the circumstances on the ground at the time. They will determine what actions are acceptable and permissible. The position of Macedonia, with its large number of permanently resident Albanians, requires considerable attention. We need to ensure that Macedonia has the monitoring that it needs, which will include a continuation of the military presence in that monitoring operation.

My hon. Friend asks about the position of displaced persons already within Kosovo and elsewhere in Yugoslavia. The best answer to that would be if the humanitarian agencies such as the Red Cross were allowed in and enabled to do the work that they do better than anybody else.

Mr. Michael Howard (Folkestone and Hythe): Can the Minister tell us anything about the progress of the European Union monitoring mission? The hon. Gentleman will know that I asked the Government to take a lead in pressing for monitors to be allowed into Kosovo as long ago as 10 March. Has any progress been made?

Will the Minister now answer the question that he has twice failed to answer: do the Government accept the view that no military action can take place without the authority of a resolution of the United Nations Security Council?

Mr. Lloyd: I pressed exactly that point with the Yugoslavian Government last week. At present, they have not given the freedom for monitors to travel that we expect of them. At a European level, we are prepared to deploy 18 more monitors immediately, with more to follow in due course. The spirit of the right hon. and learned Gentleman's question is absolutely right. We need monitors on the ground so that we can be assured that violence against the civilian population has at last come to a halt. That is a necessary precondition for all else to follow.

In terms of action at the United Nations, Britain is extremely active in seeking a suitable resolution. However, the exact course of action that will be taken by the international community in the end will depend on the circumstances that confront it at the time when that action takes place.

Mr. Dale Campbell-Savours (Workington): So that there be no misunderstanding, is it the position of the British Government that we believe that Serbia should retain sovereignty over Kosovo?

Mr. Lloyd: So that there be no misunderstanding, let me say that the position of the international community has been consistent. We have called for meaningful negotiations between the Government in Belgrade and the Kosovar Albanians, under the leadership of Dr. Rugova, on the basis that there must be autonomy for the Kosovar Albanians within the context of the Federal Republic of Yugoslavia.

Central and Eastern Europe

4. **Mrs. Jacqui Lait** (Beckenham): What help is being provided through his Department to central and eastern European countries to fund political education. [44516]

The Minister of State, Foreign and Commonwealth Office (Mr. Doug Henderson): We are committed to supporting the democratic development of the countries of central and eastern Europe. The Foreign and Commonwealth Office provides grant in aid to organisations such as the Westminster Foundation for Democracy, the British Association for Central and Eastern Europe and the Britain-Russia centre.

The Government also fund democracy-building and civic education programmes directly through a wide range of departmental programmes, including the former know-how fund political projects fund, the Europe command project budget, the human rights project fund and the east-west contacts fund.

Mrs. Lait: I thank the Minister for that information. Are funds available to help groups that wish to improve political campaigning in central and eastern European countries? Will groups such as the European Union of Women, which next week is bringing over a group of Russian women politicians, be able to receive Foreign Office funds to help them in their efforts to improve campaigning, canvassing and fundraising among the political parties in central and eastern European countries?

Mr. Henderson: Where there are meaningful projects that could be taken up, funding could be available to all political parties that wish to link up. Through the Westminster Foundation for Democracy, £411,000 was spent on central and eastern European development last year. A sum at least equivalent to that is available again this year.

Mr. Bruce Grocott (Telford): In welcoming any assistance that we can give to countries overseas in developing their democracies, does my hon. Friend agree with me that we should be a little cautious in this country—certainly the Tories should be very modest in any advice that they give to countries overseas about democracy—so long as we have a system where the second Chamber has more than 700 Members who have inherited the right to legislate?

Mr. Henderson: I am grateful to my hon. Friend for that question. I think, as he does, that one must be

extremely cautious in offering advice to colleagues in other countries. The worst thing that any of us could do would be to adopt a post-imperialist approach whereby we tell other people what is good for them. We must lay out examples of what we think we do well; it is up to others to decide whether they think they can learn from them.

Mr. Ian Taylor (Esher and Walton): I am rather saddened that the Minister has indulged in petty politics, which is far removed from the objectives of the Westminster Foundation for Democracy, of which I am a past governor, and the educational organisation to which he referred. This country has a lot to be proud of in its democratic processes. I challenge Labour Back Benchers, if they are about to reform the House of Lords, to say which of this Chamber's powers they would be prepared to transfer to an elected upper Chamber.

These are serious questions, but the principal point is that we have to transfer the deep roots of our democracy into those countries to create stability in Europe. Does the Minister understand the imperative to enlarge the European Union to embrace those countries with new democratic principles, and is he aware of the cost that achieving that will put on the wealthier members of the EU?

Mr. Henderson: The hon. Gentleman has raised a wide agenda. I have always believed that it is important to build contacts with colleagues in those countries, not only so that they can learn the technical aspects of building a democracy and of guaranteeing human rights, but so that there can be political dialogue, understanding and the building of attitudes, which are important in issues such as enlargement of the EU. The Government strongly support that, and want proper funding to be in place to achieve it.

Mr. Andrew Mackinlay (Thurrock): Will my hon. Friend consider the fact that the £3 million given to the Westminster Foundation for Democracy is insufficient? I understand that the foundation intends to reduce its operation in central Europe because of demands elsewhere, which I fully appreciate, but there is an on-going need to train politicians and local activists in central Europe: Hungary has a new Government; there are extensive regional and local government elections; and new structures are being created in Poland, which is a key player. Will my hon. Friend reflect on the fact that it would be foolhardy in the extreme for us to reduce our commitment to, and support for, democratic institutions and parties in central Europe?

Mr. Henderson: The grants that are made available to organisations such as the Westminster foundation are constantly under review. What is examined is how effective those organisations have been in disbursing moneys in a meaningful way, and we shall continue to monitor that. If a case can be made for an extension, we will, of course, consider it.

Mr. Nicholas Soames (Mid-Sussex): Will the Minister pay tribute to the establishment of the know-how fund by the previous Administration and acknowledge what an extraordinary success it has been? Will he accept bids for places for people from central and eastern Europe to attend political courses at English universities, where they would have the chance not only to receive admirable teaching, but to savour the atmosphere of a true and extremely sophisticated democracy?

Mr. Henderson: I very much support the hon. Gentleman's aim of an exchange of students between central and eastern European countries and Britain. There are not many things for which I would pay tribute to the previous Conservative Government—but setting up the know-how fund is one of them.

EU Reform

5. **Mr. Tom Levitt** (High Peak): What recent discussions he has had with his counterparts about reform of the European Union. [44517]

The Minister of State, Foreign and Commonwealth Office (Mr. Doug Henderson): We have regular discussions with our European counterparts about a wide range of issues dealing with reform of the European Union.

Mr. Levitt: I am sure that the leadership that the Government have shown to the EU during their presidency will have been noted throughout Europe and beyond, and many people in many countries will have welcomed the fact that the Labour party, rather than the Conservative party, was in a position to give such leadership. What stage has been reached on enlargement in the discussions that my hon. Friend has had, and will he comment on the preparations that the countries of central and eastern Europe—especially Poland, which we all want as a partner—are making for joining the EU?

Mr. Henderson: My hon. Friend is right to highlight the importance that the Government have attached to the enlargement procedures in the European Union, which have been pushed hard for the past six months. That will be reflected, in the conclusions of the Cardiff summit, which were made available only after 2.30 pm, so I was not furnished with them before I came to the House. I think that the Prime Minister will make a statement to the House later in the week, when he will clarify those conclusions.

I have been impressed by the preparations that have been made by all the countries that are negotiating to join the European Union. I recently visited Poland and I was excited by the fact that people saw EU membership as a great opportunity. They were prepared to make changes to their life style and to their democracy, to make changes to guarantee human rights, and to make the big changes required in their economy, including in their steel industry. I am confident that, through dialogue with the European Union in the coming years, Poland will accede successfully.

Dr. Julian Lewis (New Forest, East): In his discussions on the reform of the European Union, has the Prime Minister taken into account the massive opposition to economic and monetary union shown by British public opinion? In particular, is the Minister aware of the result of the Gallup poll published today, which shows that only 33 per cent. of the British people support the abolition of

the pound and our entry into economic and monetary union, whereas 65 per cent. oppose it and only 2 per cent. are now undecided?

Mr. Henderson: The establishment of the single currency has been one of the main issues that the European Union has considered over the past six months.

Dr. Lewis: And longer.

Mr. Henderson: Yes, and longer. There is an understanding among the leaders of Europe—I am confident that it will be reflected in the conclusions of the Cardiff summit—that a strong structure to the single currency has been established and that it will serve well the 11 countries that will join it on 1 January and those countries that may exercise an option to join it at a later stage. The Chancellor of the Exchequer has made the British Government's position clear. When we have been able to assess whether convergence has taken place—after the next general election—a judgment will be made on whether it is in Britain's economic interest to join the single currency. It is against that background that the Cardiff talks have taken place in the past two days. All the leaders have been keen to assess the views of the business community and ordinary people. Contrary to the result of the poll to which the hon. Gentleman referred, I sense a growing understanding of what the euro would mean for life styles.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Do Her Majesty's Government accept any money from the European Commission for the propagation of the view that the euro is an advantage rather than a disadvantage? If so, what opportunities will be taken to ensure that the British people understand the implications of the actions of any Government who hand over their taxation and finance powers without being clear about the political cost to their country?

Mr. Henderson: The European Commission disburses the funds that it controls for that purpose among the partner nations of the European Union. One factor that it takes into account is the view of the Government of each country. Over the next three years, we shall discuss macro-economic policy, the establishment of the euro and whether it is in Britain's interest to join. The Government want to guarantee that all those who will eventually have a say—the public will have a say through a referendum—are fully informed about what it will mean for their life styles and their workplaces.

Rev. Martin Smyth (Belfast, South): I welcome the reform of the European Union. Do such discussions include the protection of the rights of citizenship throughout the world of citizens of the European Union? Has any approach been made to the Government of Morocco on the false allegations and extraordinary penalties imposed on European citizens, including a British citizen, Dr. Graham Hutt?

Mr. Henderson: I am not quite sure of the point that the hon. Gentleman is making. In all its dealings, the European Union seeks to ensure that international standards are upheld. That applies to the matters to which the hon. Gentleman referred.

Mr. Ieuan Wyn Jones (Ynys Môn): Is the Minister aware that the reform of Community structural funds and initiatives is taking place at a time when parts of Wales, and other areas of the United Kingdom, will for the first time qualify for objective 1 status? Will he and his departmental colleagues ensure, as the reform proceeds, that none of those areas' applications will be disadvantaged?

Mr. Henderson: The hon. Gentleman is right to raise that issue and its importance to the people of Wales. Its importance was made clear to me not only in last week's debate in the House, but during my visit to Cardiff over the past two days.

There are, in fact, two issues. First, we must ask whether in the redrawing of boundaries throughout the United Kingdom, which is essentially an administrative act, a fair system is being proposed. We must also ask, when the commission reaches a conclusion, whether a fair system has been agreed—whether the system compares Wales favourably in administrative terms and how boundaries have been drawn in other European Union countries. That is the first test. The Government will want to ensure through Eurostat, the organisation that will deal with the arrangements, that a fair system has applied. As the hon. Gentleman will know, the Government have supported submissions from Wales for a redrawing of boundaries to allow the possibility of objective 1 status for part of the country.

The second issue is the reform of the structural funds system. It will take place and I expect that, following the conclusions at Cardiff, a timetable will be drawn up allowing it to be agreed before the European Parliament is dissolved for the elections in March or April. Within that timetable, the Government aim to ensure that a fair system of structural funds is agreed so that once funds have been allocated to help the countries of central and eastern Europe—which will need additional funding during the accession process—the rest of the cake can be disbursed fairly, which includes taking into account the requirements of Wales.

Mr. Michael Trend (Windsor): I am sorry to learn that the Foreign Secretary is sharing Council resolutions with the world before sharing them with his own Ministers. Does that mean that there will definitely not be a full-time report on the flop of this presidency, as there was a ludicrous half-time report, that shows what a wasted exercise it has been?

Can the Minister confirm the report in *The Times* yesterday that no Foreign Office Ministers participated a fortnight ago in discussions of a major review of European policy and the way forward at No. 10 Downing street? Is that not the final indignity for the Foreign Secretary and his team?

Mr. Henderson: It would be a bit difficult for me to be in Cardiff with my right hon. Friend the Foreign Secretary for the last hour or so of the summit's conclusions and in the House of Commons to answer questions. If the hon. Gentleman has any suggestions about how I could have achieved that, I am willing to entertain them.

I reassure the hon. Gentleman that the future of the European Union is a major issue that affects all the states in Europe. The British Government treat it as a top

priority and there have been extensive discussions among a number of Departments about some of the issues that will arise in the next six months and beyond.

Nuclear Tests (South Asia)

6. **Mr. Peter L. Pike** (Burnley): What recent discussions he has had with representatives of the Pakistan and Indian Governments in connection with their nuclear tests. [44518]

9. **Mr. Laurence Robertson** (Tewkesbury): If he will make a statement on the discussions he has had with the Indian and Pakistan Governments in relation to nuclear tests. [44522]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): We have had a number of discussions with the Pakistan and Indian high commissions in London and with other representatives of their Governments. This morning, I had a meeting here in London with the Prime Minister of Pakistan.

Mr. Pike: When the Foreign Secretary was with his colleagues in the G8 last week, were they able to agree on joint steps to persuade Pakistan and India that there should be no more tests, that moves should take place towards non-proliferation and that they should address the roots of the problems between the two nations, including the problem of Kashmir?

Mr. Fatchett: The G8 Ministers meeting last week succeeded in reaching those agenda conclusions. In particular, we urged the Governments of India and Pakistan to sign the non-proliferation and test ban treaties. We also made a point that I made to the Pakistan Prime Minister this morning—that it is crucial for us to enter a dialogue with India and Pakistan so that they can deal with the fundamental issues that have divided them over the past 50 years. Resolving the Kashmir issue is an important part of that agenda.

Mr. Robertson: As the testing has serious implications for the environment, for peace and indeed for trade, will the Minister clarify press statements that India is prepared to sign up to some parts of the test ban treaty? If no progress can be made, will he assure the House that he will take every possible step to ask the United Nations Security Council to take whatever measures may be necessary?

Mr. Fatchett: The hon. Gentleman mentions the position that has been taken by the Indian Government—that they would be willing to consider signing up to parts of the non-proliferation treaty. That is unacceptable to the permanent five and the G8. We have made that view clear to India. We cannot have an à la carte approach to the non-proliferation treaty. The same message has been delivered to Pakistan.

The hon. Gentleman mentions UN involvement. The P5 has already been involved in those issues and, through senior officials we established at last week's G8 meeting, there will be continued monitoring of progress and developments. We will consider what further action has to be taken.

Mr. Jeremy Corbyn (Islington, North): I support what my hon. Friend has said about condemning the tests conducted by both India and Pakistan, but does he not think that the position of the big five nuclear powers in that condemnation would be stronger if they were seen to be actively disarming and disabling their nuclear weapons? If we want to live, as we all do, in a nuclear-free world, perhaps we should make a start in that direction.

Mr. Fatchett: It is crucial that we continue the nuclear disarmament talks. The Government have taken a responsible and active role in that approach and will continue to do so. I am sure that my hon. Friend agrees that the security of ordinary people in south Asia has in no way been helped by the nuclear explosions detonated by the Governments of India and Pakistan. In many ways, those people are more insecure and more impoverished as a result of the actions that have been taken by their Governments.

Mr. Michael Colvin (Romsey): Will the Minister confirm that these tests mean that the Indian state of Kashmir is surrounded by nuclear powers: India, Pakistan and the People's Republic of China? Will he acknowledge that the problem—that is what it is—of Kashmir arose under an earlier Labour Administration? Will he confirm that the Government will make every effort to ensure that Kashmir is on the UN Security Council's agenda so that the people of Kashmir can be granted the plebiscite on their future that they have been denied for the past 50 years?

Mr. Fatchett: I know that the hon. Gentleman has a genuine interest in the issue of Kashmir and in the welfare of its people. We recognise that Kashmir is at the heart of the continuing difficulties between India and Pakistan. If we are to improve the relationship between the two countries, we have to address the problems that are created by the status of Kashmir.

Great Lakes

7. **Mr. Kevin Barron** (Rother Valley): What steps his Department is taking to help bring stability to the great lakes region of Africa. [44519]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): I refer my hon. Friend to the answer that the Minister of State, my hon. Friend the Member for Leeds, Central (Mr. Fatchett), gave a few minutes ago concerning the EU troika visit to the great lakes region. The troika urged regional leaders to pursue negotiated solutions to their problems and to avoid any recourse to the use of violence. Bilaterally, we are currently providing financial assistance to the Burundi peace talks, which are due to convene in Arusha from 15 June. We are also funding a number of initiatives in the justice sector in Rwanda and are the largest bilateral donor to United Nations human rights field operations in the region. In the Democratic Republic of the Congo, the EU and the UK are supporting, both financially and politically, the democratic transition process.

Mr. Barron: Will my hon. Friend expand on what steps the Government are taking to support the international tribunal for Rwanda? Does he agree that before reconciliation can take place in that country the

people who perpetrated the genocide in that part of Africa need to be brought to justice? That must happen before there can be reconciliation between the Tutsis and Hutus.

Mr. Lloyd: My hon. Friend is right that the process of reconciliation depends absolutely on justice being not only seen to be done, but put into proper operation. That is why this Government, along with many others, are making significant contributions to the international criminal tribunal for Rwanda, which is sitting in Arusha.

We have not only provided £400,000 as our assessed contribution to the tribunal, but seconded two British police officers to help with the investigation. We are also specifically sponsoring a programme of visits by magistrates, social workers and non-governmental organisations from Rwanda to the tribunal so that they can see that the justice process is taking place.

We also welcomed the recent guilty plea by the former Rwandan Prime Minister, which has moved the process on. I can tell my hon. Friend that we shall continue to support the tribunal—which itself provides a good prelude to an international criminal court, the basis of which is now being discussed in Rome. Such a court will be another important step on the road to international justice.

Mr. Nicholas Winterton (Macclesfield): The Minister will know that the United Kingdom has unique experience of Africa and that we probably have greater knowledge and experience of it than any other country in the world. Bearing in mind that experience and our continuing involvement with the Governments of many countries that have recently gained independence, does the Minister think that the countries with which we have been involved will be able to have any influence in the countries of the great lakes region in establishing law and a meaningful form of democratic government that will be acceptable to the people of Africa as a whole?

Mr. Lloyd: The answer, of course, is yes. Some of the states in the great lakes region are playing a very constructive role in the region. Specifically, the regional powers have brought to bear enormous pressure on the Government of Burundi to persuade them to enter a meaningful internal dialogue with the national assembly. That pressure has now resulted in a negotiated process in Arusha. I should pay tribute to former President Nyerere of Tanzania, whose individual contribution to the process has perhaps been more significant than that of anyone else. He is helping the talks reach a successful conclusion. The region, and the world, will owe him a debt.

Mrs. Cheryl Gillan (Chesham and Amersham): The stability of the great lakes region is inextricably linked to political developments throughout the area, and current events continue to highlight the region's fragility and vulnerability. In the light of natural concerns about the consequences of future political change, will the Minister tell us the Government's attitude towards the multi-democracy movement in Uganda?

Mr. Lloyd: I should like first to welcome the hon. Lady to her new responsibilities. I am sure that this is not the last time that we shall exchange views across the Dispatch Box. [HON. MEMBERS: "Oh!"] Well, I trust that she will be on the Opposition Front Bench again. She raised a very important point. There are many views on evolution of the democratic process on the African continent. Some time ago, when I was in Uganda, I made it clear that we favour an electoral process being established whereby the Ugandan people are sovereign, those who wish to stand for election are able to do so and the people of Uganda are able to vote for the candidate of their choice. I am sure that all hon. Members will endorse those principles.

Sierra Leone

8. **Mr. Dennis Skinner** (Bolsover): When he expects to receive Sir Thomas Legg's report on arms sales to Sierra Leone; and if he will make a statement. [44521]

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): Sir Thomas Legg has said that he will complete his investigation and report as soon as possible. He is currently interviewing witnesses and examining evidence.

Mr. Skinner: Does the Minister agree that, in many ways, the matter is really a story about the British intelligence services—which believe that they are answerable to no one when they are meddling abroad—and high-flying civil servants straight off the cast of "Yes, Minister", at least one of whom says that he cannot read his own memory? Is it not also about a shadow Foreign Secretary who believes that he has discovered some great defining issue in the lifetime of a Labour Government whereas, in reality, he is like a dog in the gutter that keeps returning to its vomit?

Mr. Lloyd: I was tempted to agree with my hon. Friend, at least on the shadow Foreign Secretary, but he invited me to go a little too far. Nevertheless, my hon. Friend has touched on the remarkable contrast between the shadow Foreign Secretary's view that he has chanced upon his Scott report and reality—

Mr. Ian Bruce (South Dorset): Nothing like.

Mr. Lloyd: Nothing like, as the hon. Gentleman says. Scott, of course, was a deliberate cover-up by Ministers. That Government deliberately chose to supply arms to Iraq, a regime that went to war with Britain in due course. It was a deliberate attempt to mislead Parliament. The contrast is remarkable. The right hon. and learned Gentleman has not been able to demonstrate, because he cannot, that Ministers colluded, that Ministers sought to provide arms or that Ministers sought to break the United Nations embargo—or that Ministers even sought to mislead either the House of Commons or the House of Lords. That is the difference. I shall be interested to see whether the right hon. and learned Gentleman welcomes the fact that, when he comes shortly to read the conclusions of the Legg report, he will not be locked in a room for a few minutes to review that investigation, but will have the chance to read it properly and to come before the House to say that he is sorry.

Mr. Crispin Blunt (Reigate): Will the Minister give us an assurance that Sir Thomas Legg will examine the relationship between all officials in the Foreign Office and Customs and Excise while he is conducting his inquiry?

Mr. Lloyd: Yes, of course. Sir Thomas Legg's remit is already public. Sir Thomas has already begun his

investigations. He has access to all officials, to all the papers that he chooses to review and, very important, to all Ministers. I and my colleagues are looking forward to the opportunity to give evidence to Sir Thomas.

Mr. David Winnick (Walsall, North): Did my hon. Friend notice the warm and enthusiastic welcome that the British high commissioner to Sierra Leone received on his return because the people there identify him with the return of democracy and hold us in the highest regard? Is not it nonsense to say that when the arms embargo was agreed by the United Nations it was on the basis that there would be no difference between the dictatorship that had taken over and the democratic forces? Surely there is all the difference in the world, as there was when there was an arms embargo against apartheid in South Africa—which hardly involved those who were fighting the regime.

Mr. Lloyd: Let me make it absolutely clear that the return of the high commissioner to Sierra Leone was recognised by the people of Sierra Leone as significant because his role and, indeed, that of the British Government was critical in the return of the democratically elected President to that country. That is something that the people of Sierra Leone do not want to forget, although Opposition parties try on occasion to deflect the issue.

It is important to place one point on the record. Much has been made of what I previously told the House. I said on 12 March:

"The suggestion that Britain was conspiring with hired killers is wrong".—[*Official Report*, 12 March 1998; Vol. 308, c. 844.]

It was absolutely right to say that then. It was wrong to suggest that we had conspired with hired killers, and it is wrong. We do not conspire and we do not work with mercenaries.

Mr. Michael Howard (Folkestone and Hythe): The Minister and the hon. Member for Bolsover (Mr. Skinner) appear to have forgotten that we are discussing matters that the Foreign Secretary described as "grave" and "serious". Baroness Symons told the other place yesterday that before she answered questions on 10 March she was briefed about allegations of illegal arms shipments being referred to the appropriate authorities. Does the Minister still maintain that he had no such briefing although he actually visited Sierra Leone at the end of that month? If he did not, has he established why?

Mr. Lloyd: I am really astonished by the right hon. and learned Gentleman's line of questioning. I recently told the House:

"At that time, I was not briefed, told, advised or in any way informed either orally or in writing of alleged arms shipments or of the Customs and Excise inquiry."—[*Official Report*, 14 May 1998; Vol. 312, c. 537.]

If that form of words is not comprehensive, I invite the right hon. and learned Gentleman for goodness' sake to come and tell me what more he wants. It is absolutely clear. It is before the House of Commons and before Sir Thomas Legg. When I appear before Sir Thomas Legg, I will repeat that form of words and he will be able to establish the truth. That will come back to the House. At that point, I trust that the right hon. and learned Gentleman will have the good grace to withdraw his outrageous remarks.

Mr. Howard: Has the Minister established the reason for that astonishing failure to brief him?

Mr. Lloyd *rose—*

Mr. Denis MacShane (Rotherham): He has already had two questions.

Madam Speaker: Order. The Opposition Front Bench is perfectly entitled to another question, otherwise I would not have called the right hon. and learned Member for Folkestone and Hythe (Mr. Howard). I determine the allocations allowed for those on the Front Bench.

Mr. Lloyd: I do not want to fail to answer the right hon. and learned Gentleman's question. Unfortunately, I did not hear it because of the noise.

Mr. Howard: Has the Minister established the reason for the astonishing failure to brief him on something that was clearly relevant to his visit to Sierra Leone?

Mr. Lloyd: I realise that the right hon. and learned Gentleman is in full flight in pursuit of what he feels is his political moment. Unfortunately, he is chasing the wrong target. His question will be comprehensively answered when Sir Thomas Legg publishes his report. The right hon. and learned Gentleman will then realise that his Scott report is simply a chimera, as is his political future.

Myanmar

10. **Mr. Clive Soley** (Ealing, Acton and Shepherd's Bush): What recent contacts he has had with the Myanmar Government concerning the restoration of democracy and the rule of law. [44523]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): We regularly raise our concerns with the Burmese Government. Our ambassador in Rangoon had discussions with the Burmese Foreign Minister most recently on 4 May. He also remains in regular contact with opposition leaders, including Aung San Suu Kyi. We have used our European Union presidency to renew EU measures against the regime and drafted this year's United Nations Commission on Human Rights resolution on Burma.

Mr. Soley: I am pleased to hear that reply and am anxious that the name of Aung San Suu Kyi should not fall out of the news again. Have we been able to use our influence with the Association of South-East Asian Nations, which could apply pressure to ensure change in the regime?

Mr. Fatchett: In all our contacts with ASEAN countries we impress on them our view that there is a need for democratic change in Burma—the need to recognise the role of the opposition parties and the important contribution to the future of Burma that could be made by Aung San Suu Kyi. We want the ASEAN

nations to resolve the matter internally. The United Kingdom Government and the European Union have taken their position. We consider Burma's violation of human rights wholly unacceptable and we shall continue to put that message across to all those in ASEAN and elsewhere who will listen.

Mr. Michael Fabricant (Lichfield): Will the Minister pay tribute to the vernacular language transmissions of the BBC World Service to Burma? Has he been able to assess their effectiveness in at least influencing some people in Burma to look for a restoration of democracy?

Mr. Fatchett: I am always glad to pay tribute to the work of the BBC World Service, which makes an important contribution not just in communicating British values and democratic values, but in ensuring that many people in many parts of the world hear an objective news service that would otherwise be denied them. That is true in Burma, as in many other countries. I hope that it has had some impression on those who have power in Burma. I am afraid that I cannot be over-optimistic about that, but we shall continue to work towards the same objective.

Middle East Peace Process

11. **Mr. Andrew Dismore** (Hendon): What progress has been made in the middle east peace process. [44524]

17. **Dr. Phyllis Starkey** (Milton Keynes, South-West): What progress has been made in the middle east peace process. [44530]

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): Concern has been expressed at the Cardiff European Council about the continuing deadlock in the middle east peace process and the threat that that poses to the stability of the region. We have reiterated our strong support for the efforts of the United States to gain the agreement of the parties to a package of proposals which, if accepted, would open the way to the relaunch of final status talks. We have welcomed Palestinian acceptance of those proposals and continue to call on the Government of Israel to give a clear and positive response. The European Council also welcomed the increasingly substantive role of the EU under the UK presidency.

Mr. Dismore: Does my hon. Friend agree that economic stability is fundamental to Israel and the Palestinians—a fact recognised by both sides? Does he also agree that we should make as much progress as quickly as possible towards the final EU-Israel association agreement, which would make a major contribution to promoting and maintaining the economic stability that is so necessary to the peace process?

Mr. Fatchett: My hon. Friend will know that the EU-Israel association agreement has been ratified in the House and undergone all the United Kingdom parliamentary procedures. That is true for the overwhelming majority of European Union countries. It is not true, however, for Belgium and France. The process is therefore held up in those two countries.

Dr. Starkey: Land for peace is a crucial element of the middle east peace process. Does my hon. Friend share my concern that the Israeli Government appear to be trying to pre-empt the final settlement by extending illegal settlements across the whole of the west bank, with the associated road building, and by continuing planning policies in east Jerusalem that are changing the demographic balance between the Arab and Jewish populations to the detriment of the Arab population? Is he particularly concerned about the danger posed by the Israeli Government's plans for the E1 site, a huge site adjacent to Har Homa, which, if developed, would cut the Palestinian area in two?

Mr. Fatchett: We have always accepted the principle that land for peace is the basis for progress between the Israelis and the Palestinians. That is why we have continued to urge further redeployments by the Israeli Government. We hope—we have said so on many occasions—that they will take the United States' suggested offer, which is on the table. That is the way to make progress. We have also made it abundantly clear that we see the settlement development as inimical to the peace process and illegal in international law. We again urge the Israelis to stop the settlement development. Otherwise, it is impossible to achieve further redeployments and meet the Oslo principles, which we consider so important.

Legal Aid (Reform)

3.31 pm

Mr. John Bercow (Buckingham): I beg to move,

That leave be given to bring in a Bill to place restrictions on the granting of legal aid to persons resident outside, or not paying tax in, the United Kingdom; and for connected purposes.

The case for reform of the legal aid system is widely accepted across the House. The argument between the Government and the Opposition is about the means by which most effectively to do so.

The background to the present problem is well understood: an exponential rise in the legal aid budget over the past six years. As the Parliamentary Secretary, Lord Chancellor's Department has pointed out, the budget stood at £682 million as recently as 1990–91. By 1996–97, it had ballooned to an alarming £1,477 million. To place the matter in context, one observes that the budget for civil legal aid and family cases has tripled over that six-year period to £671 million. The average cost of pursuing those legally aided cases has risen by 53 per cent. over and above inflation. Yet, at the same time, 39,000 fewer pieces of legal advice or representation have been provided. In short, it is true that, as the Parliamentary Secretary has pointed out, we have been paying more, but getting less. That clearly cannot be expected to continue.

In defending the Government's consultation paper, "Access to Justice with Conditional Fees", the Parliamentary Secretary told us that the Government wanted

"to focus taxpayers' money where it is most needed and can do most good".—[*Official Report*, 4 March 1998; Vol. 307, c. 1060.]

He went on to contend that, in his judgment and that of the Government, they could do most productive good for the British people in the area of social welfare—employment matters, housing, tackling debt-related problems, benefit entitlement and, in some cases, pursuing actions against bureaucracy and officialdom. I do not necessarily disagree with that analysis. The Parliamentary Secretary was making a reasonable point, although we differ about whether the Government's announced, and thus far largely unamended, proposals will achieve the reasonable objectives that the Government have established.

In response to the statement by the Parliamentary Secretary, his shadow, my hon. and learned Friend the Member for Harborough (Mr. Garnier), observed that the Government's plans were

"ill thought out, socially divisive, economically illiterate and politically inept".—[*Official Report*, 4 March 1998; Vol. 307, c. 1063.]

My natural restraint and moderation, which are familiar throughout the Chamber, are such that I do not intend today to indulge in such an arsenal of aggressive adjectives to describe the likely outcome of the Government's policies. I content myself with observing that in all the debates on these matters, little, if any, reference has been made to whether specific categories of persons should not be eligible for legal aid or should face greater restrictions before being able to secure it. That is a reasonable proposition—I put it no more strongly than that—for the House to consider.

We are all familiar with the old saying, "No taxation without representation." There must be an argument that we are entitled—perhaps morally obliged—as an elected legislature to impose some restrictions on the rights to representation in British courts of people who neither ordinarily live nor pay taxation in the United Kingdom. That seems a reasonable proposition.

In preparing this Bill, I naturally inquired about how many people might be covered by legal aid in the category which forms its essence. I was sorry, and somewhat surprised, to discover that there are no collated statistics on people who do not live or pay tax in the UK, but nevertheless receive legal aid. *[Interruption.]* The hon. Member for Workington (Mr. Campbell-Savours) chunters from a sedentary position that he thinks that that is a satisfactory state of affairs, but I do not. I make no criticism of the Legal Aid Board for failing to keep statistics because living or paying tax in the UK is not a legal criterion for applying for or granting legal aid. However, if we are in favour of transparency and openness, as the Government say that they are, those factors are relevant. A public register should be established to record who has applied for and received legal aid. It would categorise and explain the cases of those who do not live or pay tax in the UK but who nevertheless receive help. My first concern, therefore, is that there is no public information.

My second concern is that although there are no overall collated statistics, we know that 67,175 bills had to be paid in respect of immigration and nationality cases in 1996-97, which constituted only 4 per cent. of the total legal aid budget. Significantly, I remind the House, and Conservative Members in particular, it amounted to a 45 per cent. increase in such cases over three years.

My third concern is whether we get value for money in respect of such cases. The sad answer is that we do not know. Although individuals, including lawyers, may be sceptical of whether legal aid should continue to be granted for particular cases or of whether such aid should be granted in the first instance, and although they can apply to the Legal Aid Board for a review of the decision to provide such funding, the board does not have to give reasons for its decisions. It can decline to review the provision of legal aid and give no reason for its decision.

My fourth concern, which underlines the importance of the Bill, is that there is reason to believe that legal aid is being abused. My hon. and learned Friend the Member for Harborough made that point on 21 November 1997 at column 553 in a debate on legal aid when he drew attention to the fact that the judges in the divisional courts regularly complained about hopeless immigration cases being brought before them. Someone had been prepared to sign the certificate, and legal aid—public money—had been provided for the reconsideration of cases that had no merit. Merit is supposed to be a criterion, so there is a serious problem of public funds being frittered away.

There is a powerful argument for establishing limits on who is eligible for legal aid, dependent on length of residence here and whether applicants pay taxes here—and surely there should be a public record of what is paid. The British people are fair-minded. We believe that people who live in this country, pay taxes in this country and have a loyalty to this country should have help from this country, regardless of race, colour, creed, religion or sexual orientation, if they need that help. Those who do not need help should not have it; it should be withdrawn from them.

My Bill is directed towards a fairer and more equitable system and a better expenditure of public funds. It is a good Bill, a sound and overdue measure. I hope that it will have widespread support in the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. John Bercow, Mrs. Angela Browning, Mr. Howard Flight, Mr. Nick Gibb, Mr. Nick Hawkins, Miss Julie Kirkbride, Mr. Peter Luff, Mr. Owen Paterson, Mr. David Prior, Mr. Laurence Robertson, Mr. David Ruffley and Sir Teddy Taylor.

LEGAL AID (REFORM)

Mr. John Bercow accordingly presented a Bill to place restrictions on the granting of legal aid to persons resident outside, or not paying tax in, the United Kingdom; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 3 July, and to be printed [Bill 204].

Opposition Day

[13TH ALLOTTED DAY]

Hospital Waiting Lists

Madam Speaker: I have selected the amendment in the name of the Prime Minister.

3.41 pm

Miss Ann Widdecombe (Maidstone and The Weald): I beg to move,

That this House notes with regret the increase in National Health Service hospital waiting lists since May 1997; deplores the failure of Her Majesty's Government to achieve implementation of its promise of an early reduction of such lists; notes that current Government policies in respect of hospital closures and bed reductions are likely to increase the lists further; notes that the proposals to abolish fundholding and reduce flexibility for general practitioners in purchasing health care for their patients will also add to the lists; and urges the Government to reconsider these changes.

We have chosen to debate waiting lists because the Government's broken pledges are of massive concern throughout the country. I was almost encouraged when I switched on my radio this morning and heard that the Secretary of State had announced another 2,000 beds. I thought, "This is wonderful. Every time we have an Opposition day, we can get 2,000 beds out of the Government." We shall consider it a great triumph if, at any time over the next month, the Secretary of State responds to our concerns and announces more money to put into the national health service. We shall be watching for that, and we hope that he will take seriously our request that he should do so.

However, my enthusiasm for the 2,000 beds quickly dwindled when I realised that they were nothing more than the same 2,000 beds that had been announced on 2 June. For one wonderful moment I had thought that we were going to get 4,000 beds, and I am sure that, from the tone of the statements by the Secretary of State, the general public were meant to think that those were extra beds. However, they are not; they are the old beds.

What is more, there is not even any evidence that those 2,000 beds represent a net gain. Are they, for example, to be set against the programme of closures and bed reductions now going on in hospitals throughout the country? This morning, I was at Kent and Canterbury hospital, where a reduction of 400 beds is threatened. Do we assume that those 400 beds will be added back in addition to the 2,000, or are we now talking about a maximum of only 1,600 beds? I would be grateful if the Secretary of State would explain both the minuses and the pluses, and tell us either the net gain or—as I suspect—the net loss.

Before the general election, Labour promised to "save the NHS", and to cut waiting lists by 100,000. They called that their "early pledge". Labour has now been in government for 14 months and we are entitled to examine that early pledge. The Government now say that they will meet the pledge before the next election, so that early pledge has become a "better late than never" pledge.

[Miss Ann Widdecombe]

Let us recall what Labour told us when it was in opposition. Its posters told us that

"NHS waiting lists will be shorter";

its mugs—that is, the china sort—told us, "Treat more NHS patients"; and its election manifesto promised to cut health service waiting lists by 100,000. Then, the Secretary of State told us:

"This Government only makes promises we intend to keep."

However, the truth is rather different: waiting lists are now 11.5 per cent. higher than when Labour took office and that early pledge has been comprehensively broken. There can be no doubt that those pre-election promises were deliberately designed to make the voters think that waiting lists would be reduced quickly; not only have waiting lists risen, but the Labour Government are deliberately adopting policies that will cause them to rise still further.

The Secretary of State has made various excuses. First, he deliberately put waiting list surgery on hold to cope with a winter crisis that did not, in fact, materialise. The Opposition have been told of cases where temporary nurses were hired at great expense, only for them to have nothing to do, because there was no winter crisis; and of waiting list surgery cancelled, only for the hospitals to have nothing with which to replace it, because there was no winter crisis—a catalogue of waste and inefficiency. I am not suggesting that the Secretary of State could have predicted exactly how mild the winter would be—after all, if he does not know how many hospitals he is responsible for closing, it is most unlikely that he would be in touch with the long-range weather forecasters. However, I am saying that he did not sufficiently think through, or keep sufficiently flexible, his priorities last winter.

Having said that, I give the Secretary of State a little bit of credit, because he accepted that it was his decision and, therefore, his fault. He bungled in his judgment, but at least he had the grace to admit that the record waiting lists were his own creation. He did so in the House, when he said:

"As top priority was given to emergencies, waiting lists have grown".

He himself made the direct connection; he then said:

"I set that priority, and the health service met that priority".—[*Official Report*, 18 March 1998; Vol. 308, c. 1290.]

That is more than the Prime Minister is able to do.

During Prime Minister's Question Time on 29 April, the Prime Minister flatly refused to take any responsibility whatsoever for increased waiting lists. I might add that it was not clear from his answer whether or not he held the Secretary of State directly responsible—I suppose that we shall have to wait for the forthcoming Cabinet reshuffle to discover the answer to that question. However, there now appears to be a rather interesting dichotomy, between a bungling Secretary of State for Health who admits that it is all his fault and a Prime Minister who cannot take responsibility for anything.

Despite the Secretary of State's flush of culpability over the winter pressures fiasco, it seems that he is not yet ready to make the ultimate sacrifice. Usually, if someone admits an error of judgment that causes untold misery to 133,000 people, one would not expect that person to say, as the Secretary of State said in his message to trust chairmen and chief executives, "Okay, I bungled, but you're the ones who may be fired." What makes the Secretary of State's response even more astonishing is that the people he has threatened with the boot are the Labour party's friends, whom he had appointed to trust boards barely four months before.

Let me remind the House of the figures: 79 per cent. of those appointees declaring political activity did so for the Labour party; and 84 per cent. of those appointees who are councillors are Labour councillors. That is what the Secretary of State calls

"making trust boards more representative of the people they serve",

but most people would simply call it gerrymandering.

The reason for that preponderance of Labour activists is the result of a rather convenient oversight: the Department of Health wrote only to council leaders, not chief executives, when seeking nominations from local authorities. It appears that some Labour council leaders—inadvertently, it is said—failed to pass on the letter to their colleagues in other parties, so that only Labour activists were nominated in any significant number by that method.

Of course, it must be a little embarrassing for the Secretary of State. Having gone to all that trouble to ensure that trust boards were packed full of Labour supporters, he is now in the rather awkward position of being forced to sack them all as scapegoats for his Government's broken early pledge on waiting lists.

However, trust chairmen will not have to look pensively through their morning post just yet because it seems that the people's pledges are, in fact, portable pledges, to be moved around whenever it is most convenient to the Government. In March, the Secretary of State promised, to the House and in a press release, that waiting lists would be below 1.16 million within a year—by April 1999. Three months later, on 2 June, he said during Health questions that

"by this time next year waiting lists will be down to the level that we inherited."—[*Official Report*, 2 June 1998; Vol. 313, c. 159.]

Was that just another bungle by the Secretary of State or has he delayed the pledge by three months? Will he now set the record straight? Will the deadline for the first new clause of his revised waiting list pledge expire by 31 March 1999 or 30 June 1999, or will he extend it again? Which is the correct pledge? I look forward to hearing his answer.

The Secretary of State for Health (Mr. Frank Dobson): I know that the right hon. Lady has not been doing her job for very long, but I should have thought that she would have understood by now that under the useless statistical system that we inherited from the previous Government, it takes the national health service about two and a half months to come up with the figures. That is the explanation for the discrepancy.

Miss Widdecombe: It is always somebody else's fault. This time, it is the fault not of the trust chairmen, but of the statisticians—the right hon. Gentleman's own civil servants. He still has not answered the question, but I take it that 30 June 1999 is the date to which we are all now working. If it is, that can go on the record and we can hold him to account. That is no way to run the health service.

The convenient confusion over the Secretary of State's waiting list pledge and the treatment of health service staff is just part of the picture that we are beginning to see of a health service in turmoil. In one breath to tell people that they have done us proud, as the Secretary of State puts it, and in the next to threaten them with the sack when it is the same Secretary of State's decisions that have caused the record waiting lists merely demonstrates that Labour has never been fit to manage anything. That rather sad display of macho management will serve only to demoralise health service workers even further.

Mr. Paul Truswell (Pudsey): Will the right hon. Lady give way?

Miss Widdecombe: In a moment.

The Secretary of State appears intent on alienating the most important workers in the health service. First, he alienated the nurses by giving them a staged pay rise. He said that he was embarrassed. So he should be—in July 1996, when the then Government proposed to stage the pay rises of Members of the House, the right hon. Gentleman voted against it. He voted to take his pay rise in one go. He was not embarrassed then, so no wonder he is embarrassed now, as should be the Under-Secretary of State for Health and the Minister for Public Health who also voted against staging then. Let the Secretary of State explain that to the nurses.

The Secretary of State should be embarrassed also that when he is closing hospitals across the country, there is to be a £1 billion hospital in his own back yard.

Mr. Roger Casale (Wimbledon): I appreciate that the right hon. Lady is speaking on behalf of the Opposition, but is she aware that the Government have made over £5 million available to West Kent health authority in the area that she represents which will be used to create 132 new beds, which were cut under the previous Government? Will she take the opportunity at least to thank my right hon. Friend the Secretary of State for the extra resources that he has made available for her constituency?

Miss Widdecombe: I shall discuss the position in Kent presently, and the hon. Gentleman will not then be smiling so confidently as he is now. The situation in Kent is grievous, and it is entirely the result of decisions taken since May 1997. We shall hear about that in a moment.

Mr. Dale Campbell-Savours (Workington): Will the right hon. Lady discuss what is going on in my health authority? It is getting an extra £1.8 million for these matters. Why is the right hon. Lady complaining, when every Member of the House of Commons represents a seat where millions of pounds has been allocated to shorten waiting lists? What is wrong with that? Labour is delivering.

Miss Widdecombe: First, that money must be allocated because the Government's policies are not working and waiting lists are lengthening. Secondly, when we discuss those millions, I shall show the hon. Gentleman that the money is not worth as much as he supposes.

I return to the demoralisation in the health service. The sources of increased pressure on waiting lists are not only the Secretary of State's bungled attempt at "tough management", as he calls it, but the pathetic financial settlement that the Government have seen fit to offer the health service. "Pathetic" is not my word; it is the word used by Dr. Sandy Macara, chairman of the British Medical Association—a group that has rarely criticised the Labour party in the past 19 years, and now says that its financial settlement is pathetic.

The BMA says that because, despite all the talk of extra money for the health service, we had an increase of 3.1 per cent. in real terms per annum, whereas the average increase under the present Government has been only 2 per cent. Of course they have made some extra sums available, but let us see what we have to remove from those extra sums. Perhaps the hon. Member for Workington (Mr. Campbell-Savours) will get out his calculator.

Mr. Campbell-Savours: I have it here.

Miss Widdecombe: We can remove higher-than-expected inflation. That is another broken pledge; Labour said that it would keep inflation low. We can remove health service inflation. We can remove the abolition of private medical insurance tax relief, deficit reduction, the phased pay award and other black holes in Labour's spending campaign, which render the additional money that they keep talking about only a fraction of its current worth. For example, if one removes the factors that I have suggested, the £417 million announced in the Budget becomes a paltry £32 million.

The effect that underfunding has had on the health service is now visible; what will be the cost to waiting lists of another year of short change? If underfunding and winter pressures were the only factors, the waiting lists situation might not look so desperate, but that is only half the story. The entire structure of Labour's health service reforms and its hospital closures programme will have an equally devastating effect on the future of the health service.

Labour's White Paper is a blueprint for increasing the people's waiting lists. The bureaucracy proposed in the White Paper will add substantially to health service running costs. The Government claim that they can save £1 billion from bureaucracy but, without saving anything, they have already added another £150 million a year from the cost of administering the primary care groups alone. Bureaucracy to co-ordinate health authorities and local authorities will be necessary within the structure of their reforms, but they have not accounted for any cost whatever. NICE, the national institute for clinical effectiveness, and CHIMP, the commission for health improvement—to name just two of their inventions—will also cost extra money, with no resultant administrative savings. The whole White Paper appears to be a return to the command-and-control structure for the health service, with all the associated running costs. There will be a raft of new quangos, none of which will keep the waiting list pledge afloat.

The Government have not, as they frequently claim, abolished the internal market. The purchaser-provider split remains. They have only clogged up its workings with unnecessary controls and bureaucratic mechanisms, requiring constant consultation before any decision is taken. That will reduce efficiency and lead to money being diverted from reducing waiting lists to unnecessary administration.

[Miss Widdecombe]

There is reduced freedom for general practitioners because primary care groups, rather than fundholders, will choose between trusts, and that will reduce the flexibility of individual GPs to choose shorter waiting lists for their patients. The reduced efficiency caused—

Mr. Truswell *rose—*

Mr. Ian Bruce (South Dorset): Go on, read from your briefing.

Mr. Truswell: No, it is entirely of my own making; I have no briefing from anyone else.

I speak as a former member of a family health services authority, and that authority had some Tory nominees on it, none of whom subscribed to the concept of GP fundholders. Does the right hon. Lady think it was right that so much money accumulated in GP fundholder budgets while health authorities were running deficits? That money could have been used to treat patients and reduce waiting lists. Does she accept that while I was a member of a family health services authority, our auditors brought to our attention a number of cases where they thought that fundholders were not using the money efficiently, such as for the purchase of lavish oak furniture? Does she not think that those cases should have been dealt with, and that the money should have been spent on reducing waiting lists?

Miss Widdecombe: Fundholding increased flexibility and allowed doctors to choose what was best for their patients. Fundholding resulted in a vastly improved service, to such an extent that, although the early demand was cautious, there was later a huge demand for fundholding. I would have expanded fundholding, not got rid of it.

Even more disturbing than what I have described so far is the programme of hospital cuts and closures by stealth. Beds, wards and even whole hospitals are being shut down as Labour's lack of investment in our health service bites.

Mr. Nigel Beard (Bexleyheath and Crayford): My constituency was marked by years of hospital closure on the promise of a new hospital coming, which was intended to be built under the private finance initiative. However, dither and delay prevented it from coming, and confidence in the health service lapsed. My right hon. Friend has redeemed the promise and we are to have a new Queen Elizabeth hospital in the area.

Miss Widdecombe: I am delighted to hear about the Secretary of State's U-turn in accepting the PFI, but in the month that the election was declared—in March last year—Labour said, "We have no plans to close hospitals." Labour deceived the electorate. [HON. MEMBERS: "Where?"] I shall give some examples.

In Oxfordshire, the outlook is especially bleak. Three community hospitals face the axe. One of those, Burford community hospital, contains a specialist Alzheimer's rehabilitation project. The unit is not replicable in the medium term, so if it goes, no substitute service will be provided. It will close when Burford shuts, despite being a centre of academic excellence for research into Alzheimer's. Patients using Burford will face a 40-mile round trip to out-patient facilities in Oxford.

The closure of the hospital will mean that elderly patients using Burford as a halfway stop when returning home from hospital stays will be forced to block beds for other patients waiting for treatment. I have heard that story from many community hospitals. One of their most important functions is to relieve acute beds by taking people who are no longer in need of acute beds, but who are not yet ready to return home, and rehabilitating and caring for them in the interim. If those hospitals close, that function will go with them. That can only result in longer waiting lists, as beds are blocked.

Mr. Oliver Letwin (West Dorset): Is my right hon. Friend aware that the exact situation that she describes applies in Dorset? We have a massive bed-blocking problem, which has got much worse over the past year. [*Laughter.*]

Miss Widdecombe: Indeed. Dorset, Oxfordshire, Warminster and Wallingford are merely examples. We shall hear far more during the debate, but we should note that the response to my hon. Friend's intervention was laughter on the Labour Benches. I do not think that that laughter will be shared by the patients who fear that their hospital will be closed, or in my hon. Friend's constituency or throughout the country when people realise how deceived they were by the Government. The Labour Government said that there would be shorter waiting lists, but lists have risen to record levels. The Government said that there would be no closures, but they are now closing right, left and centre.

Mr. Bruce Grocott (Telford): Will the right hon. Lady tell the House how much more money she wants spent on the health service?

Miss Widdecombe: We did not plan to close those hospitals, so we would have spent the money to keep them open. We spent 3.1 per cent. more every year, but the Government have spent 2 per cent. more. That is the answer to the hon. Gentleman's question.

Mr. Julian Brazier (Canterbury): The point is that hospital reorganisation can be very expensive. The proposed rundown of Kent and Canterbury hospital in my constituency, which my right hon. Friend visited this morning, is a good example. The community health council has pointed out that Kent health authority's figures for the likely costs of the closure are wholly unaudited, unsupported and grossly understated.

Miss Widdecombe: My hon. Friend is absolutely right. I intended to make those very points when I turned to Kent, as there seems to be a misapprehension that all of Kent is swimming in new Government money.

As my hon. Friend said, I visited Kent and Canterbury hospital this morning. It is an acute—not a community—hospital with an award-winning cancer unit. Local people cannot believe that there is any question of that hospital being axed, with all the in-patient facilities scrapped. People will face a 100-mile round trip for radiotherapy if the oncology unit is scrapped, for example. I must admit that I am interested in that myself as the nearest oncology

centre is Maidstone. If the oncology unit at Kent and Canterbury hospital is closed—I accept that it is only a proposal at present—I want to know what extra resources will be made available to Maidstone to enable it to cope with the people who will be forced to make that long round trip.

People feel let down and disillusioned. The 465 beds at the Kent and Canterbury are threatened with a reduction to 65. How does that square with anything that Labour said before the last election? People never believed that Labour would close their hospitals; they never believed that Labour would preside over record waiting lists. They were led to believe that there would be increased funding, reduced waiting lists and hospitals kept open. The Government have failed in each and every one of those areas—and they have failed dismally.

Let the Secretary of State now make several things clear and we shall listen very carefully—I shall not be ambitious and ask him to apologise. The Secretary of State needs to tell us if and when he will meet his pre-election pledge on waiting lists. He needs to tell us how much more than his original estimate of £100 million it will cost to meet that pledge, however late it may be. He needs to tell us—he has been asked this many times during Health questions, but has dodged the issue every time—whether he will guarantee that no other areas of our health service will suffer as a result of the Government's panic reaction to tackling the waiting list problem that they have created.

If the Government eventually reduce waiting lists at the expense of other investment in our health care system, they will not have delivered on their pledge. To cut back or to marginalise other core areas of health service activity would be to cheat all hospital users. The Government have fudged and bungled their early pledge: it has been broken and twisted beyond repair. There will come a point when the Secretary of State must realise that he cannot turn around his supertanker fast enough and that he is heading on to the rocks of Labour's pre-election early pledge. When he reaches that point, I suggest that he considers whether he should follow the example of all decent captains and go down with his ship.

Mr. Ian Bruce: I must apologise, as my voice is going—I should obviously consult our wonderful national health service. Does my right hon. Friend realise that both the Department of Health and the Department of the Environment, Transport and the Regions have had to accept that money has been cut from social services budgets in places such as Dorset? The process of unblocking beds by putting people into community care is falling down completely in Dorset—it is not just a matter of its maintaining previous levels. The Secretary of State must tell us what he is doing to ensure that the other Departments' budgets are not being cut in that way.

Miss Widdecombe: Indeed. My hon. Friend gives a great deal of flavour to my point, which is that we are already receiving intelligence from various parts of the health service, from chairmen and chief executives, who are telling us—

Mr. Eric Martlew (Carlisle): Labour chairmen.

Miss Widdecombe: If they are Labour chairmen, Labour Members should listen carefully to what they are telling us because it is not very helpful. They are telling us that there is such a frantic demand for statistics coming from the Government, and so much fear and panic over trying to make it look as if the Government can keep their waiting list pledge, that staff are being prevented from getting on with the job in hand. That information is coming not from politicians, but from those who are responsible for running the health service, and who are faced with the sack by the Secretary of State if they do not deliver.

Mr. Simon Hughes (Southwark, North and Bermondsey): The right hon. Lady knows that I am sympathetic to her attack on the Government for postponing their early pledge on waiting lists—if not looking as if they are in great difficulty in delivering it. However, the implication of the right hon. Lady's attack is that her party would put in the money to ensure that waiting lists were reduced. If that is now her party's policy, will she explain why, last Thursday, the shadow Chancellor of the Exchequer accused the Chancellor, when he announced more money for the public services, of going soft on public spending?

Miss Widdecombe: The Labour party made twin promises, as the hon. Gentleman will know.

Mr. Campbell-Savours: Answer the question.

Miss Widdecombe: I am answering it. The first promise was, "We will stick to the previous Government's spending plans." The second promise was, "We will reduce waiting lists." The Labour party made twin promises at the same time. That being so, the Government cannot now blame keeping one promise for breaking the other.

How does the Secretary of State respond to the motion? He responds with exactly the same manipulation of fact—I put in no higher than that.

Mr. Campbell-Savours: Will the right hon. Lady give way?

Miss Widdecombe: No. I shall make some progress and I have given way to the hon. Gentleman once. It was not a particularly intelligent intervention last time, and I do not suppose that he has learnt anything in the short time between because he has not been listening. That being so, I am going on.

How did the Secretary of State react to the motion? He did so by making the statement that appears in the amendment, which is that the House

"notes that by March 1998 no-one in England was waiting over 18 months for treatment, meaning that this Government has already achieved what the Conservative Government never achieved".

I say that again. The amendment states that

"no-one in England was waiting over 18 months for treatment".

Naturally we wondered what surveys had been done to establish this, and we asked. We were told that it was established through management intelligence. That is, I think, a ring-round.

[Miss Widdecombe]

There is at least one case of a schoolboy who has been waiting not 18 months, but 19 months for a simple throat operation. His mother wrote:

"He can't sleep at night because his throat hurts and he can't eat properly. I know that he has got to wait his turn"—

so this is a reasonable parent—

"but it has been 19 months and that is too long for a little boy. Two months ago I wrote to St. Thomas's because I hadn't heard anything since I took him to the doctor's in 1996. They came back saying that they had looked into my complaint and they gave him an appointment to have his tonsils out on 10 June. On 28 May I got a letter saying that he could not go in because there was an emergency case coming in, but how did they know that 12 days in advance?"

That is the situation, so the statement to which I have referred is untrue and I expect the Secretary of State to withdraw it.

Mr. Graham Brady (Altrincham and Sale, West): Is my right hon. Friend further aware that when waiting lists in Salford and Trafford, in my health authority area, have risen by about 5 per cent. in only four months, there is the further scandal of operations being moved? People are not being moved through the system and then having operations, but being removed from waiting lists and going on to deferred lists, which do not count in the official figures. That is happening, but we are still seeing waiting lists increasing dramatically.

Miss Widdecombe: My hon. Friend is right, but I also want to ask the Secretary of State another simple question. The first was, will he acknowledge that the statement in his amendment is wrong, which means that he cannot press the amendment because it would mislead the House?

Mr. Dobson: No, I will not.

Miss Widdecombe: The Secretary of State is saying that that child has not waited 19 months. I shall read that into the record, and I am sure that the mother of that child will want to take it up. He is saying that she is not telling the truth, but he should be saying that the amendment is wrong and should be withdrawn, because to press it would be to mislead the House, which I am sure he would not want to do.

Let me ask the Secretary of State another simple question. He talks about 18-month waiting lists. That, of course, is for treatment. There is an easy way to make sure that no one waits more than 18 months for treatment, which is to make sure that they wait rather a long time for a consultation. Will he please publish lists of how long people have been waiting for consultations, and make them comparative, so that we can see the true state of affairs?

Mr. David Lock (Wyre Forest): I of course accept that the right hon. Lady has managed to identify one person who has been waiting more than 18 months, but does she accept that, under the Conservative Government, a time was reached when 220,000 people had been waiting more than 18 months, and 92,000 people had been waiting more than two years? Would she apologise to those people, whom she let down year after year?

Miss Widdecombe: The Conservative Government cut the number waiting for more than a year from 200,000 to 15,000. Perhaps the hon. Gentleman would applaud that.

In considering this rather silly amendment, which contains an inaccuracy and which the Secretary of State, in all decency, should not press on the House, we should make a final survey of what we inherited, what they inherited and where we are now. In the last full year of the previous Labour Government, there was a 2.7 per cent. cut in the NHS. Under us, there were consistent rises, year on year. During our previous period in government, our spending rose 74 per cent. The Labour Government's capital investment fell; ours rose, by 66 per cent. Under us, pay for doctors and dentists went up 34.5 per cent.; under them, it went down 31 per cent. Under us, nurses' pay went up 67 per cent.; under them, it went down 3 per cent. Our lists of people waiting more than a year went down by 92 per cent.; theirs went up by 26 per cent. *[Interruption.]* I am wrong. I am sorry, but I thought that one of my hon. Friends wanted to intervene. I always value contributions from my hon. Friends, so I was prepared to give one of them a chance to speak.

Where are we, at the end of just over a year of the Labour Government being in power? They plan to reduce flexibility for doctors, they have closed hospitals and reduced spending year on year, and they put such an emphasis on statistics that we are being told that basic care is suffering. That can all be summed up easily: they spend less, they close more, they make people wait longer.

Mr. Ian Bruce: On a point of order, Madam Speaker. I crave your advice on something that is going on in the House—behind you, I am afraid, because of the people who are involved. The normal situation is that people in the Box send notes to Ministers. Those notes are being caught up by the parliamentary private secretaries and sent round to other people.

Madam Speaker: My only concern is that either a Minister or a PPS approaches the Box.

4.19 pm

The Secretary of State for Health (Mr. Frank Dobson): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"notes with pleasure the £2 billion increase in National Health Service spending since 1st May 1997; welcomes the allocation of £500 million to cut waiting lists by the end of this Parliament to 100,000 below the record levels inherited from the last Conservative Government; notes that as a result of record increases in waiting list surgery the National Health Service will be opening around 2,000 extra beds and keeping open around a further 1,000 in marked contrast to the cuts under the last Government; notes that by March 1998 no-one in England was waiting over 18 months for treatment, meaning that this Government has already achieved what the Conservative Government never achieved; and further welcomes the ending of two-tier care by the introduction of primary care groups which puts doctors and nurses in the driving seat of modernisation.".

The Tory attack on our handling of the national health service seems to me to be an unholy combination of barefaced cheek and amnesia.

Mr. Oliver Heald (North-East Hertfordshire): Will the Secretary of State give way?

Mr. Dobson: No, I am not giving way for the time being. Many Back-Bench Members wish to speak. The shadow Secretary of State went on for a long time, and so that other people can contribute to the debate, I do not propose to take a large number of interventions.

The motion tabled by the Leader of the Opposition begins by regretting the increase in waiting lists since May 1997. We welcome the Tories' new interest in waiting lists. I wonder why they regret only the increase since May 1997. They have expressed no views on the massive increases in waiting lists that took place before 1997. I have checked the records. Such has been the massive concern of the parliamentary Tory party about waiting lists that, during the previous Parliament, when more than 230,000 questions were tabled and answered, Conservative Members asked just 32 questions about waiting lists, which is six a year.

Miss Widdecombe: The reason for the concentration of interest on waiting lists as opposed to waiting times or capital spending is that Labour made the promise, and the Government are being held to account. The interest in waiting lists stems from Labour's rash promise.

Mr. Dobson: The Opposition spokeswoman has taken up more time in my speech than I have, and she has already had 40 minutes of her own.

Under the Tories, there was a relentless increase in hospital waiting lists. During the 1990s, after the reforms of the national health service of which the Tories were so proud, the figure exceeded 1 million. They seem to have forgotten that, when we took over in May last year we inherited from them record national health service waiting lists, which were rising faster than at any time in the history of the service. They have either forgotten that, or they are proud of their useless record when they were responsible for the health service.

Not only do we regret the rise in the waiting lists both before and after May last year, but we intend to do something about it. That is what we promised at the general election. It is worth remembering that, at that election, the Tories proposed to do nothing more about waiting lists: they were apparently satisfied with things as they were.

Mr. Heald: Will the Secretary of State give way?

Mr. Dobson: No, I shall not give way.

The people of this country want waiting lists to come down. For them, the worst aspect of the health service is the waiting: waiting for an ambulance, waiting in accident and emergency, waiting for an out-patient appointment, waiting to go into hospital, and, for God's sake, once they are in hospital, sometimes having to wait to get out again. We recognised that concern, and we promised to get waiting lists down. The Tory party was apparently quite satisfied with the situation that then prevailed.

It will not be easy to get the waiting lists down: no one ever suggested that it would be. As I said this time last year, they are like a supertanker: it will take time to slow them down, longer to stop them rising, and even longer to turn them around.

Mr. Alan Duncan (Rutland and Melton): What was "early" about the Secretary of State's pledge?

Mr. Dobson: It was certainly an early pledge, and we are doing something about it. If we are to improve the health service, we must take account of the state it was in when we inherited it. It was in a very bad state. It was stretched almost to breaking point. Staff were run off their feet, and there was a lack of resources. The Tory Government used to pride themselves on the way in which they looked after public money. Sixty of the 100 health authorities—60 per cent.—were in debt.

A massive increase in the number of emergency cases had been taking place for some time. When we took office, we asked the officials what research had been done into the reasons for that increase, and what had been done to tackle it. Answer came there none. The idle, useless lot who had preceded us had not examined the problem at all; we have had to start doing so.

Last summer, I made it clear that, in the coming winter—last winter—the national health service should give priority to dealing with emergencies. We realised that, given the resources then available to the NHS, we could not ask it both to bring waiting lists down and to deal with emergencies. I took responsibility for that from the day on which I said it, and I continue to accept personal responsibility. I am not ashamed to do so. I said that emergencies should come first. I took substantial steps to promote joint working throughout the NHS and with social services all over the country, and my right hon. Friend the Chancellor of the Exchequer provided an additional £300 million to cope with emergencies during the winter.

Mr. Matthew Taylor (Truro and St. Austell): Will the Secretary of State give way?

Mr. Dobson: I will in a moment.

That made 700 extra beds available during the winter to help the hard-pressed people in the health service to cope with emergencies. They achieved a brilliant success. I know that the weather was mild last winter, and that there was no flu epidemic; but last winter the NHS dealt with more emergencies than ever before, and there were none of the scandalous lists of people waiting on trolleys and mattresses in corridors that had characterised nearly every winter in the 1990s. That is immensely to the credit of those working in the NHS and local social services. It contributed to the rise in waiting lists, as I had said it would at the start, but I believe that the right priority was given.

Until recently, I had not heard one person object to that decision. Then the last shadow Secretary of State for Health said that it had been made to save my face. I possess my face, and I would not want to sacrifice anyone for the sake of my face. Nothing was done for the sake of my face.

Now the new shadow Secretary of State says that our action was a failed public relations exercise. Was what was done in the West Kent health authority area, part of which the right hon. Lady represents, a public relations exercise? Was it a public relations exercise to put £117,000 into flu vaccinations to protect the most exposed groups? Was it a public relations exercise to put an extra £1 million into 132 additional nursing and residential home placements and home care?

Mr. Brazier: Will the Secretary of State give way?

Mr. Dobson: No.

Was it a public relations exercise to spend £50,000 on extending district nurse cover in the right hon. Lady's area, to spend £200,000 on additional beds at Mid-Kent

[Mr. Dobson]

hospital, or to spend £150,000 on a minimum care ward and discharge lounge at Kent and Sussex Weald? Apparently so.

Mr. Matthew Taylor: Will the Secretary of State give way?

Mr. Dobson: I will in a moment.

Recently, at the invitation of the senior representative of the consultants in the British Medical Association, I visited Halton general hospital. That representative was proud to introduce me to a team of respiratory care nurses who had spent the winter using some of the money to visit old people and other people with chest complaints, and deal with them at home. Being in hospital would have put them in danger, owing to the nature of hospitals. That was not a public relations exercise; it was a brilliant effort on the part of people in the NHS, which was appreciated by everyone—except, apparently, the new shadow Secretary of State for Health, who would rather make cheap political points.

Mr. Brazier *rose—*

Mr. Heald *rose—*

Mr. Matthew Taylor *rose—*

Mr. Dobson: I will give way to the hon. Member for Truro and St. Austell (Mr. Taylor).

Mr. Taylor: The Secretary of State has rightly referred to the brilliant effort by staff in the NHS. He is aware, of course, of the situation in Cornwall, where four hospitals and a maternity unit face closure. He has to accept that it is now his responsibility to say yes or no to the health authority proposal. He will understand that there is much concern among the staff themselves in those hospitals and the maternity unit about their future, and there has been substantial delay in making a decision. Can he give any indication as to whether there is any chance of an early decision, one way or the other, which will at least relieve the burden that they are under? I hope that the decision will be to keep the hospitals and maternity unit open.

Mr. Dobson: I am not supposed to adjudicate on individual decisions on the Floor of the House, because I could be challenged, whether my decision went one way or the other, and I have a quasi-judicial role in this matter. All I can say about the Cornwall situation is this: it is nothing to do with money. The chief executive of the Cornwall and Isles of Scilly health authority has said that, even if he had the money, he would close those hospitals.

I am dubious about that idea, as the hon. Gentleman and other Cornwall Members know, and I am looking at the objections to those closures extremely seriously. It is all right people saying, "Make up your mind quickly." If I had made up my mind a lot sooner, they might have got the wrong answer. If they hang on a bit, they might even get the right one.

Mr. Heald: In East and North Hertfordshire health authority, the number of people on the waiting list has gone up by a third in the past year, so will the Secretary of State apologise to the 4,000 extra people on the waiting list, and answer the question that my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) asked: what about Lee Bosley, who has been waiting for 19 months? How can the Secretary of State possibly say that people are not waiting for 18 months when here is someone who has been waiting for 19?

Mr. Dobson: I do not know the details of the case that has been raised across the Dispatch Box, but the statements that I have made are based on information that has been supplied through the normal statistical arrangements in the Department of Health. Indeed, I have so insisted on it getting things right that one of the reasons for the increase in waiting lists is that it has had to look around, and has found some people who, strangely, disappeared from the waiting list last year. They are now back on because I want the figures to be accurate. If they are not, I will follow that up and ensure that something is done about it.

Mr. Duncan: So will the Secretary of State withdraw the amendment?

Mr. Dobson: No, I certainly will not withdraw the amendment because, frankly, I would not take the word of the people sitting on the Conservative Front Bench if they were the last people on earth. The child's mother may be right, and I am prepared to find out what has been going on, but I am not prepared to accept any accusations that are hurled at me by people on the Conservative Front Bench. If they had really been interested in the interests of the child, they could have got in touch with my Department—and I would have sorted the matter out in advance—rather than trying to make cheap points at the Dispatch Box.

We are entering just our second year of government and, with the extra money, I am convinced that we can and will tackle waiting lists. In his first Budget, the Chancellor found for this year for the NHS £1.2 billion over and above what the Tory Government had intended. In his second Budget, which was announced fairly recently, he found an extra £500 million, specifically to tackle waiting lists. That takes to £2 billion the total extra funds that we have put into the NHS since we came to power.

Of the £500 million of waiting list money, £417 million extra will go to England—rightly, Scotland, Wales and Northern Ireland will get their share—to start getting waiting lists down. That is how it will be used. Today, I have published—anyone who reads it will be able to challenge the figures—a preliminary survey of what is happening with that money, which shows that more beds are being provided, that more wards are being opened, that more staff are being taken on, that there is more operating theatre time, and that there are more weekend and evening surgeries.

Let us look at what is happening with beds. The Opposition motion accuses us of reducing the number of beds, but, as a result of the availability of that £417 million—or, indeed, only part of it—this year 2,000 extra beds will be made available to the NHS, which would not otherwise be available. Moreover, 1,100 beds which were planned to be closed will not be closed. Therefore, this year, 3,000 extra beds—the equivalent of six new district general hospitals—will be in use to help

bring down waiting lists. That action is being taken at a time when we are getting on with building another six district general hospitals, including the one in the constituency of my hon. Friend the Member for Carlisle (Mr. Martlew).

Several hon. Members *rose—*

Mr. David Faber (Westbury): Will the right hon. Gentleman give way?

Mr. Dobson: I shall not give way for the moment.

Although the new Opposition health team have not been in the job very long, they should know that, between 1979 and 1997, the Tory Government—of whom they seem to be so proud—closed 43,000 acute beds in the national health service. This is our second year in government, and 3,000 extra beds will be available. Compare that with the 43,000 fewer beds that were available under the Tories. What a contrast!

Several hon. Members *rose—*

Mr. Duncan: Will the right hon. Gentleman give way?

Mr. Dobson: I shall not. I shall mention the hon. Gentleman, after which he can intervene.

This morning, the hon. Member for Rutland and Melton (Mr. Duncan)—who keeps leaping to the Dispatch Box—said on radio that he wanted to see the lists of those beds. We have published the lists. However, to save him looking them up, I tell him that, because of the Government's action, there will be 30 extra acute beds in Leicestershire, which will serve his constituency. In west Kent—which includes the constituency represented by the shadow Secretary of State for Health—125 extra beds will be available. I know that the right hon. Lady is in favour of old-fashioned courtesies—so I am just leaning forward to hear the words, "Thank you." She should be grateful that she is getting that extra money.

I shall give some other examples.

Miss Widdecombe *rose—*

Mr. Dobson: Let me finish the list.

There will be 450 extra beds in London; 60 in Birmingham; 75 in Leeds; 73 in Berkshire; 67 in Liverpool; 36 in east Norfolk; 89 in Suffolk; 60 in Bradford; 115 in Derbyshire—because we are as interested in rural areas as in big cities—and 48 in Durham. Extra staff will be taken on. Moreover, £65 million will go into primary mental health care and community services—all of which can make a contribution by looking after people at home, so that they do not place a demand on hospital beds.

The Government's action has been welcomed across the country—except by the Tories. The right hon. Member for Maidstone and The Weald said that people are moaning about the Government's action. However, I should tell her that, in May, Ruth Carnall, chief executive of the West Kent health authority, told the *Gravesend Reporter*:

"We welcome this money, particularly since we understand"—

she is quite right—

"that it is not just a one-off but part of an intention nationally to enable health authorities to maintain lower lists."

The Government have had such welcomes from the people who actually have to do the work across the country.

The Tory motion, out of date as it is—as the Tories usually are—mentions bed reductions. However, as I said, there will be 3,000 extra beds.

Miss Widdecombe: The right hon. Gentleman has quite consistently talked about extra beds. I therefore ask him again the question that I asked him earlier: will those extra beds be over and above complete restoration of all the beds that are now being cut and all the hospitals that are now being closed? Will the extra beds in Kent, for example, mean that we will not lose 400 beds at Kent and Canterbury? If we lose 400 beds at Kent and Canterbury, 63 extra beds somewhere else in Kent will be of minimal use.

Mr. Dobson: The 63 extra beds in Kent will be provided this year. Consultation is under way in Kent about proposals made by the East Kent health authority that involve changes and—if the authority has its way—bed reductions at the Kent and Canterbury hospital. That, if it is approved, may take place in future years. I am talking about this year. There is not going to be any reduction in beds in Canterbury this year.

In addition, the proposition for the changes in Kent to which the right hon. Member for Maidstone and The Weald objects comes from the members of the East Kent health authority, every single one of whom was appointed by a Tory Secretary of State, not by me. As I do not like to mislead the House, I must point out that I reappointed the woman who chairs that health authority because it seemed wrong to change horses in mid-stream. I believe that I have the support of the Tory Member for Thanet—the hon. Member for North Thanet (Mr. Gale)—in so doing.

Several hon. Members *rose—*

Mr. Dobson: I give way to the former Secretary of State for Health.

Mr. Stephen Dorrell (Charnwood): The Secretary of State can clear up very simply the question whether there is to be a net increase in bed space. Will he give the House a clear undertaking that the published figures for this year will show that 3,000 more acute beds were available in the national health service than were available in the health service last year? Are the acute beds in the health service going to increase by 3,000? Is that the commitment that he is giving the House?

Mr. Dobson: As the right hon. Gentleman knows, under the present statistical arrangements in the Department of Health, over which he presided, we shall not get those figures until 1999. We are talking about practicalities, not crackpot statistics as provided by the Tories. The practicalities are that the hard-working staff in the NHS will this year have access to 3,000 more beds in which to treat patients. That is clearly a step forward.

The Tory motion also criticises our proposals for improving primary care and giving greater power and influence to general practitioners, community nurses and midwives. We are doing that because everyone recognises

[Mr. Dobson]

that the Tory reorganisation of the NHS was wrong. The Tories introduced a competitive internal market which produced a two-tier system. It set doctor against doctor and hospital against hospital, and it cost a fortune in bureaucracy. If anyone doubts the huge amount of waste in the bureaucracy, I shall give one simple example.

When we took office, we were faced with having to agree, or otherwise, what was called the eighth wave of fundholding. We decided not to go ahead with it. The previous Government had earmarked £20 million for last year just to pay for the bureaucracy involved in the eighth wave of fundholding. I stopped it. That released £20 million, £10 million of which was spent on improved breast cancer services across the country, including £194,000 in the health authority which serves the shadow Secretary of State and £183,000 in that which serves the shadow Minister of State.

We know from what she has said in the past that the shadow Secretary of State believes that the Tory reforms are now really delivering results, but the main result they delivered was untold harm. Talking to people in the NHS, I find it very difficult to find anyone who will admit to supporting the old system. Admittedly, the majority of people in the health service never did support it, but even some of its former advocates have publicly recanted. Even more disturbing is the fact that the odd one, well known for advocating the internal market years ago, has sidled up to me to whisper that he was a secret member of the resistance all along. Such people are not very convincing, but I give them the benefit of the doubt.

Our proposals will put doctors, nurses and midwives back in the driving seat, not only in primary care but right across the national health service. That is bad news for management consultants, but good news for the rest of us. Management consultants have done untold damage to the NHS.

GPs are rightly concerned about the future of general practice. It is natural that they should be, as it is their careers, their premises, their staff and their patients who are involved. They have raised practical concerns, and there have been talks between the British Medical Association and officials in my Department, and, more recently, between representatives of the BMA and the Minister of State, my hon. Friend the Member for Darlington (Mr. Milburn), whom I should like to thank for the amazing amount of hard work that he has put into those talks. I hope and expect that the talks will achieve a successful outcome.

We share the desire of the professions—not just the medical profession but the nursing profession—that they should have a bigger say, and the desire to raise standards. We want to carry the professions with us.

Mr. Hilton Dawson (Lancaster and Wyre): Does my right hon. Friend agree that, although GPs raised with him issues such as recruitment to the service on his extremely successful visit to Over Wyre medical centre in my constituency yesterday, there was a real sense of optimism and a determination to provide services close to the patient, or customer, in rural areas? GPs want to provide services at the local, GP practice level, rather than having to rely on acute hospital trusts and becoming involved in waiting lists.

Mr. Dobson: I confirm that that was the reception I received. We want the health service to provide treatment much closer to home. Many of the procedures, treatments and operations which once had to be carried out in district general hospitals will, with new technology, be able to be delivered on GP premises, much closer to people's homes. That is one of the things that we are trying to develop.

I greatly welcome the strong support of the medical, nursing and midwifery professions for what we are trying to do to improve quality. I do not think that there has ever been a time in the history of medicine in this country when the medical profession has been so committed to trying to improve quality and standards.

Until now, there has been no national health service machinery setting clinical standards, spreading good medical practice or checking on standards of performance. We are putting that machinery in place, with the overt support of the professions. Like them, we are determined that there will be no more Bristols, no more Kent and Canterbury cervical screening scandals, and no more Devon and Exeter breast screening scandals. We are going to put in place machinery to set standards, and then ensure that they are met. *[Interruption.]* If we are to hear booing from the Opposition about standards, I have to say that machinery should have been in place to pick up what was going wrong in Kent and Canterbury and in Devon and Exeter, but there was not.

When I asked the Tory-appointed chair of the South Thames health region to conduct an inquiry into the scandal in Kent and Canterbury, which had not been cleared up by the previous Government, who had allowed the people who had got it wrong to produce a report and then keep it private, he said—the previous Government were responsible for some of this—that the reasons for failure were poor and confused management; there had been repeated warnings of understaffing, poor training and low morale which had gone unheeded for many years. He said that there was a lack of a clear line of accountability on both management and quality assurance for the national programme. He went on:

> "I have been forcibly struck by the different ways in which the introduction of the internal market . . . exacerbated an already inherently weak situation . . . Many of the decisions which had an adverse effect on the cytology department were made . . . because of the perceived need to be free standing and competitive in the newly created market."

That is why we are opposed to the internal market in the NHS.

Dr. Evan Harris (Oxford, West and Abingdon): Will the Secretary of State give way?

Mr. Dobson: Not at the moment.

Unlike our Tory predecessors, we are doing something about quality, and about our waiting list commitment. We admit that it will be hard to achieve. In the last year that the Tories were in power, the increase in treatment of people on the waiting list was just 1.2 per cent. To achieve what we want this year will require an increase

of 10 per cent. It is a huge increase, but, on the basis of the statistics supplied to me, there are no 18-month waiters—I shall look into that. There are fewer 12-month waiters than in the past two years, and there has been the biggest fall in cancelled operations since figures were first collected.

All that depends on the people working in the health service, and on more money. We have found an extra £2 billion for the health service since we came to power—that is £2 billion more than the Tories intended to spend, and £1 billion more than the Liberal Democrats promised to spend. Last week, my right hon. Friend the Chancellor set out the Government's disciplined framework for public spending and investment. I am confident that, when the outcome of the comprehensive spending review is revealed, there will be more money available to the national health service.

The interesting question about the comprehensive spending review is not for us, but for the Tories. What will they say? They have been calling for more money for the national health service today, but last week the shadow Chancellor was attacking my right hon. Friend the Chancellor for squandering public money. We think that more money should go to the health service. Do the Tories agree? If so, do they have the agreement of the shadow Chancellor to say so?

We have no doubt that the national health service was under-resourced under the Tories, and needs more resources. Under this Labour Government, it will get more resources, not just to get waiting lists down, but to raise standards and give the hard-working staff the quality of buildings, plant, equipment and pharmaceutical products that match their excellence and commitment, putting them in a position to respond to the changing needs of the people of our country. With Labour—the party that founded it—the national health service will be renewed. It will be fit for the 21st century, and it will not be in the hands of the Tory party.

Mr. Faber: On a point of order, Mr. Deputy Speaker. I know that Madam Speaker values the rights of Back Benchers. I have heard her speak about the speed with which Ministers should reply to letters, and she has said that, whenever possible, Ministers should offer the courtesy of hosting delegations from Back-Bench Members of whatever party who want to discuss issues. This morning, I visited Warminster hospital in my constituency, where the mental health ward is due to be closed by the local health authority because of the Government's policies—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I have heard enough to realise that that is not a point of order for the Chair.

Mr. Faber: Further to that point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order. I have ruled that there is no point of order, so the hon. Gentleman cannot raise anything further to it.

4.52 pm

Mrs. Marion Roe (Broxbourne): I am grateful to you for calling me early in the debate, Mr. Deputy Speaker. I am required to chair a Select Committee in 15 minutes. I apologise to you and to the House that my parliamentary duties will prevent me from remaining in the Chamber for the following speaker and for the winding-up speeches.

It is a great sadness that the 50th anniversary celebrations of the NHS are being marred by Labour's broken promises. At the general election, the public were misled into believing that NHS services would improve, not deteriorate. The reality is that acute hospitals and community hospitals are being closed, waiting lists are growing and waiting times are becoming ever longer. If the Labour party had matched the Conservative record on health service funding, the NHS would have £750 million more for next year than the Chancellor of the Exchequer has so far given it. I hope that the pressure from the Conservatives will persuade him to find additional funding.

In a recent Gallup poll on the two most urgent problems facing the country, 48 per cent. of respondents cited health, hospitals and medical services. No wonder the Prime Minister has been forced to postpone the publication of his first annual report on the Government's performance because of the growing criticism of Labour's failure to meet its key election pledges. The decision to postpone the launch of the report earlier this month has come as Ministers face embarrassment over a spate of official figures showing that the Government are encountering difficulty in achieving many of their five early pledges. The Secretary of State for Health has admitted to being embarrassed about waiting lists reaching 1.3 million—an increase of 133,300 since Labour came to power 14 months ago. He seems to be in a state of permanent blush.

Last February, I asked the Prime Minister whether he was aware that patients attending the Queen Elizabeth II hospital in Welwyn Garden City were waiting a maximum of 12 months for elective surgery in May 1997, but that nine months later they had to wait 18 months. The waiting lists have grown dramatically in every specialty. Needless to say, I did not receive a satisfactory reply from the Prime Minister.

The Labour party cannot claim naivety over the promises that it made at the general election. It must have been a calculated confidence trick on the British people. Those in the Labour leadership assessed how they could persuade electors to vote for them, produced the appropriate propaganda, inflicted it on the unsuspecting electors and are now pretending to us all that they really believed it.

Mrs. Louise Ellman (Liverpool, Riverside): Will the hon. Lady give way?

Mrs. Roe: I cannot give way, because I have to chair a meeting in 10 minutes. I apologise, but I am afraid that I am under pressure of time.

Anybody who knows anything about health realises that Labour's health policies were never going to reduce waiting lists by 100,000 in the early years of its term of office. The Secretary of State for Health is using crisis money in a desperate attempt to achieve a short-term solution instead of identifying the fundamental problems of demand and need. His strategy will reward poor performance by throwing money at trusts with longer waiting lists. It will distort practice, undermine the

[Mrs. Roe]

development of a co-ordinated strategy and bail out the inefficient practitioner who does not make best use of his facilities.

The Government have fallen into a trap. They are trying to reduce waiting lists by treating more patients through a short-term burst of activity. History shows that to be a fundamentally flawed strategy. Waiting lists have risen inexorably since 1948. Despite an increase of more than 800,000 in the number of patients treated annually, waiting lists lengthened by 100,000 between 1991 and 1995 because more than 1 million extra people were referred to the waiting lists.

Since the election of the Labour Government, on their spurious health pledges, the rate of increase has accelerated because they have failed to recognise the underlying pressures: increased chronic illness in all age groups; greater understanding of the options available; greater expectation of medicine; increasing demands on the service; new technology; and new therapy. Evidence shows that there is an equilibrium between waiting lists and activity. Increases in activity will be met by increases in referrals, which puts further pressure on the waiting lists. The Secretary of State's shallow attempts to bail out media pledges cannot succeed. Like King Canute, he will discover that the tide of demand will inundate him.

Of course, money for waiting lists will result in extra people being treated. They will benefit and their quality of life will improve, but that political measure will do nothing for genuine clinical need. Managers under pressure to deliver the Government's requirements will target the simple and quick procedures. Cataracts, varicose veins and bunions will be treated. People will be pleased and the statistics will improve for a while, but what about the chronically ill—those with multi-system pathologies, waiting for complex, time-consuming and expensive procedures? They will continue to wait and to suffer. The Government's facile financial approach makes fiddlers out of managers and victims out of patients.

The Secretary of State should have invested the money in meeting genuine clinical need, targeting those most in need of treatment. He should also remember social need. Consider the elderly lady with a sore hip. She may not have the highest clinical need, but what if she lives four storeys up in a block of flats with a lift that hardly ever works? Such desperate social need is not recognised. She is a number on a list that is ever delayed because the resources that she requires are expensive.

If the Secretary of State were genuinely keen to achieve change rather than short-term political kudos, he would understand the folly of his approach to those requiring hospitalisation. If he put lists in the hands of primary care GPs, he could build on the unique clinical intimacy between British GPs and their patients. Operations would be done not because they were quick, cheap and easy but because they delivered the best results.

It is no coincidence that waiting lists have improved dramatically since GPs became personally involved, with doctors controlling when and where to provide an intervention and having a cheque-book to back up fulfilling the need. It is incontrovertible that one GP practice providing clinical care and managing resources will achieve more than 10 that do not—or more than 50-plus reluctant participants in one of the new Government-imposed primary care groups. Such PCGs will undoubtedly mean that the initiative taken by GPs in the past on behalf of their patients will be lost, thus damaging the opportunity to provide more services at a doctor's surgery rather than in hospital, as well as damaging general improvements in hospital services.

If the Government want the best for patients, they must recognise the skills of GPs at practice level in identifying need. Such GPs support not just a list or a number but the individual who is damaged by disease or disability—the person who needs the help of the medical profession, irrespective of whether they are first or 101st on some list. That is what a visionary Government, unhampered by bigotry, should support. Of course, such practice already exists. The Conservative Government were operating such forward-thinking, innovative policy after the introduction of their reforms.

My constituents are not concerned directly that 10, 100 or 100,000 other people are waiting for an admission or an operation. If they are distressed, in pain or incapacitated, they want treatment as soon as possible. The only way in which the Labour Government will truly benefit patients is to admit the magnitude of their folly and recognise that waiting lists are an irrelevance. They should focus on the true indicator of success: waiting times that meet the needs of the individual and not the statistician.

5.1 pm

Mr. Kevin Barron (Rother Valley): I rise to support the amendment and to debate the motion.

Two words came to mind when I read the motion. One was "stones" and the other was "glass houses". The Tories seem to have some block—my right hon. Friend the Secretary of State brought this up—in wanting to refer only to waiting lists since May 1997. We know fine well where the seed of the recent surge in NHS waiting lists lies—back in the first quarter of 1991, when the right hon. and learned Member for Rushcliffe (Mr. Clarke) introduced his national health service reforms.

Before those reforms, there had never been NHS waiting lists of 1 million people. Over the two years following the reforms, we saw waiting lists rise in every quarter but two. The number went through the million mark and has remained in excess of that ever since. By the time Labour took office, waiting lists were at a record high and were rising faster than at any time in NHS history. I do not think that anybody is surprised at the fact that it will take time to stem the increase and bring the figures down.

I admire my right hon. Friend the Secretary of State and the Government for taking the challenge and stating publicly that we shall do something about NHS waiting lists. I should tell Opposition Front Benchers and the House that a timetable for the pledge on waiting lists was never set before the election. I know, because I was party to the writing of that pledge into the manifesto and on to our pledge cards.

Mr. Duncan: Will the hon. Gentleman give way?

Mr. Barron: The hon. Gentleman can get his fix a little later in the debate.

A time was never set. In the past few months, my right hon. Friend the Secretary of State has set a time by which we shall reduce waiting lists to last year's level. Then we shall start reducing them further.

Mr. Simon Hughes: The hon. Gentleman is often very convincing, and is very nearly making a convincing point. He is failing to excuse one other thing. There cannot be a early pledge to do something as a first step in a Parliament—a manifesto applies only for one Parliament—if it is then announced that the pledge will be honoured only by the end of it.

Mr. Barron: I do not agree with that. The hon. Gentleman has covered health matters in the House long enough to recognise the reality of what has been happening in the NHS.

Mr. Brazier: Why pledge that waiting lists will be reduced?

Mr. Barron: Because we shall reduce them; that is why.

The motion

"notes that current Government policies in respect of hospital closures and bed reductions are likely to increase the lists further".

About four weeks ago, Opposition Front Benchers did not know the Government's policy on hospital closures. Indeed, for a short time in the media, trust mergers became hospital closures. I was as confused as those in the Opposition Front-Bench team even before the first 24 hours of their trying to make that point were up.

If my right hon. Friend the Secretary of State is right in saying that there will be 3,000 more beds in the acute sector by the end of this financial year, it will be the first time that that has happened in the history of the NHS. We ought to be congratulating the Government on being prepared to take such action, given that, year on year, no matter who has been in office, there have been fewer beds at the end of each financial year than there were at the beginning ever since the NHS was brought into being.

In the Budget, the Chancellor provided an extra £500 million for health care, £417 million of which is to be spent on the Government's waiting lists initiative to provide those extra beds. About 850 schemes are being introduced by health authorities all over the country. Such schemes include the provision of more beds, the opening of more wards, more staff being taken on, more theatre time and the extension of treatment, and the introduction of weekend and evening surgeries. Those are not soundbites; they are clear and sensible ways of tackling the problems of NHS waiting lists.

I am sorry that the hon. Member for Broxbourne (Mrs. Roe) has had to leave the Chamber. Over the years, I have had a bit of time for her in her independent role as Chairman of the Health Committee. I wish that she had been a little more independent in her speech today. It is not true that the idea behind the waiting lists initiative is to introduce simple, quick and easy procedures. That is far from so. The hon. Lady said that we should target the most needy and not consider what is happening in the NHS. We can all consider individual need, but we must recognise the immediate impact that it has on waiting lists—whether for day surgery, in-patient surgery, or whatever. We must consider procedures inside the NHS, to ensure that we get things right. We must ensure that money goes to specifics and gets things done.

In the Rotherham borough, health service partnerships have already agreed a plan of action. The waiting lists initiative in Rotherham health authority will mean an additional 24 gynaecology sessions, covering 100 additional cases, including weekend cases, at a cost of more than £100,000. There will be additional theatre lists for orthopaedics, dealing with an extra 115 cases at a cost of £105,000. There will be two additional ear, nose and throat lists a week, covering 175 cases. Later this year, depending on how things pan out, it is likely that there will be a third ENT consultant, whom we have wanted for many years in my local health service. That additional ENT provision will cost £112,000. We shall get an ophthalmic consultant and extra work at a cost of £131,000; an additional colonoscopy session for 20 cases, costing more than £21,000; and an extra consultant to treat 500 orthopaedic patients annually. We have been after orthopaedic consultants in Rotherham for many years. Unfortunately, it is not the best place in the world to work. We have great problems getting people to come to our area to work in the health service. That will cost £250,000.

For general surgery, we shall get an extra arteriogram session each week to deal with 120 cases, and additional endoscopy will treat 50 cases at a cost of more than £67,000. We shall get an alternate Friday prosthetic list to deal with 25 orthopaedic cases, costing more than £79,000. An additional oral surgery theatre list for 150 cases will cost more than £99,000.

Nearly £1 million is going into Rotherham to help people. Those targets, when met, will benefit hundreds of people who have been waiting for far too long on our national health service lists. Such initiatives should result, not only locally but nationally, in the biggest increase in operations in the history of the NHS and the biggest ever cut in waiting lists. The money will be targeted to deliver what patients want most: shorter waiting lists.

In addition to the extra money, about £500,000 is available in Rotherham for innovative ways of clearing waiting lists. That money will also be invested in reducing waiting lists by maintaining the flow of operations, building on our success last winter. The right hon. Member for Maidstone and The Weald (Miss Widdecombe) said that the £300 million for the winter crisis was wasted, but it did exactly what it was planned to do. It avoided the winter crises that we had year on year under the previous Government. We could not acclaim something that was not there and get it into the media. It is nonsense. Rotherham got £769,000 extra last winter to avoid what we had suffered in years gone by.

Mr. Brady: Does the hon. Gentleman acknowledge that it was a mild winter and that pressure on the health service was less than it would have been in a normal winter?

Mr. Barron: I do not think that the facts prove that it was such a mild winter. The pressure was reduced by the initiatives mentioned by my right hon. Friend the Secretary of State, such as getting out into the community in Kent to stop flu epidemics. That was how the money was put to good use, to avoid the crises that we have had before.

[Mr. Barron]

Better primary, community and mental health services are coming under this Government. I have a health action zone in one of the poorest areas of Britain. It will start to examine people's problems and the problems that the health service has in delivering. The Government are doing things that have been sadly neglected for many years.

We shall also start to modernise the waiting list system. Some of the extra money will go on pioneering new streamlined appointment systems, so that day patients can book the dates of their operations. It is extraordinary that people go to their general practitioner and then have to wait weeks and weeks before seeing a consultant at the hospital, and then wait weeks for treatment. I can go to one of three travel agents in my town, book holidays, hotels, car hire and everything else anywhere in the world, but people cannot book into a consultant's clinic in a hospital. The information technology that the Government have been getting on with will help us to do that. It is much to their credit that they done it when previous Governments have neglected it.

This is targeted investment, not just giving money to the NHS. The Opposition can say, "We've been giving more than you; aren't we better than you?" but this is about targeting investment, so that we know that it will get waiting lists down and improve the NHS. Good management and innovative change are important. The Government will do better than previous Governments. All Governments do better than their predecessors, because medical science moves on. We shall do better in areas where the previous Government failed, by organising and managing the health service properly.

The 18 years of Conservative government saw waiting lists rise by more than 400,000. In the next four months under Labour, they will begin to fall, and they will continue to fall. The Opposition did not ask the electorate to vote for them again in 1992 by promising to ensure that hospital waiting lists increased. This Government have the courage to do things that many thousands of people want. We have the courage to set targets. The electorate will hold us to account. When we get through this first Labour Government in many years, the Opposition will be sorry that they tabled such a motion, because they will have to eat their words.

5.14 pm

Mr. Simon Hughes (Southwark, North and Bermondsey): The hon. Member for Rother Valley (Mr. Barron) gave his usual robust speech, but he did not answer the point that I put to him.

As always, we welcome the opportunity to debate health. We even welcome the opportunity to debate waiting lists, although, as I will explain, we think that the Government chose the wrong target, so this is the wrong focus for a debate.

When the Labour party was in opposition, it tried to think up a compact promise for what it would do for the national health service. Labour thought of a nice, tight soundbite, "We will save the NHS." I am happy about that, because the NHS was in some difficulty under that party's predecessors. The Labour party then tried to think what that would mean in substance. Despite all the sound advice that it will have received from professionals and from within its own ranks that people care far more about how long they wait for treatment than about how many people are in the queue with them, in the end, the Labour party chose the wrong target. Labour made only one early pledge on health and, unfortunately, it was the wrong one. The Government are hoist by their own petard. They must deliver, but they are now in difficulties.

Rumour has it that some Ministers, including senior Ministers, know that they are spending money on the wrong things. This is their bed and they must lie on it. The Secretary of State took few interventions and, in particular, refused one from my medical friend, the hon. Member for Oxford, West and Abingdon (Dr. Harris), who may know something about the matter.

The Minister of State, Department of Health (Mr. Alan Milburn): My right hon. Friend knew what he was going to say.

Mr. Hughes: The difficulty may be that the Minister may not like what my hon. Friend was going to say. The Secretary of State listed things to do with waiting that mattered to patients. Every one was to do not with waiting lists but with waiting times—more clear evidence from him that the Government have got their target wrong.

That evidence is backed up by what the right hon. Member for Sedgefield (Mr. Blair) said when in opposition. In 1996, when he launched the document—to which the hon. Member for Rother Valley may have been referring—"New Labour, New Life for Britain", and gave the early pledge, his explanation was:

"waiting means misery for patients. They are often in pain or discomfort."

I could not agree more. We all understand that the longer people wait, the longer, by definition, they are likely to be in pain or discomfort.

Having adopted waiting lists, not waiting times, the Government are in considerable difficulty. There was no hint that it would take five years, the whole Parliament, to get 100,000 people off the list. There was no such qualification. I challenge any Labour Member to produce one bit of evidence from any Labour candidate who said that it would take the whole Parliament. It was not even said immediately after the general election, but said some little time later. Someone must have told the Secretary of State that he had better qualify it. That is not surprising: if one makes the wrong pledge, one ends up in difficulty.

It is not only me, my party or the right hon. Member for Maidstone and The Weald (Miss Widdecombe), but the British Medical Association, the *Health Service Journal*, the *British Medical Journal* and the Government's advisers who say, "It's the wrong target, Government. We are sorry that you made that so clear."

The only problem is that, although the Secretary of State has said that he is embarrassed about the fact that the numbers waiting are rising, nobody has yet owned up to the fact that the Labour party is embarrassed because it chose the wrong target. I hope that the Minister of State will say, "I'm sorry, we were wrong;"—it makes a welcome change to hear Governments of any colour admit that they were wrong—"but we chose the wrong target. We will deliver, although it will take us longer than we said and longer than we planned—but actually it is waiting times, not waiting lists, that we should be talking about."

If the great socialist Labour party-nirvana can be reached by—

Jackie Ballard (Taunton): Socialist?

Mr. Hughes: That is doubtful; let us assume that it is neo-socialist, or new Labour.

If the great nirvana can be reached by taking 100,000 people off a waiting list that now consists of 1,300,000 people, that is a pretty mean, poor target. I do not think that out there the people will be greatly rejoicing at the prospect held out by the Government: "By the end of this Parliament, one in 13 people on the NHS waiting list will not be waiting any more, but 12 out of 13 will still be waiting. Sorry about that, kids." At that rate, it would take 50 years of Labour Governments to get those people off the list. I do not think that that is an encouraging prospect. It is a pretty thin, mean, small, pathetic target.

Mr. Gareth R. Thomas (Harrow, West) *rose—*

Mr. Hughes: No, I shall not give way.

If that is all that the one promise made about health before the election means, it is pretty thin gruel.

I shall not rehearse the fact—because we all know it, and it is recounted every three months—that waiting lists have gone up ever since the election. For the first few three-month periods, that was not Labour's fault; for the second few, it was more Labour's fault; and, if the numbers keep going up, it will be even more Labour's fault.

We all understand that supertankers take a long time to turn around. I hope that the Secretary of State is right and the figures come down. Indeed, I hope that they come down by much more than 100,000—by more than 200,000 or by more than 300,000—but there ain't much sign of that yet. I certainly hope that our colleagues on the Labour Benches do not say at the next election, "We've done wonders; we've taken one in 13 people off the waiting list, and that allows us to come before you and ask for re-election."

We are debating waiting lists on a Tory motion, so it would be unfair not to say a word about the motion, or about the Tory record, despite the fact that, as the Tories are not in power and the Labour party is, what the Government do is more relevant at the moment. My job as the spokesman for an Opposition party is to hold to account the Government, rather than Her Majesty's official—more official than us—Opposition. *[Interruption.]* They are not the only official Opposition, but they are the only technically registered official Opposition, even if they are not always the most effective Opposition.

It is a bit difficult for the Tories to launch an attack about waiting lists and waiting times, for three statistical reasons. First, between 1979 and 1997—their famous 18 years—waiting lists rose by 546,000, or more than half a million. Secondly, under the Tories, a record number of people were waiting for more than a year for operations—there were 200,000 of them in September 1987. Thirdly, under the Tories, a record number of people had been waiting for more than two years for operations—almost 50,000 of them.

The Tory record is therefore difficult to defend, despite the fact that, at the end, although there were many more people waiting, there were fewer people waiting for longer—*[Interruption.]*—which we welcomed. We have always welcomed that.

Miss Widdecombe: Thank you.

Mr. Hughes: The hon. Member for Rother Valley used a comparison that I had not thought of when he talked about stones and glass houses. I, on the other hand, was thinking about pots and kettles, which suggested to me the fact that there was "something of the night" about the Conservative attack—but I do not want to go further down that road.

The point made by the Secretary of State at the end of his speech, which I also made in an intervention to the right hon. Member for Maidstone and The Weald, needs answering. The Tory party cannot credibly attack the Government on waiting lists while the Conservative shadow Chancellor says that the Labour party is profligate with public spending.

Mr. Duncan: Yes, it can.

Mr. Hughes: All right; the Tory party can say that waiting lists are too high and should come down, but that the money that the Labour party is putting in is far too much. *[Interruption.]* I shall wait for the hon. Member for Rutland and Melton (Mr. Duncan) to explain how two apparently contradictory statements—

Miss Widdecombe: The pledges are contradictory.

Mr. Hughes: I agree. We always said that before the election. The Minister of State was shadowing the health portfolio for Labour before the election, and he and his hon. Friend the Member for Rother Valley will both know that we said then that Labour could not pledge to keep to Tory spending totals and still expect to save the NHS. Those pledges were incompatible, and have been proved to be incompatible. *[Interruption.]* There is not a punter out there who does not know that.

Saving the NHS needs more public money—*[Interruption.]*—as the Chancellor announced on Thursday.

Mr. Deputy Speaker: Order. There is far too much sedentary comment, and we cannot have a very coherent debate with that background noise.

Mr. Hughes: Thank you, Mr. Deputy Speaker.

I now want to deal with the announcement about beds which was remade today—"remade", because the announcement that there would be 2,000 more beds in the health service this year, and 1,000 beds saved that otherwise would have gone, was made a fortnight ago. It appeared in the *Evening Standard*, for example, on 2 June. I have the list of those beds here, and I already knew that Guy's and St. Thomas's, my local trust, would get 24 more beds. That is another example of one of the recycled announcements at which the Labour party in government is so good. I welcome the fact that more beds will be kept this year; of course I do. I welcome, and do not even doubt, the fact that there will be 2,000 of them—

[Mr. Hughes]

beds that would not have been kept or been reopened had it not been for waiting list money. I also welcome the fact that another 1,000 beds that would have been closed will be kept open.

However, I have not yet heard—I ask the Minister to tell us the answer in his winding-up speech—whether the money committed to doing that this year is guaranteed on a recurring basis for the three-year period that the Chancellor defined last Thursday. The Minister will understand that, if the money is not guaranteed, the beds may not be kept open after this year. There will then be a further crisis, and they will have to be reopened later using additional money. That is no way to run anything, let alone a health service.

My hon. Friends the Members for North Cornwall (Mr. Tyler), for Truro and St. Austell (Mr. Taylor) and for Oxford, West and Abingdon—in fact, probably all my English right hon. and hon. Friends—have told me that they know that the shortages in the health service, and the fact that we have so many people on waiting lists, are in part due to the fact that we do not have enough staff in the service. We have not had the money to recruit the 8,000-plus nurses that the health service is short of, or the 1,000-plus doctors, let alone the general practitioners.

Yesterday, I spoke to a recently retired very senior nurse manager who said that we were building up a huge crisis because staff did not want to come into the health service. I do not pretend that the Government do not understand that; I know that they are aware of the problem. It must be acknowledged, however, that we have to provide more than beds and operating theatres; we have to provide the staff.

I am not talking about existing staff working extra time—12 and 18-hour shifts—or about agency staff or staff on bank duty. I am talking about real permanent establishment staff who can supply all year the consistent teamwork to provide health care in the way that the NHS does best.

There have always been waiting lists. I suspect that doctors are keener on them than the rest of us, because they believe that lists are a good way of rationing. There has always been rationing, too, since the NHS was created—let us not delude ourselves about that. I rarely hear the fact admitted by either the Government or those on the official Opposition Front Bench.

I hope that, if not by the end of this Parliament—I see no sign of the present Government's delivering on the pledge—at least by the end of the next Parliament, we will have put enough money into the health service to reduce waiting times, and therefore waiting lists, to a reasonable level for everybody. In my book, "reasonable" means six months. I have worked out the figures and have explained them to colleagues in other places and at other times, and the Library has provided figures too. I cannot see why, with sufficient investment over five years, we cannot get waiting times down so that no one has to wait more than six months for any serious treatment.

People in many other countries do not have to wait longer than that. Longer lists are nonsense; they are evidence of the British queueing disease. When too many people are waiting for buses, once a few extra buses are provided to clear the backlog, one has to provide only enough to keep picking the people up from the bus stops. If we provided a decent injection of money into the health service over the next five years, we could clear the backlog.

Of course demand rises, and of course we may have to put in a higher proportion of gross domestic product, but we could get waiting lists and times down to a reasonable level. There is a realistic difference between somebody with, say, an ingrowing toenail, who could reasonably be expected to wait 12 months, and somebody with a serious condition. If someone has a cataract, the longer the operation is delayed the more likely that person is to go blind. The longer a hip operation is delayed, the longer somebody is likely to be out of work. Some conditions are serious and need treatment soon, and some are less serious.

More people are waiting now than ever before, whatever the arguments about the detailed statistics. There is a crisis. Demand may have risen; expectations may have risen—but that is the position we are in. We need to respond to that, and the public want us to spend more money on health, to deal with those problems, than on any other part of the public service.

Mr. Gareth R. Thomas: The hon. Gentleman says that we are not spending enough money on the health service, but would he speculate on what the state of the NHS would be if his party's spending plans had been implemented and £1 billion less had been spent on the NHS?

Mr. Hughes: If that had been a less predictable question, it might have caught me unawares. [HON. MEMBERS: "Answer it."] Of course I shall answer it—unlike other hon. Members, I answer every question asked in the House. The reason why the hon. Gentleman makes that point is that he misunderstands that the Liberal Democrats argued for spending additional to inflation, not inclusive of inflation, as the Labour party's figures were. The debate between Labour and the Liberal Democrats has always been on that point.

Mr. Thomas *indicated dissent.*

Mr. Hughes: The hon. Gentleman might not like the argument, but that is the difference. Before I sit down, I shall get rid of the history, because debates about what we said we would spend before the election are debates about history. I like history and am happy to debate historical points, but that is not what people outside think matters the most; they are concerned about what is to be spent now.

Mr. Andy King (Rugby and Kenilworth): The hon. Gentleman should be supporting us.

Mr. Hughes: Of course I support money going into the NHS, but I want more, the nation wants more and there is more available to spend. Let me tell the House how.

In the document produced by the Chancellor last week accompanying the first stage of the announcements of the outcome of the comprehensive spending review, "Stability and Investment for the Long Term", a revealing section on page 41 shows that the Government have more in reserves this year than they had expected at the time of the Budget. In the Budget, it was announced that there was estimated to be a £1.5 billion undershoot in public spending—spare money in reserve for this year; the Chancellor announced

last week that public spending last year undershot by £3 billion; therefore, there is in reserve an additional £1.5 billion.

Mr. King: No.

Mr. Hughes: It is no good the hon. Gentleman saying no—that is what the Chancellor said last week.

Mr. King: It is what is done with it that counts.

Mr. Deputy Speaker: Order. I have already asked hon. Members to cut out the sedentary comments—they are not helping the debate.

Mr. Hughes: I apologise, Mr. Deputy Speaker. I agree that it is what one does with the money that matters.

There is £1.5 billion extra in the reserves—£3 billion in all, sitting unallocated, waiting. Whereas the Government have so far announced £500 million extra—this picks up on the intervention from the hon. Member for Harrow, West (Mr. Thomas)—we say that they should have allocated the health service £1.25 billion this year, to be spent on staff recruitment, the reduction of waiting lists and improvements to community care and social care, which help to prevent hospital bed blocking.

The 50th anniversary of the NHS is about to be celebrated. None of us is naive, so we do not doubt that there will be a bit of a song and dance and an announcement of more money for the health service. We are all ready for that and we shall welcome it, but the sum to be announced will have to be far greater if it is not to be misrepresented as largesse, when it is not very large at all. The reality is that there is £3 billion sitting in the reserves this year. The health service this year could easily have spent the money on funding the staff pay review all at once, instead of its having to be phased. That would have greatly helped morale and recruitment, but the Government have not done that; nor have they since increased pay for NHS staff, which hardly anyone in the House would resist.

The announcement that the Prime Minister should make is, at least, that real growth—not cash growth—this year should be 5 per cent. over that of last year and that, for the rest of this Parliament, it should be 4 per cent. a year. That is about another £1 billion this year coming out of the reserves and probably an additional £2 billion—real growth—each year for the remaining three years of this Parliament. We shall judge the Government by whether there is a real, significant and substantial increase in money for the health service, not by recycled announcements of a bit more money that will not go halfway toward meeting the shortfall accrued under the previous Government.

I leave the House with this reflection: despite the Chancellor's announcement last week and the fact that what should first be measured is quality, not quantity—the Secretary of State was right to say that what matters most is how good the health service is, not how much we put into it—there is not a single informed person in the country who does not believe that, unless we ratchet up considerably the relatively small amount that we put into the health service, our 6.5p in the pound, we shall not be able to sustain the health service at the level the public expect and need. The reason why the Labour Government's rating in terms of public confidence in their handling of the health service has slipped so badly from last year to this is that the public do not see the money being forthcoming. Our challenge to the Government for the 50th anniversary of the NHS is to announce money that will keep the beds open next year and the year after, money that will keep the health service growing at a decent rate throughout the lifetime of this Parliament and money that will catch up with the consistent underfunding of the past 18 years.

The pledge on waiting lists was an early pledge which, sadly, will be delivered late, if at all. It was a modest pledge that will hardly affect most of the people waiting for treatment. It was the wrong pledge. The Government now need to change their priorities. If they do that and come up with the money, the NHS and its patients will be grateful; but, if they do not, they will surely and justifiably be held to account by the electorate.

5.35 pm

Mr. Gareth R. Thomas (Harrow, West): In the 18 months before the general election last May, my constituents had seen two thirds of their accident and emergency departments shut. All four local NHS trusts were in severe financial difficulty, staff morale was at a low ebb and, not surprisingly, local waiting lists were at record levels and set to rise further. In the years after the Tory reforms, the NHS had degenerated into a bureaucratic health market, kept going mainly by the commitment of NHS staff. It had become a patchwork of businesses competing with each other, dependent for their funding and for their very existence on their success in winning orders and making money.

On Second Reading of the National Health Service and Community Care Bill, the right hon. Member for Maidstone and The Weald (Miss Widdecombe) declared that the reforms would

"herald a new era for the National Health Service".

How right she was, but the truth is that that era is one that my constituents are delighted to have seen consigned to history. The right hon. Lady also claimed that the reforms would turn the NHS into

"the thriving, expanding concern that it should be."—[*Official Report*, 11 December 1989; Vol. 163, c. 722.]

She was entirely wrong on that point. The reality of the NHS at the time of the general election was one of rising waiting lists and record sums being spent on administration. The Conservative NHS reforms that she endorsed so enthusiastically turned access to health care into a lottery. People living in the same borough—even in the same street—were confronted with widely differing patterns of care and waiting times for operations. My constituents suffered particularly in respect of ophthalmology, as waiting times for the patients of GP fundholders were up to two and a half times shorter than those for patients of non-fundholding GPs.

The financial position inherited by the Labour Government was appalling: 59 out of 100 health authorities ended the last financial year under the Conservative Government in deficit, as did 128 NHS trusts. At the same time, huge sums were being wasted on bureaucracy and administration as, from 1989-90, annual spending on managerial and administrative staff almost doubled, from £1.2 billion to £2.3 billion. Indeed, in one year, spending on managers soared by 17 per cent.,

[Mr. Gareth R. Thomas]

while spending on nurses rose by only 1 per cent. Those who were Ministers in the Conservative Government should admit that they took their eye off the ball. The Audit Commission found that senior management costs in some trusts were more than double those in others, for no comparable reason. Estimates put GP fundholding costs at £80,000 per practice per year, totalling more than £200 million spent each year administering fundholding—money that could, and should, have been put into patient care.

I can think of no other area of government that so encapsulates the way in which the Conservatives let down the people of this country, or that so epitomises the mismanagement and incompetence that riddled the previous Government. It is a story of Tory failure to embarrass and shame even the most senior figures in the party.

The predecessor of the right hon. Member for Maidstone and The Weald, the hon. Member for Stratford-on-Avon (Mr. Maples), said only recently:

"We had a very clear policy on health up until 1st May. It was rejected by the electorate."

That policy was decisively rejected by the electorate. The hon. Member for Rutland and Melton (Mr. Duncan) owned up in his book to some embarrassment about

"the excessive cost in managerial overheads of GP fundholding".

Perhaps, when he sums up the debate, he will tell us whether that remark will be in the paperback version.

I congratulate my hon. Friends on the Front Bench because, in contrast to the record of failure and mismanagement of the Conservative party, they have begun to tackle the deep-seated problems that the Conservatives bequeathed us. The NHS White Paper and the public health Green Paper hold out the prospect of a health service that truly works in co-operation to provide high-quality health care. Doctors, nurses and their management are genuinely beginning to put together a new health service, and are working much more closely with partners in local authorities and the voluntary sector.

In that context, the extra money allocated for the waiting lists initiative is extremely welcome. The extra 3,000 beds to treat patients, which the initiative will fund, are in stark contrast to the record of bed closures under the Conservative Government, as my right hon. Friend the Secretary of State said. I particularly welcome the 450 extra beds in London. My health authority is to receive an extra £3 million, over and above what the Government have already allocated to it. Some £1 million of that will be used to reduce waiting lists at Northwick Park hospital by an estimated 1,200 patients.

Mount Vernon hospital, which is located in the constituency of the hon. Member for Ruislip-Northwood (Mr. Wilkinson) but serves my constituents, suffered considerable speculation about its future under the previous Government, which was exacerbated when its accident and emergency department was closed. The extra 15 beds that will open at Mount Vernon and the £250,000 from Brent and Harrow health authority's allocation from the waiting lists initiative will offer confirmation of Mount Vernon's continuing viability and reassure my constituents, who felt let down by the previous Government's failure to stop cuts at that hospital.

I also welcome the plans to establish in my constituency a three-way partnership between Northwick Park, which is the district general hospital, Harrow and Hillingdon Healthcare NHS trust, which is the local community services trust, and Harrow social services to increase community nursing. In the first instance, that will facilitate discharges from hospital and, secondly, it will help to keep out of hospital people who would, perhaps, have been bed blockers, and who can be more appropriately cared for in their home. Reforms in the White and Green Papers will continue to promote that spirit of partnership.

Health improvement plans and the new duty to work in partnership with other care agencies will be essential in cementing effective joint working between local authority departments and health care agencies to continue to tackle waiting list reductions. I hope that Ministers will ensure the speedy dissemination of the lessons to be learned from the way in which health action zones and the pilots under the National Health Service (Primary Care) Act 1997 are working so that all patients can benefit.

The Government are tackling the waiting list problem. More beds are being provided; more wards are being opened; more staff are being recruited and more theatre time is becoming available. The Government should be congratulated on fulfilling their first waiting list promise, made last November, that by the end of last March nobody would be waiting more than 18 months for treatment. That target has been achieved by the work of health authorities and trusts, which is now being stepped up through the work of the waiting lists action team and the appointment of the chief executive of Leicester royal infirmary to reinforce the national drive to slash NHS waiting lists. The Government will fulfil our pledges to cut waiting lists.

It would be worth hearing from the Conservative party what exactly their policy is on the national health service. What actions and reforms would the party of the right hon. Member for Maidstone and The Weald and the hon. Member for Rutland and Melton implement if, God forbid, it were still in power? Do Conservative Members still cling to a belief in the discredited reforms that they so enthusiastically backed nine years ago, which produced a health service weighed down by bureaucracy? Do they support our reforms, but feel a little shy about owning up to that, or do they have something else in mind for the national health service?

I ask that question because, on 13 June in *The Daily Telegraph*, the right hon. Member for Maidstone and The Weald described the NHS as needing not just a little tinkering, but a radical overhaul. It would be worth while if Conservatives clarified what they mean by a radical overhaul. Do they mean, for example, that the national health service should be privatised? I am sorry that the right hon. Member for Charnwood (Mr. Dorrell) is no longer in his place, because I remember only too well his proposal to privatise many of the social care agencies. It would be interesting to know whether the Conservative party continues to support that proposal. Had that been implemented, it would have been disastrous for partnerships between social care agencies and the health service to reduce waiting lists.

The hon. Member for Stratford-on-Avon wrote in 1994, when he was working in Conservative central office, that it would be best for the Conservative party if there were absolutely no publicity about the national health service.

I suspect that, if he were still working in Tory central office, he would be arguing that it would be better for the Conservative party if no publicity were given to the national health service for the next 10 years.

5.45 pm

Mr. John Horam (Orpington): The famous NHS waiting list pledge, on which the hon. Member for Harrow, West (Mr. Thomas) and other Labour Members were elected, was quintessentially new Labour in that it was superficially impressive, would not cost very much and would make almost no difference even if it were implemented.

As the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), who has just left the Chamber, said, it was a pretty thin pledge in the first place. I am sorry that I am agreeing with him—perhaps he is uncomfortable with that when his party is so close to the Labour party. The pledge was almost as thin as the hon. Gentleman's famous pledge to do something about the NHS by putting another 6p on a packet of cigarettes, which was the Liberal Democrats' funding suggestion at the general election.

From an ordinary person's perspective, a waiting list reduction of 100,000 is significant, but if we consider the total waiting list—of 1.3 million—it is not. It is even less significant if we remember that the pledge was to increase the number of patients treated, which is roughly 9 million in any year. That is a thin pledge.

The £100 million of savings on bureaucracy, which the Labour party pledged would pay for more patients to be treated and reduce waiting times, was equally thin. Again, to an ordinary person £100 million sounds like a lot, but it stands against the £40 billion spent on the NHS in England, Scotland and Wales in any one year. It is a meagre amount to achieve an insignificant objective, and it has made very little difference.

Dr. Jenny Tonge (Richmond Park): Will the hon. Gentleman give way?

Mr. Horam: We have a relatively short time for the debate and I have already referred to the hon. Lady's colleague, the hon. Member for Southwark, North and Bermondsey, so I shall not give way.

The public have noticed that even Labour's meagre promise has not been fulfilled and that nothing has changed except that the problem is worse than when the Labour party was in opposition. In my area, for example, waiting lists have gone up to 8,500 over the past 12 months; they have gone up by 140,000 over the country as a whole. I accept that if one throws enough money at the problem the figure will begin to decrease. I expect that there will be cheers from the Labour Benches at some stage in this Parliament; I did not imagine that it would happen within one year, but perhaps within in two or three years the Government will say that they have reduced the number of patients not being treated compared with a figure when the Conservatives were in power.

How did the Government get into this situation? There is one simple reason—

Helen Jones (Warrington, North): Will the hon. Gentleman give way?

Mr. Horam: Perhaps the hon. Lady will let me complete my sentence. It is because they have not continued the funding that we put into the NHS. They have reduced the steady increase of extra funding that the Conservative Government put into the NHS year after year. The present Government are now increasing it—as they did previously—by 2 per cent. a year; we increased it by more than 3 per cent. a year when we were in power. That is the difference between us.

All the recycled pledges, recycled beds and recycled figures do not add up to anything by comparison with the simple fact that the present Government are spending less than we achieved throughout our 18 years in power. They have cut the increase—

Mr. Dobson: The hon. Gentleman was voting against the Conservative Government for much of the time—he was a Liberal.

Mr. Horam: The present Government have cut the year-by-year increase in NHS funding achieved by the Conservative party. That is the simple fact. Even the Secretary of State's brusque interventions cannot conceal the fundamental facts about the NHS. The Government have cut spending. That is not what the public expected and none of the Government's recycled pledges can detract from that reality.

What are the Government trying to do to get out of the mess that, as the Secretary of State admitted, he created by his injudicious pledges? He is trying to bully managers throughout the country into giving priority to reducing waiting lists. That is not a sensible way to carry on.

Mrs. Ellman: Will the hon. Gentleman give way?

Mr. Horam: No.

As the Secretary of State should know, even he, as Secretary of State, cannot turn round this supertanker with his own hands. He counts on the 1 million people—he keeps quoting that figure—employed in the national health service to do the job for him. They are the people at the chalkface.

If he knows anything, the Secretary of State should know that one cannot declare that, in one six-month period, priority will be given to accident and emergency services and, in the next, to waiting lists; the people will have gone. If, in one period, priority is given to accident and emergency consultants and nurses, they cannot be switched to orthopaedics, gastroenterology or urology in the next six months. The people cannot be made to reappear out of the hedgerows of the national health service once they have gone. One cannot run a service that way.

I repeat the argument made by the hon. Member for Southwark, North and Bermondsey: the reduction of waiting lists is the wrong target. What matters to the ordinary person in the street is not waiting lists—whatever they may be—but waiting times. Under the previous Conservative Government, in the period after 1988, when the reforms were introduced, the average waiting time decreased from nine months to four months. That was one of the previous Government's major achievements. The average waiting time for treatment was reduced by more than half during those seven or eight years.

Labour failed to address that issue in its famous pledge. The Government are now failing to address it in their attempts to bring their pledges under control, and they

[Mr. Horam]

will continue to fail to address it if they continue with the absurd reduction of waiting lists aim as a result of their pledge—a cross that they took up themselves.

What should the Government be doing? The hon. Member for Harrow, West asked what the Conservatives would do if we were once again in power. First, we would reintroduce Conservative levels of spending—as the Government should. We increased spending by 3 per cent. in real terms over 18 years.

Mr. Gareth R. Thomas: Under the spending plans that the hon. Gentleman must have agreed, my health authority would have received two and a half times less than the current Government are giving it.

Mr. Horam: The hon. Gentleman may talk about his authority until he is blue in the face. In the country as a whole, spending increased by 3 per cent. in real terms, on average, during the last 18 years of Conservative government. It has increased by only 2 per cent. in the first two years of the Labour Government. That is fact, and it is one reason why waiting lists have lengthened.

I hope, as a Conservative Back Bencher, that if we were returned to power we would increase spending to the levels that we achieved in the last period of Conservative power. If the Government were to do so over the next three years—they are approaching the end of their comprehensive spending review, so in a few weeks we shall know what health will receive—it would cost them approximately £10 billion over three years. If, at the end of July, the Department does not receive at least £10 billion for health spending, the Government will have failed, over the next three years—never mind over the Parliament—to match what the Conservatives achieved over 18 years in power. The Government cannot get away from the fact that they are cutting spending by comparison with what we achieved.

Above all, the NHS wants a regular increase in spending. No party in the history of the NHS has achieved that. The NHS wants to feel that it will not receive an increase of 5 per cent. one year, 2 per cent. the following year, 8 per cent. the year after and perhaps no increase the next. It does not want that because it leads to bad planning, as switching priority from accident and emergency one month to waiting lists the next does. The NHS needs a regular, sustained increase over three to five years—the period of one Parliament. It is time that we, as politicians, addressed ourselves to that point. The NHS is underfunded; at least we can achieve continuity and stability in its funding increases.

Finally, the Secretary of State should consider his macho management style. People are working as hard as they can to fulfil these ridiculous pledges; it will not do to say that people will be sacked just like that. As a result of the Conservative reforms, we have built up a considerable core of clinical directors who are both managers and clinicians and know what life is like at the chalkface in the NHS. It simply is not good enough to produce diktats from Whitehall, or the Kremlin in Leeds, and expect them to follow them. We should trust them to manage the NHS as it should be managed. The Secretary of State would receive a much better response by doing so than by coming out with these absurd proposals. I hope that we would do so if we were returned to power. That would produce a better NHS than the Government are likely to, on their present plans.

5.56 pm

Mrs. Alice Mahon (Halifax): I support the Secretary of State's amendment to the Opposition motion.

I am pleased that the shadow Secretary of State is in her place. She made an inadequate but not surprising speech, given that she is on record as saying recently that

"Conservative policy isn't going anywhere, because we haven't actually worked out a policy."

I understand that both she and her deputy—her sidekick—have very little experience of the NHS, as they both go private.

I should like to place on the record the fact that the shadow Secretary of State cannot escape her past. Not only is she inexperienced in the NHS; her most famous encounter with the NHS was when, as a Home Office Minister, she advocated shackling pregnant prisoners. She now pretends that she did not support the policy, but that is untrue—and I know, because I obtained an Adjournment debate on the subject during that period.

We need to explain how our policies will shorten waiting lists—they will shorten, because our approach is radically different from that of the Conservatives. As the Secretary of State outlined, we want to mould health services to meet patients' needs. That means modernising waiting lists. We want to increase public confidence in the NHS; shortening waiting lists is part of that process.

However, as the Secretary of State said, the national health service is a huge organisation. I accept that more than 1 million people work for it and that it will take some turning around. The national health service was neglected for 18 years; that is why we were returned with a landslide majority. The Conservatives seem to have learnt nothing from the state that they are in as a party, having been judged by the public on what they did to the national health service.

In the past 14 months, we have made a real start. As my hon. Friend the Member for Rother Valley (Mr. Barron) said, more than 850 schemes are now in place to shorten waiting lists. We have given an extra £2 billion for the national health service throughout the country and started the biggest hospital building programme in its history. One of the most important things we have done is publish a White Paper that sets out our far-reaching programme; it has some vision in it.

We have started to dismantle the internal market. Anyone who is still pleading in its favour has been silent today—I believe because Conservative Members have realised that it only produced a huge paper chase and increased administration and billing.

We are focusing on quality. I am pleased about the development of the national services framework to improve access and quality across the country. I am excited by the proposals for a commission for health improvement and the national institute for clinical excellence. Two recent scandals highlight the need for those initiatives. The Opposition were in charge when those scandals were occurring and being covered up. The Bristol case and the failure of cancer screening in Exeter and at Kent and Canterbury damaged public confidence in the NHS and demonstrate clearly the need for an added safeguard.

Doctors from the commission will visit NHS trusts at least every three to four years. Where was such monitoring of quality and access when the Conservatives were in power? It was non-existent, and if hon. Members raised the matter in the House they were told to shut up because the Conservatives were doing everything right—but we know that they were not. That initiative is welcome if it will help to reduce waiting lists and wastefulness in the health service.

The figures that will be collected will cover various aspects of clinical care, including hospital deaths, complication rates after operations, death rates after heart attacks and death rates after fractured neck of femur. Such information can help a national health service that knows where it is going. Thanks to my right hon. Friend the Secretary of State, the health service does know where it is going.

The Green Paper on public health, with its proposals for tackling health inequalities and reducing avoidable death and illness, is one of the most radical initiatives since the inception of the national health service. By reducing health inequalities, waiting lists will be reduced. If people are not ill, they do not need hospital beds. The Green Paper is out for consultation now and will be a major step forward in breaking down barriers between health and social services.

I compliment my right hon. Friend on his honesty about care in the community. [*Laughter.*] The hon. Member for Rutland and Melton (Mr. Duncan) may laugh, but for the past 18 years his party used a concept on which we all agreed to close down wholesale care for the mentally ill. I hope that he is not laughing about what we read in the papers about the tragedies of mentally ill patients such as Christopher Edwards and Richard Linford. I hope that the hon. Gentleman feels a little guilty about that, because his party was in charge when the scandal took place.

The right hon. Member for Maidstone and The Weald (Miss Widdecombe) spoke about a little boy. I wonder whether she would like to speak to the parents of Christopher Edwards, who was not on a waiting list. There were no beds for him or Richard Linford and they ended up in a prison cell together. My right hon. Friend is to be commended on recognising that community care needs a good shake-up and that we did not get it right over the past 18 years.

The Green Paper is relevant to keeping down waiting lists. We must provide more access to treatment more quickly. We must recognise that health inequalities are tied into low income and that the income gap has widened massively under the Tories. We must recognise, as my right hon. Friend has done, that we need to do something about sex education, and about tackling drugs, smoking and bad housing. If we reduce bad health, people will not need to go into hospital.

The Green Paper proposes partnerships between local authorities and voluntary organisations and talks about going into schools to preach about preventable health problems. All that was anathema to the Conservatives when they were in power. They had their chance and they blew it. The right hon. Member for Maidstone and The Weald may laugh, but I thought that her speech was superficial.

The Opposition say that the Government have nothing to offer hon. Members by way of extra resources. Let me put on record what we have in Calderdale. We are on the verge of being signed up for a new hospital. I pleaded with the Conservative Government for 18 years for a new hospital and now we are about to get one. We have received extra money from the waiting list initiative, over and above inflation.

Our health authority received an extra £118,000 for breast cancer, which was extremely welcome. The previous Government neglected that area, even though many of us in the House pushed it for years. Twenty-seven beds that were due for closure under the previous Government are now to be kept open. The right hon. Member for Maidstone and The Weald tells us that we are getting less, but we have the facts at our fingertips so we know that we are getting more. It is there for all to see and it will be good for my constituents.

We are getting rid of the hated internal market and replacing it with integrated care. The idea of GP commissioning is far superior to GP fundholding. We do not want to continue with a system that wasted money—and we all know the scandals that arose from it.

The Leader of the Opposition has seen fit to appoint a rather intolerant and narrow-minded shadow Secretary of State. The British people will have noted that move. They have never trusted the Tories with the national health service and they never will again.

6.6 pm

Mr. Julian Brazier (Canterbury): I welcome the opportunity to debate bed closures and to support the Opposition motion. I thank my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) for her support for my local hospital, Kent and Canterbury, which is faced with a rundown virtually to cottage hospital status if East Kent health authority's proposals are adopted. Just last week our community health council stated that those proposals were unacceptable in their present form.

East Kent health authority has repeatedly failed to identify the aim of its proposals. It keeps quoting a view with which everyone agrees—that working practices and configurations must change as patients' requirements and expectations rise—but nowhere has it identified a clear objective. In its consultation document it rules out money as the main driving force, and instead refers vaguely to

"factors involving the supply of doctors, the way they train and the new ways they need to work".

One of the two principal bodies responsible for policing doctors' training and working practices, the Royal College of Physicians, stated at the outset that it disagreed with the proposals, and local representatives of the Royal College of Surgeons have more recently given a clean bill of health to local acute hospitals and stated that they do not see the need for the proposals. Why does not the Department tell EKHA to go back and think again about proposals that have generated tens of thousands of objections from the community?

East Kent has recently suffered from bed shortages, so it beggars belief that the closure of nearly 400 beds at the hospital and a large number at Dover is proposed. Even meeting EKHA's reduced bed totals under the proposal would mean expanding bed provision at Ashford and Thanet, despite recruiting shortages in Thanet.

Mr. Roger Gale (North Thanet): My hon. Friend is aware that an almost certain consequence of Kent and Canterbury's proposals would be the transfer of cancer care

[Mr. Roger Gale]

to Canterbury and the closure of the unit at Maidstone. I cannot believe that my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) would welcome that on behalf of her constituents. More important, the proposal would lead inexorably to the closure of Faversham hospital, Whitstable and Tankerton hospital, Queen Victoria hospital, Herne Bay hospital and Deal hospital and the downgrading of the Buckland hospital in Dover—a town larger than Canterbury.

I do not believe that my constituents in Herne Bay would welcome the loss of beds in the Queen Victoria or Herne Bay, or the loss of facilities there and the potential for the development of telemedicine. Does my hon. Friend believe that his constituents would welcome such a loss at the Whitstable and Tankerton hospital?

Mr. Brazier: The Kent and Canterbury proposals—which I support—do not include downgrading the cancer facility in Maidstone. Rather, they make it quite clear that we need both facilities in Kent: one to cover the east and one to cover the west. They do not challenge any community hospitals and they certainly do not threaten the Whitstable and Tankerton hospital, whose support group is also championing the cause of Kent and Canterbury hospital.

As well as threatening a large reduction in bed numbers in East Kent at a time of bed shortages, East Kent health authority's proposals threaten our five regional specialties. The cancer care facility at Kent and Canterbury was one of only three last year to win a charter mark for excellence. If that unit were closed, it would move out of East Kent, resulting in some 20,000 patient visits each year for radiotherapy alone to Maidstone—which has the closest alternative unit. That would have knock-on effects for people awaiting treatment in Maidstone. Renal and haemophilia treatment, neurophysiology and neonatal intensive care would also have to leave Kent and Canterbury, and some services would leave East Kent. EKHA has admitted that the destruction and rebuilding of those teams elsewhere involves considerable risk. However, as the community health council points out, the health authority has done no proper risk analysis of its proposals.

The loss of access to a broad range of other acute medical services is also a cause of huge disquiet in the community. Almost all individual responses to EKHA's proposals from outside the Isle of Thanet—which comprises less than a quarter of the population—have opposed the changes. For the people who live in the Canterbury city council area, which on its own has a larger population and a larger elderly population than the Thanet district council area, and in the constituency of my hon. Friend the Member for Faversham and Mid-Kent (Mr. Rowe) and for the tens of thousands of people who live in small villages in other districts that are served by Kent and Canterbury—Canterbury is the hub of the bus system for the whole of east Kent—the proposals represent a serious threat.

Any private sector organisation that invested heavily in two sites—an acute hospital was built recently in Thanet and many millions of pounds have been invested in regional specialties at the Kent and Canterbury in the past few years—and then said that it had to close one or other of those facilities would be reasonably expected to take some trouble over its financial estimates.

East Kent health authority, however, submitted its estimates for changes in cancer care without consulting Maidstone, although Maidstone will be pivotal to the health authority's cancer proposals. EKHA appears to have ignored the costs of redundancy payments to consultants, nurses and other staff who may choose not to move to another location, and its proposals appear to have built in nothing for the extra ambulance costs involved in moving more people greater distances. Above all, the health authority's wholly unrealistic bed numbers make the financial side of the proposal laughable.

Closure of Kent and Canterbury would mean that East Kent would lose a hospital which, partly because of its proximity to the university and the extra educational and training facilities that it provides, has proved extremely effective in attracting talent to the region. It has proved possible to utilise talents across all three major acute sites by working together on the children's site. That would not be possible if we lost the middle site in the region; the extended distance and the additional time that it would take to travel between Ashford and Thanet would make joint working impractical.

I hope that East Kent health authority will see sense. I hope that, at its meeting in a few days' time, it will reconsider and not seek to drive through its proposal—and I am delighted that Canterbury and Thanet community health council has made clear its intention to refer the matter to the Secretary of State if EKHA persists. I hope that the Secretary of State will listen hard to the counsel not only of several Conservative Members but of the hon. Member for Sittingbourne and Sheppey (Mr. Wyatt), who participated in a recent delegation to Downing street on the subject. I hope that the Secretary of State will throw out this dreadful proposal that threatens to do much damage to the people of East Kent.

6.14 pm

Ms Rosie Winterton (Doncaster, Central): I am grateful for the opportunity to participate in this debate. We all know from our postbags the anguish that is caused to people awaiting NHS treatment. I have personal experience of that as my father has been waiting some months for a knee operation, and I am aware of how waiting can put people's lives on hold. It affects not only the person awaiting treatment, but his or her family. That is why I think that the Government's commitment to reducing waiting lists is so important.

Doncaster health authority in my constituency has warmly welcomed the Government's initiative. Even though the health authority already has the smallest number of people waiting more than 12 months for treatment in the Trent region, the extra £1.7 million that the authority has been allocated has allowed it to agree a waiting list target of 4,600 to be achieved by the end of March next year.

My hon. Friend the Member for Rother Valley (Mr. Barron) referred to the importance of going back to 1991 when examining the whole picture regarding waiting lists, but I am happy to go back to 1997. In April of that year, the waiting list was 5,773. That means that, by next year, the waiting list will have been cut by 1,200. My health authority also expects that substantial progress will be made in reducing the waiting list by September this year. The built-in incentive of receiving £170,000 on top of the funds already allocated has concentrated minds on making real progress in reducing waiting lists. That can only benefit my constituents.

We cannot look at the waiting lists initiative in isolation. My hon. Friend referred to the health action zones, and Doncaster is a part of one. The zones enable the health authority and local social services departments to work together on several initiatives, particularly tackling the effects of industrial diseases and the problem of teenage pregnancies. My hon. Friend the Member for Harrow, West (Mr. Thomas) referred to the partnership between social services and the health service. I believe that it is vital to get the balance right, as that is the way forward when it comes to improving health services.

Doncaster has also been awarded pilot status as part of the healthy schools initiative, which will allocate an extra £150,000 to schools to enable them to introduce health initiatives. We have made excellent progress with the establishment of primary care groups, which will reduce the fragmentation and division caused by the previous Government's policies and allow the greater planning of patient services by general practitioners in my area, who have welcomed the initiative. Substantial progress is being made in improving health care.

Operations will always be cancelled because of emergency cases, which are beyond the control of doctors and hospitals. However, I think that better information could be provided to patients about the reason for operation cancellations. Too often, the letters that are sent out are quite brusque and do not include further dates when people might expect their operations to be carried out. I hope that my right hon. Friend the Secretary of State will be able to give an assurance that we can address such matters.

I have received a number of complaints about general practitioners who, without giving any real reason, refuse to take pensioners on to their lists. People sometimes get the impression that there are GPs who cherry-pick their patients, refusing those who need what they think might be expensive care. Would my right hon. Friend consider some form of appeal system against that happening, or at least ensure that more information is given about why someone is refused treatment? People feel resentful when they are taken off a list or not taken on one without the reason being explained to them.

Before the general election last year, I visited my local hospital. Staff morale was at all-time low and the management was in despair. A few weeks ago, I returned to the hospital to present the staff awards. The atmosphere was completely different. The mood of the staff and of management was so much more upbeat. There was absolute certainty that the extra resources allocated to Doncaster health authority would have a great impact on reducing waiting lists. Having that as a long-term objective is something of which the Labour Government can be proud. It will make a real difference to many of my constituents and I am proud to be associated with any initiative in that regard, as I am proud to see a Secretary of State who has the guts to do something about reducing waiting lists.

6.22 pm

Mr. David Amess (Southend, West): I congratulate my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) on her magnificent speech. It greatly cheered Conservative Members. I must be careful how I phrase my next sentence, but I am not sure that the Secretary of State for Health knows quite how to deal with my right hon. Friend. Certainly, we Conservative Members look forward to future battles.

I should say something kindly about Health Ministers. They are courteous, which is more than can be said of all Ministers. They reply reasonably quickly to letters, which again is more than can be said of all Ministers. However, their policies are deeply flawed.

The idea that the Minister of State can go ahead and press his amendment is bizarre. If he reads the amendment carefully, he will find that it states clearly that no one has had to wait more than 18 months for treatment. My right hon. Friend the Member for Maidstone and The Weald drew the attention of the Secretary of State to a case of someone who had waited 19 months. I think the right hon. Gentleman said that he would reflect on the matter. That being the case, it surely would not be right for the Minister of State to press ahead with the Government amendment.

A bizarre feature of the debate is that anyone would think that Labour had not won the election. I thought that the Labour party won the election and formed the Government over a year ago. As we reflect on what has taken place over the past two and a half hours, it seems that the Labour Government are responsible for nothing over the past year and that it is all the fault of the Conservatives. Time after time, Ministers have blamed Essex county council, which was Conservative for only a month, for everything that is wrong is the county. Yet the Government, who are now in their second year of office, apparently are to blame for absolutely nothing. That is bizarre.

I resent the insinuation from Labour Members that Conservatives do not care about the health service. We all know how cynical Labour is about the health service. We can all remember "Jennifer's Ear" and the other propaganda coups that went wrong. That is why I was drawn to read the *Daily Mirror* two weeks ago, when the headlines were less than flattering about the Secretary of State for Health. The right hon. Gentleman's relationship with the *Daily Mirror* now seems to be a little sour.

Mr. Keith Darvill (Upminster): Will the hon. Gentleman give way?

Mr. Amess: I think the agreement is that the Minister of State will start his reply at 25 minutes to 7. That being so, I do not think that he would be too pleased if I gave way and took extra time. The shadow Minister, my hon. Friend the Member for Rutland and Melton (Mr. Duncan), will start the winding-up speeches soon. It would be unfair on the two remaining speakers if I took extra time.

The Labour party has been cynical in the way that it has used the health service. I and my family use the health service. We do not have private health care but, given the way that the Government are continuing, we shall need it. They have been cynical in so many ways. I was proud to be associated with Lord Moore and Mrs. Edwina Currie when they were involved in the Department of Health. I learned at first hand what an excellent national health service we have. That can be proved by the ages to which people are living now and the stage at which babies can be saved. Things thrived under 18 years of Conservative government.

I heard my previous constituency referred to in a seated observation. I was proud to be associated with the health service in my former constituency.

Helen Jones: Not proud enough to stay there.

Mr. Amess: I shall come to that in a moment.

[Mr. Amess]

When the accident and emergency unit in my former constituency was due to be closed, I joined the march. The unit was supposed to be closed on the Friday. I had a row, first, with one of the Conservative Health Ministers and, secondly, with the chairman of the health authority. After a meeting two days before the unit's proposed closure, the health authority decided to keep it open. The following year, it wished to remove the gynaecological section. I again did battle with the then Minister. That section is also still in my former constituency. I was proud to lay the foundation stone for the cancer unit and for the hospice in my former constituency.

I am pleased now to be associated with the various services in my new constituency. It is wrong for Labour Members to sneer and allege that Conservatives do not care about the national health service. Let us consider the record for which Labour Members are responsible since 1 May 1997. During the general election campaign, my opponent said:

"Cut NHS waiting lists by treating an extra 100,000 patients as a first step by releasing £100 million saved from NHS red tape."

Labour Members know only too well that they misled people. They pretended that waiting lists would be reduced. They did not lead the British people to expect them to be increased, and the British people never understood that the new Secretary of State for Health would say, "They have gone up but we shall get it right eventually." Who is kidding whom on that issue? The Labour party misled the British people.

In my constituency, I am pleased that our hospital is a centre of excellence. It is the only hospital in Essex that has acquired associated university teaching hospital status. It is now a cancer treatment centre of excellence. It has received the King's Fund accreditation award. However, let us consider what has happened to hospital waiting lists in my constituency. Last year, there were 9,745 people on waiting lists. In only a year, the numbers have risen to more than 13,000. That is entirely the fault of a rotten Labour Government. The weasel words of the Secretary of State do not wash with me.

I draw the attention of the Minister of State to waiting lists because I have no doubt that, when he receives his brief, he will tell us that they do not really matter. I was very impressed by an article that appeared in the *Health Service Journal*, and I shall quote from it. The author wrote:

"Of course, some people claim waiting lists don't matter. I'm afraid they are badly out of touch with patients' priorities. Let's not forget the longest average waiting times are not for procedures of dubious effectiveness but for pain-easing, disability-reducing, highly cost-effective operations such as cataracts and joint replacements. Cutting waiting lists will cut average waiting times for these so-called non-urgent cases.

As important, long waiting lists undermine public confidence in the NHS. They embody the sense of bureaucracy, slowness and inconvenience at the heart of declining satisfaction with the health service. Opinion polls consistently show that waiting lists are far and away patients' greatest concern about the NHS. By comparison with other countries' healthcare systems, they are our Achilles' heel. Like it or not, lengthening waiting lists are a powerful metaphor for the state of the health service. This remains stubbornly true despite the government's sustained attempts to divert attention to other aspects of waiting."

I wonder whether my hon. Friends can guess who the author is. He is none other than the Minister of State, Department of Health who, in a few moments, will try to justify what the Government have done since 1 May 1997. I agree with every word that he wrote in that article on 26 March 1998.

We all know what is happening with waiting lists. Waiting list money is being spent on less serious cases, because other cases have an impact on social services, which themselves have insufficient funding. That means that seriously ill people, including those waiting for cardiac surgery, are not having their wait shortened and may die while on the waiting list. Day case surgery, which is relatively cheap and not life-threatening, but performance of which reduces waiting lists dramatically, is taking place under the new Labour Government—that is their priority. Patients often wait in excess of 12 months for joint replacements and have severely impaired quality of life in that time. Some are being forced into the private sector, using their life savings.

A year ago, Labour celebrated at the Royal Festival hall, with the clarion call, "Things can only get better." They are not getting better for people who are struggling to pay their mortgages with increasing interest rates, who send their children to schools with increasing class sizes or who are waiting to have operations. The Government have let the people down.

6.32 pm

Mr. David Lock (Wyre Forest): First, may I reflect on why this subject has been chosen for debate? The right hon. Member for Maidstone and The Weald (Miss Widdecombe) inadvertently let the cat out of the bag. Was it chosen because Conservative Members are concerned about waiting lists, because people on waiting lists are suffering or because people on waiting lists pay taxes for the national health service without receiving treatment to which they are entitled? No. She said that waiting lists were the subject for the debate because the Labour party had made them the subject. My party did that because they matter to people, to people in the NHS and to people who are suffering, which is why they were an election pledge and why they are important.

Mr. Christopher Gill (Ludlow): Will the hon. Gentleman give way?

Mr. Lock: I shall not give way, because I do not have sufficient time.

Secondly, primary care groups, which have been criticised by Conservative Members, will at least mean that those people who are waiting will do so in an orderly and equitable queue, as opposed to fundholding being a charter for queue jumpers. People must be treated according to their health needs, not according to the status of their doctor.

Thirdly, we should reflect on the incompetence of the people who were put in charge of health services when the Conservatives were in power. For example, by last year, Worcestershire health authority was overspending by £8 million a year and had a cumulative deficit of about £20 million. Those serious problems are being addressed, and painful decisions are being taken, but it would have been better if they had been considered and difficult decisions taken before the general election.

Mr. Gill: Will the hon. Gentleman give way, on that point?

Mr. Lock: No, I shall not give way.

The painful decisions that we are taking in Worcestershire will be considerably better for the extra £13 million, over and above spending figures that were published before the general election by the Conservatives, that has gone into the health authority as a result of decisions taken by the Government. There are options for the people of Wyre Forest, whom I represent, and the matter is with my hon. Friend the Minister, but if it were not for that extra money, there would be no options and there would be nothing for him to consider. Waiting lists in Worcestershire will come down, as they will come down elsewhere, as a result of decisions taken by the Government. For that reason, I shall support the amendment.

Mr. Amess: On a point of order, Mr. Deputy Speaker. Is it in order for a Minister to include in an amendment a statement that he has reason to believe is inaccurate?

Mr. Deputy Speaker (Mr. Michael Lord): The Minister is entirely responsible for amendments that he tables or statements that he makes in the House.

6.36 pm

Mr. Alan Duncan (Rutland and Melton): The terms of today's debate may have been set by our motion, but the climate in which it has been worded was entirely determined by the pledge made by the Labour party in the run-up to the general election. Labour promised to reduce waiting lists, which has caused us to draw to the attention of the House the way in which that pledge has been betrayed.

My right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) has covered—rumbustiously, as always—most of the arguments that I want to make, none of which, needless to say, was answered by the Secretary of State. First and foremost is the spending climate in which he pretends that he is beginning to fulfil his pledge. The key point is that spending under this Government is less than it would have been had the Conservative party stayed in office.

The Secretary of State is unable to fulfil his pledge because, in his naivety, he has boxed himself in by making two conflicting pledges. On the one hand, he said, bogusly, that his Government would stick to former spending plans, but, on the other, he said that he would reduce waiting lists. Those conflicting pledges explain the predicament that he and his colleagues find themselves in. Worse, it has been announced today that inflation has hit 4.2 per cent., so his spending plans will be further eaten into by the Government's inability to stick to their economic targets.

My hon. Friend the Member for Broxbourne (Mrs. Roe) clearly knows her stuff—she spoke cogently, as ever, and the Government should listen to her. The hon. Member for Rother Valley (Mr. Barron) clearly does not—he has become an apologist for something that will not please his voters in South Yorkshire. I doubt that he will honestly be able to hold his head high in the streets of Rother Valley again.

The hon. Member for Southwark, North and Bermondsey (Mr. Hughes) spoke a lot of sense. In discussing the deceit of this so-called early pledge, he joined us in pointing out the truth which Labour Members are not prepared to admit. The hon. Member for Harrow, West (Mr. Thomas) read his brief—he dwelt on the past, but seemed to have little vision of how his party will honour its pledge. My hon. Friend the Member for Orpington (Mr. Horam), as one would expect of a former Health Minister, brought expertise to the debate, helping us to understand the detail of waiting times and the importance of times rather than lists.

The hon. Member for Halifax (Mrs. Mahon) spoke as the House has come to expect of her. My hon. Friend the Member for Canterbury (Mr. Brazier) made a fluent and thoughtful contribution, which I trust Ministers will have noted. The hon. Member for Doncaster, Central (Ms Winterton) seemed reluctant to address the Government's failure. My hon. Friend the Member for Southend, West (Mr. Amess) was, as always, clear and to the point. The hon. Member for Wyre Forest (Mr. Lock) addressed the House with some gall. I wonder whether he campaigned on the Kidderminster hospital in the run-up to the general election. He is becoming an apologist for the reduction in services. Where does he stand with the voters now?

Miss Melanie Johnson (Welwyn Hatfield): Will the hon. Gentleman give way?

Mr. Duncan: I shall not give way, because we are restricted on time.

The pledge on the health service—

Mr. Andy King: Does the hon. Gentleman use the health service?

Mr. Duncan: The hon. Gentleman has been barracking throughout the debate. The answer to his question is yes.

Given the Government's early pledge, 100,000 people should have been knocked off the waiting lists. Instead, they have gone up by 150,000. The Secretary of State and his chummy Minister are falling behind on their promise to the extent of almost a quarter of a million. To secure their fortunes and to recover from this panic—

Miss Johnson: Will the hon. Gentleman give way?

Mr. Duncan: I shall not give way.

Will the Secretary of State give a guarantee—which he failed to give the House when I asked him a week ago—that no other area of health provision will be pushed in the wrong direction to get the Government out of the hole they are in on their pledge? I see that the Minister is nodding. Let him put that on the record when he replies to the debate. Will he assure us that no other national health service indicator of performance will be pushed in the wrong direction to get the Minister and his team out of the hole that they have so deeply dug for themselves?

Miss Johnson: Will the hon. Gentleman give way?

Mr. Duncan: I have told the hon. Lady, and I shall not tell her again: I shall not give way, because we restricted on time. *[Interruption.]* If the hon. Lady had been here throughout the debate, I might have given way to her.

The White Paper reforms are likely to make the Minister's problems worse. He should listen to what doctors say about primary care groups. They are being

[Mr. Duncan]

compelled to form groups of 60 or 80 doctors covering about 100,000 patients. According to a recent poll by the British Medical Association, that is against the will of an absolute majority of practising GPs. We intend to listen to doctors, and it is time the Minister did so, too. What he proposes to do with GPs and with primary care groups will make matters worse.

Mr. Barron: The hon. Member says that the position of primary care groups will make matters worse. How can he defend the fundholding system, which only 50 per cent. of doctors were eventually cajoled into? It created a two-tier system of health care.

Mr. Duncan: If the Government are concerned about a two-tier system, they should endeavour to level up, not level down. It is typical of the Labour party and the socialist philosophy always to prefer to level down rather than to level up.

What is the point of an early pledge if it is continually postponed?

Miss Melanie Johnson: Will the hon. Gentleman give way?

Mr. Duncan: I have made myself clear.

What did the Secretary of State mean by "early"? He chooses to talk to his Minister in an attempt to ignore me. What was "early" about his pledge? The Government promised that they would bring down waiting lists as a first step, but it is becoming a bit of a last step. What does the Minister mean by "early"? Early in the morning, just as the sun is setting? [HON. MEMBERS: "Rising."] Morning has broken, blackbirds gone to bed? When the Minister replies, he should tell the House what he meant by "early".

Mr. Andrew Robathan (Blaby): Perhaps I can help my hon. Friend. In the county of Leicestershire, waiting lists under Leicester health authority have gone up by 15 per cent. In two years—which will be "early"—they will be just the same as they were when we left office.

Mr. Duncan: My hon. Friend is absolutely right. Nowhere in the country has the early pledge been fulfilled.

Miss Johnson: Will the hon. Gentleman give way?

Mr. Duncan: No.

Mr. Deputy Speaker: Order. The hon. Gentleman has made it quite clear that he will not give way.

Mr. Duncan: I am grateful to you, Mr. Deputy Speaker.

In answer to a question from, I think, my hon. Friend the Member for Chesham and Amersham (Mrs. Gillan), the Prime Minister said that waiting lists will begin to fall by the end of this year.

Mr. Tony McNulty (Harrow, East): Will the hon. Gentleman give way?

Mr. Duncan: No, I am running out of time.

We shall examine the figures on 1 January 1999 to see whether the Government's delayed fulfilment of this pledge will begin to happen. *[Interruption.]* The Minister is laughing. The only reason he is laughing is that he hopes that he will get out of this Department so that he does not have to pick up the pieces. I hope that the Prime Minister did not give him an early pledge that he would be promoted.

I look at the faces across the Chamber, and I wonder whether there is anyone left in the Labour party who is prepared to exercise his conscience. In due course, the Labour party will divide into old rebels and new robots. At least the old rebels have come into politics with an opinion, but they so despise their Prime Minister that it will take only a short time before they break ranks. The new robots, who have no idea why they are here, must look at their bleepers to know what they have to do. If there is a conscience left among Labour Members, some of them at least should join us in the Lobby tonight.

The Prime Minister's credibility is most at stake. He is not here: he never is. He spoke in almost Messianic terms: he talked about making a vow, making a pledge, making a covenant with the people, making a promise. He spoke like the Messiah, as if delivering a message from the mountain top. He promised a better health service. Where is he? He is never here. What would he say if he were here?

Mr. Bruce Grocott (Telford): He would say, "This is rubbish."*[Laughter.]*

Mr. Deputy Speaker: Order. I remind the House that the hon. Gentleman is entitled to be heard.

Mr. Duncan: And I will be. Labour Members do not like hearing about what they will have to admit to their constituents. No manner of diversion will distract us from the fact that the Government have broken their pledge.

If the Prime Minister were here, he would say, "Suffer unto me little children, and I will make you wait. Come unto me all of you who are ill, and I will make you queue. Come unto me all who are old and ill, and I will make you go to the back of the line." This is a cruel betrayal of people who expected better. They were deceived, because they were led to believe that, as an early pledge, waiting lists would be brought down. If hon. Members have a conscience, they will vote with us tonight.

6.47 pm

The Minister of State, Department of Health (Mr. Alan Milburn): I hope that the hon. Member for Rutland and Melton (Mr. Duncan) feels better for that. It is always better to get things off one's chest. Just a fortnight ago, when the hon. Gentleman made his debut at the Dispatch Box, he promised that the Conservative health team would be mature and constructive in debate—I think those were the words the hon. Gentleman used. I know that this debate is about waiting, but we are still waiting for that to happen. Thankfully, my hon. Friends have supplied the maturity and reflection that have been so sadly lacking from Conservative Members.

As the subject of waiting lists has inevitably dominated the debate, I should make it clear at the outset that those who say that waiting lists do not matter—such as the hon. Members for Orpington (Mr. Horam), for Broxbourne (Mrs. Roe) and for Southwark, North and Bermondsey (Mr. Hughes)—have got it wrong, for two reasons. The hon. Member for Southend, West (Mr. Amess) kindly quoted from an article that I wrote in the *Health Service Journal*, in which I repeated what I had said on previous occasions: the longest average waiting times for treatment are for operations such as cataract and hip replacement operations.

As my hon. Friends the Members for Doncaster, Central (Ms Winterton) and for Wyre Forest (Mr. Lock) said, people who have to wait a long time for treatment have their lives put on hold.

Mr. Simon Hughes: That is because of waiting times.

Mr. Milburn: Cutting waiting lists will cut waiting times. The hon. Member for Southwark, North and Bermondsey, the Tory Front-Bench team and the hon. Member for Southend, West have not grasped that essential point.

We have already made progress on cutting waiting times, and we will continue to do so—especially for patients who are waiting for urgently needed cancer treatment. The hon. Member for Rutland and Melton, and, indeed, the right hon. Member for Maidstone and The Weald (Miss Widdecombe), raised the case of a boy who apparently waited 19 months for treatment. I wish that the right hon. Lady had checked the facts before coming to the Dispatch Box.

As our amendment rightly points out, on 31 March no patients were waiting more than 18 months for treatment, and that includes the boy who was mentioned. He will have an operation within the next few days, as the NHS trust had always planned. Had the right hon. Lady raised the matter sensibly with the Department, rather than trying, and failing, to make political capital out of it, we would have sorted it out immediately.

Mr. Duncan: Will the Minister give way?

Mr. Milburn: In a moment.

My right hon. Friend the Secretary of State has asked me to tell hon. Members on both sides of the House that, if there are any other such cases, we will gladly deal with them personally. When we say that we will cut the number of 18-month waiters, we mean it.

Mr. Duncan: Will the Minister confirm that the NHS is commissioning operations in private hospitals in order to bring down waiting lists?

Mr. Milburn: As the hon. Gentleman knows, the NHS has been doing that for years. What is new is that this Government have instructed health authority and other commissioners always to use NHS capacity first, if it is there.

There is a second reason why cutting waiting lists is important. The hon. Gentleman did not refer to that part of my article. The longer waiting lists are, the more people question the ability of the NHS to cope. It is no coincidence that, if hon. Members drive only a few hundred yards, they will see enormous posters advertising the wares of private health insurance companies. Those companies recruit on the basis of one simple fact: waiting for treatment. Long waiting lists are the recruiting sergeant of private medicine.

That may not matter to those on the Tory Front Bench, but I can tell the House that it matters to the millions of people who have to use the NHS day in, day out, and who want it to continue as 'a universal service funded from general taxation.

Dr. Harris: Waiting lists can be cut if operations are not offered. If the private health sector recruits by means of longer waiting lists, why is it recruiting through health authorities that no longer offer operations for uncomplicated varicose veins or for infertility after nought, one, two or three cycles? The Minister should think carefully about whether there is now a universal service for some of these so-called non-urgent procedures.

Mr. Milburn: The difference between my party and the hon. Gentleman's is that we want a universal health service that provides fair access to high-quality treatment in all parts of the country. I hope that, when we announce our proposals for improving quality and fair access—as we shortly will—the hon. Gentleman and his party will welcome them.

Cutting waiting lists will be the single most important way of rebuilding public confidence in the NHS after all the damage done to it by Tory Governments. As we heard from my hon. Friend the Member for Halifax (Mrs. Mahon), we will get waiting lists down by both investing and modernising. The two go together.

We have earmarked an extra £500 million so that waiting lists will be lower in April next year than the record level we inherited from April last year. The cash will pay for extra operations, extra staff and extra beds, and will mean the biggest annual increase in the number of hospital operations that the NHS has ever seen—as my hon. Friend the Member for Rother Valley (Mr. Barron) said—as well as an extra 3,000 hospital beds across the country. That includes 450 in this city, as my hon. Friend the Member for Harrow, West (Mr. Thomas) pointed out.

This morning, the hon. Member for Rutland and Melton issued a press release. I am afraid that he is rather prone to that. It demanded that we publish a full list of extra beds and extra activity. That list has been published. Let me ease the hon. Gentleman's doubts by telling him about some of the extra investment that is taking place—

Mr. Duncan *rose—*

Mr. Milburn: I will give way in a moment. First, I want to soothe the hon. Gentleman's fears and ease his suspicions. I want to bring him on side. He asked for the information this morning.

In Leicestershire, an extra £4.8 million will be provided. It will pay for an extra 30 beds; it will also pay for an extra 250 plastic surgery treatments, an extra 407 ear, nose and throat treatments, an additional consultant, 1,300 gastro-enterology treatments, two paediatric consultants and 150 extra paediatric treatments, additional staff for 200 extra ophthalmology treatments, one oral surgeon, 143 extra oral surgery treatments, one orthopaedic surgeon, 1,171 extra orthopaedic treatments,

[Mr. Milburn]

extra staff for general surgery and anaesthetic, Saturday opening at Leicester hospital, and 1,568 extra general surgery treatments.

Mr. Duncan: Will the Minister answer a question that he has not answered so far today? Are those 2,000 new beds the same 2,000 beds that the Secretary of State announced on 2 June?

Mr. Hugh Bayley (City of York): They are the beds that the hon. Gentleman's Government closed.

Mr. Milburn: My hon. Friend has given the hon. Gentleman the answer. It is a terrible shame that he did not take the opportunity to be grateful on behalf of his constituents when it was offered.

Investing, however, is only part of the story. We are modernising the whole waiting list system. Unlike the Tories, who also launched waiting list initiatives, we recognise that getting waiting lists down and keeping them down needs more than just extra operations in hospitals.

The hon. Gentleman asked me for an assurance that no other sector of health care would suffer as a consequence of our getting NHS waiting lists down. I will give him that assurance, and I will also tell him that the Government will invest an extra £65 million to ensure that there are improvements in community, primary care and mental health services.

Those are all essential steps towards modernising the NHS. This Government were elected on the basis of a pledge not just to save the NHS, but to modernise it. We never said that it would be easy—we always said it would take time—but deliver the goods we will. We are a Government who keep the promises we make. Moreover, we are a Government who are not frightened of taking responsibility. When my right hon. Friend the Secretary of State took responsibility for rising waiting lists, he did something that no Tory Secretary of State for Health had ever done: he had the guts to take the blame. Tory Secretaries of State for Health always passed the buck; they always found an alibi; they always searched for an excuse. They never had the courage to take responsibility for their decisions.

This morning, the hon. Gentleman said on the radio that cutting waiting lists was the yardstick by which the Government's honesty would be judged. He is not right about much, but he is right about that. When we get those waiting lists down—as we will—the hon. Gentleman, too, will have to take responsibility, and admit that the Tories were wrong. He will have to admit that a Labour Government will have achieved something that a Tory Government never managed to achieve: getting waiting lists down, and enabling them to keep going down year after year after year.

Let us not forget that, for 18 years, the Tories put up waiting lists year after year after year. There were 400,000 more people waiting for hospital treatment at the end of their term of office than at the beginning. By the end of this Parliament, waiting lists will be at least 100,000 lower than the waiting lists that we inherited.

Given the Tories' record, I should have thought that the right hon. Member for Maidstone and The Weald would do well to heed the advice of her predecessor, the third shadow Health Secretary our health team has faced. He advised the Tories that the best policy for them was zero coverage. Tonight, we have learnt that the Tories cannot listen even to their own advice. After three hours of debate, no one is any the wiser about where they stand. Do they welcome our efforts to cut waiting lists? Do they welcome the extra cash? Do they want more cash for the NHS, which we do, or do they believe, like the shadow Chancellor, that the Government's plans for extra investment are a waste of public money?

The truth is that the Tories have no policies, they have no ideas, and they are out of touch with the 1 million people who work in the health service and the millions more who use it. They do not have even a credible position in opposition. Fifty years after opposing the very creation of the NHS, they are opposing its modernisation. They deserve to be rejected now, just as they were rejected then. I urge my hon. Friends to do just that.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 133, Noes 327.

Division No. 304] **[7 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
MacKay, Andrew
McLoughlin, Patrick
Major, Rt Hon John

Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid–Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Streeter, Gary
Swayne, Desmond
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mrs. Caroline Spelman.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Baker, Norman
Ballard, Jackie
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blunkett, Rt Hon David
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Butler, Mrs Christine
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canavan, Dennis
Cann, Jamie
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Edwards, Huw
Ellman, Mrs Louise
Fatchett, Derek
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hanson, David
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hoey, Kate
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCafferty, Ms Chris
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
Maclennan, Rt Hon Robert
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheffld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Paul *(Torfaen)*
Norris, Dan
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pound, Stephen
Powell, Sir Raymond
Prentice, Gordon *(Pendle)*
Primarolo, Dawn

Prosser, Gwyn
Quin, Ms Joyce
Radice, Giles
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Rogers, Allan
Rooney, Terry
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stott, Roger
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Ms Bridget Prentice and Mr. Greg Pope.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House notes with pleasure the £2 billion increase in National Health Service spending since 1st May 1997; welcomes the allocation of £500 million to cut waiting lists by the end of this Parliament to 100,000 below the record levels inherited from the last Conservative Government; notes that as a result of record increases in waiting list surgery the National Health Service will be opening around 2,000 extra beds and keeping open around a further 1,000 in marked contrast to the cuts under the last Government; notes that by March 1998 no-one in England was waiting over 18 months for treatment, meaning that this Government has already achieved what the Conservative Government never achieved; and further welcomes the ending of two-tier care by the introduction of primary care groups which puts doctors and nurses in the driving seat of modernisation.

Local Government (Scotland)

Mr. Deputy Speaker (Mr. Michael Lord): I advise the House that Madam Speaker has selected the amendment in the name of the Prime Minister.

7.14 pm

Dr. Liam Fox (Woodspring): I beg to move,

That this House believes that Scotland requires financial stability and ethically sound local government; recognises the need for public confidence in advance of the establishment of the Scottish Parliament; and therefore calls on Her Majesty's Government to initiate an independent inquiry into the conduct of local government in Scotland.

It is fair to say at the beginning of this debate that, whatever twists, turns and controversies it may give rise to, it will provoke less anxiety than the one and a half hours that we had to sit through earlier today. If I had had a prescription pad close by me during the second half of the Scotland game, I could have made a fair bit on prescriptions for valium.

We have secured the debate to bring to the attention of the whole United Kingdom something that is well known in Scotland: the Labour party in parts of Scottish local government is rotten to the core. Council after council has thrown up tales of junkets, maladministration and financial deficit.

Why is it that a Prime Minister who seems to take such an interest in everywhere from Islington to Tuscany, and in everything from Britpop to Frank Sinatra, has so much to say on so many subjects but so little to say about the corrosive nature of politics in his own back yard? We hear plenty of comments on Oasis, but not on Ayrshire. He seems to want to deal with luvvies, but not with Lanarkshire. We seem to have a Prime Minister who wants to be leader of the Government without having to be leader of the Labour party.

We can give only a lukewarm welcome to the Secretary of State's investigation into direct labour organisations.

The Secretary of State for Scotland (Mr. Donald Dewar): Why?

Dr. Fox: Because it is inadequate and comes far too late. Perhaps the Secretary of State will tell us when he, his officials or senior Labour party officials first became aware of the problems in North Lanarkshire. An editorial in today's *Daily Record*—which I am sure the right hon. Gentleman will agree is hardly a Conservative newspaper—states that they knew a considerable time ago exactly what had happened in North Lanarkshire. I must confess, perhaps for the first time, that I agree that

"nothing less than a full public inquiry rooting out all the unsavoury facts and naming all the names will do".

Many sections of the Scottish electorate plead for such an inquiry.

Mr. James Wallace (Orkney and Shetland): When did Conservative Members first realise that something was wrong with local government in Scotland? Many hon. Members recall arguing with Conservative Ministers that there should have been a full public and independent inquiry before they proceeded with reform of local government. Is not his plea for an inquiry coming a bit too late?

Dr. Fox: The list of wrongdoings that I shall give in the debate demonstrates not only that it is not too late for

an inquiry, but that we require an immediate and thorough investigation into events in Scottish local government. However, the problem is not DLOs themselves or the structure of local government, but the culture of Labour in local government. The Labour party cannot be the solution to the problem—it is the problem.

Although we can examine the structure of DLOs, the fact is that they are the creatures of whichever council they belong to. DLOs make contracts with the client part of the council and provide services. If they run up excessive bills, the client will simply provide more money. Such a practice certainly would not be accepted in the private sector. Nevertheless, such practices demonstrate the prevailing culture in specific councils.

As the Government were so desperate to end the compulsory element of compulsory competitive tendering, they gave us the nebulous concept of best value. Perhaps it would help the House if I gave some examples of the operation of that concept.

As part of best value in this year's housing maintenance contracts for the City of Edinburgh's council tax payers, tenders on an open-market basis were sought in only two areas. Tenders in other areas were "negotiated" with selected contractors, the largest of which was—surprise, surprise—Edinburgh Building Services. That "negotiation" led to an increase of approximately 14 per cent. over previous prices. That negotiated price increase allowed Edinburgh Building Services to make an unrealistically low tender of 67 per cent. in four tendered areas, effectively precluding all private sector bids from being considered. That reveals what best value means to the Labour party—best value for its friends in local government.

Ms Rachel Squire (Dunfermline, West): Does the hon. Gentleman agree that a prime example of a council failing to give best value to its council tax payers and of a council being guilty of gross mismanagement and overspending on various services was none other than Tory-controlled Westminster city council?

Dr. Fox: In so far as the wrongdoings of Westminster have been exposed, I of course criticise them, but the hon. Lady is not going to deflect the argument. We are talking about local government in Scotland. The Labour party is in government now, and it is time that it faced the problems caused by its mismanagement of local government in Scotland. It is time that it had the courage to start dealing with those problems. It is no good Labour Members throwing into the debate one council in England as they will no doubt do this evening—that is usually what happens when they attempt to defend their appalling record in local government in Scotland. Yes, I condemn wrongdoing in local government and shall do so at length this evening.

Mr. Dafe Campbell-Savours (Workington): Will the hon. Gentleman give way?

Dr. Fox: No, I will not give way to the hon. Gentleman.

In the west of Scotland—

Mr. Campbell-Savours: Why will he not give way?

Dr. Fox: I will not give way to the hon. Gentleman. I shall give way to hon. Members who are better mannered than him.

Mr. Campbell-Savours: Why will he not give way to me?

Mr. Deputy Speaker: Order. It is not for the hon. Member for Workington (Mr. Campbell-Savours) to question why hon. Members do or do not give way.

Dr. Fox: I am keen to give way to Scottish Members who can defend what Labour is doing in local government.

Mr. Campbell-Savours: On a point of order, Mr. Deputy Speaker. I am an English Member of Parliament. Will you confirm that the Opposition spokesman will not allow me to intervene because I do not represent a Scottish constituency, although he represents an English constituency, too?

Mr. Deputy Speaker: Order. I shall confirm what I have already told the hon. Gentleman. It is for the hon. Member who is on his feet to decide to whom he will or will not give way. That was not a point of order.

Dr. Fox: Perhaps I should have written one or two extra prescriptions for sedatives this afternoon.

If we are seeking problems in local government in Scotland, we need look no further than the west of Scotland. In North Lanarkshire, an internal auditor's report has unveiled a catalogue of financial incompetence leading to a £4.5 million debt being discovered. Included in the auditor's findings was the case of a plumber—it has been well documented in the newspapers—who received payments totalling £54,000 despite being on a basic salary of £10,600. It also found that £800,000 of stock had been written off. Council chiefs have confirmed that the police will be called in if further investigations show that the stock was not written off but stolen.

In the same council, a lollipop man has said that he earned £17,500 a year for 10 hours' work a week. Commenting on that, Mr. John Gillen said:

"it was the best job I ever had . . . I couldn't believe my luck, during my stint as a lollipop man I took my wife and two kids to Gran Canaria, bought a new Escort and did up my flat."

It appears that the council tax payer will have to pick up the tab for Labour's mismanagement in North Lanarkshire.

The Minister who is winding up the debate—the Under-Secretary of State for Scotland, the hon. Member for Western Isles (Mr. Macdonald)—has said that the North Lanarkshire deficit could be covered by a £50-a-head rise in the council tax in North Lanarkshire. That might be fine for those on the same salary as the Minister, but will not be much comfort to those who are finding it difficult to pay the already inflated council tax imposed under Labour. That comes on top of previous scandals that have afflicted the council.

In 1996, the Labour leader of North Lanarkshire council had his office decorated with wallpaper costing £271 a roll which, as the Lord Chancellor would say, you

[Dr. Fox]

don't get at B and Q. His carpet cost £51 per square metre, and he had a new bidet installed—very PC—as part of a £600,000 refurbishment of Motherwell civic centre. In addition, the same council has spent £700,000 on an exclusive car park for councillors.

Following the revelations in North Lanarkshire, amazingly, a shortfall of £3.5 million has been discovered in the DLO budget in East Ayrshire. East Ayrshire is also a very interesting council. There have been allegations of drunken junketing by Labour councillors. A council official, the deputy director of the commercial operations department, was threatened with the sack and challenged to a fight for refusing to buy councillors a drink on his expenses at a conference. The councillors concerned—James Carmichael and James O'Neill—were the vice-chairman and chairman of the commercial operations committee and effectively his political bosses. According to a report in *The Herald*, when the official concerned—Charles McIvor—refused to buy a drink, one East Ayrshire councillor said publicly:

"Why the . . . do you think we bring officials to conferences?"

I notice that there has not been the slightest challenge to the report in *The Herald*. The official's boss, Des Tierney, was then allegedly telephoned at home and told to order his subordinate to buy a drink for the councillors or his job would be on the line, too. The two officials have been suspended since February pending an internal inquiry into the running of the department, although it has emerged that they themselves were asking for an investigation as long ago as December last year.

Perhaps more serious are the calls for an investigation into the relationship between the council, Cumnock municipal bank and the Cumnock and Doon Minerals Trust. Councillors control the bank and act as directors. Four of the same group act as trustees of the minerals trust, which was set up to improve leisure facilities in the Cumnock and Doon valley area affected by mineral operations. There is a clear conflict of interest, with councillors sitting on planning committees determining applications from opencast coal developers who contribute to the trust which invests in the bank which in turn gives loans to the council that it serves.

Mr. Desmond Browne (Kilmarnock and Loudoun): If the hon. Gentleman's research for his speech had gone slightly further than press reports, he would have realised that East Ayrshire council instigated an investigation into the financial management of the DLO in November. It is hardly surprising that a response to a request by Mr. Tierney in December was of little consequence.

Dr. Fox: The exact timing of an investigation is not the point. The point is the culture that exists within that council, which is obviously permeating all levels of management in the council and blurring the distinction between the duties of councillors and the duties of officials of the council.

Perhaps the best-publicised recent example has been that of Glasgow. Glasgow city council has for years been rocked by allegations of Labour councillors trading votes for trips and of bitter factionalism between the Labour power groups. The votes-for-trips allegations spurred the Labour party into action that was billed as one of the many attempts to clean up the city. Scottish newspapers were full of stories about sleazebusters coming in to clean it up and about hit squads but, of course, nothing ever seems to happen. Like many other investigations, this one showed that the Labour party's actions failed to live up to its rhetoric.

The Labour party in Scotland confidently predicted that the very public suspension of and disciplinary procedures begun against its councillors in Glasgow would be an example to elected representatives everywhere, but today disciplinary action remains completely stalled in legal uncertainty. However, those are by no means the only problems facing Labour in Glasgow.

In February 1998, it was revealed that David Moxham, a Glasgow city councillor, owed £3,748 in unpaid council tax dating back to 1993. Because of those arrears, he is legally barred from voting on any financial matter. The council and the Scottish Labour party have constantly argued about who is responsible for any disciplinary hearing. *The Scotsman* revealed on 25 November that another Glasgow Labour councillor and her husband who are at the centre of a political storm had moved into a £55,000 private home after leaving behind rent arrears of nearly £1,300 on a council flat, while raking in almost £40,000 of public money in the form of council allowances and urban aid-funded jobs. What is going on? Where is the discipline? Where is the clean-up that was promised time and again?

Furthermore, the stories of Glasgow's wasteful expenditure are legendary. In 1997, when Glasgow was cutting key public services, it managed to find the funds to send some councillors on the following foreign trips: Rostov-on-Don for the Rostov city days event; St. Petersburg for a symposium on cultural policy in Europe; Rome for an international rose exhibition; and Hong Kong for a meeting of the International Badminton Federation. I am sure that all those trips were welcome for those involved, but difficult for a party that was having to cut essential public services. The council also found £810,000 in the same year to run its fleet of 28 luxury cars. Something is rotten there and it is time that we got to the bottom of it.

Renfrewshire demonstrates par excellence why Labour cannot be trusted in local government in Scotland. As my right hon. Friend the Leader of the Opposition pointed out at Prime Minister's Question Time recently, a senior police officer has said that if that council's chamber were a pub, it would have to be closed down for public order offences, so often have the police had to be called.

Mr. Michael Connarty (Falkirk, East): Will the hon. Gentleman go further and tell the truth? Every time that the police have been called, it has been to eject the Scottish National party members, who parade on the top of the tables, abuse council officials and disrupt proceedings until they are thrown out by the police. The problem is caused not by the Labour party, but by the SNP.

Dr. Fox: I am grateful to the hon. Gentleman for lobbing a grenade into the debate, which will no doubt go off later. It is a strange defence to say that there is a party that behaves even worse than Labour in local government. It is hardly a defence for Labour's conduct in that council.

The most serious issue in Renfrewshire is the Ferguslie Community Business security company, about which many questions remain unanswered. I hope that the

Secretary of State will tell us some facts about it. The report in *The Daily Telegraph* of 16 August last year—which was not challenged—says that more than £320,000 is believed to have disappeared from two of the firms in the now defunct FCB, which, as most hon. Members know, was allegedly used to launder drug money. Some £321,500 was supposed to have been used to pay casual workers who apparently never existed, according to a leaked report by the FCB's liquidator, Colin Hastings. Are there ghost workers in Paisley, or is there something more sinister?

The FCB security company was set up in 1987 with almost £200,000 of public money from the Scottish Office, the former Strathclyde region and Renfrewshire district council. It is well known that local Labour activists were heavily involved in the company. We have never got to the bottom of what went wrong with the FCB. It is a serious matter that would not have been brought to public attention without the courageous stand taken by the hon. Member for Paisley, North (Mrs. Adams), who is not in her place at the moment. We all applaud her courage.

Is it not slightly—no, perhaps I am being cynical and should not say it. Is it not surprising that on the day that the Government are dragged kicking and screaming to the House to give an account of their stewardship of Scottish local government, we finally hear the decision on the suspension of the hon. Member for Renfrew—the hon. Member for Greenock? Perhaps we shall be told the truth. The Labour party has taken 10 months, with two investigations carried out by two different teams, to come to today's stunning conclusion that there should be another Labour party inquiry.

Mr. Tam Dalyell (Linlithgow): On a point of order, Mr. Deputy Speaker. My hon. Friend the Member for Greenock and Inverclyde (Dr. Godman) is often in his place in front of me and certainly has not been suspended for 10 months.

Mr. Deputy Speaker: That is not a point of order for the Chair.

Dr. Fox: I am grateful for the opportunity to check the constituency of the hon. Member for West Renfrewshire (Mr. Graham).

When will we be told the truth about the issue?

Mr. Malcolm Savidge (Aberdeen, North): On a point of order, Mr. Deputy Speaker. Am I correct in believing that it is usual that if one hon. Member is going to attack another by name, they should inform him beforehand? Has the hon. Member for Woodspring (Dr. Fox) done so?

Mr. Deputy Speaker: It is normal in the House if one hon. Member is going to mention another hon. Member that he informs him beforehand.

Dr. Fox: I accept that I should have written to the hon. Member for West Renfrewshire. If he is ever available in the House to pick up his mail, I am sure that he will get that letter.

The debate is important, because local government will play a central role in the new constitutional relationship in Scotland. If Labour fails to take clear, decisive and public action, Scottish voters will assume that Labour in a Scottish Parliament will merely be an extension of Labour's rotten boroughs in local government in the west of Scotland. The Secretary of State must take all the necessary action, not just some of it. The Prime Minister must take responsibility for his party. Sadly, the Secretary of State responds too lamely and too late. The Labour party treats Scotland as its private fiefdom and the Prime Minister treats the Scottish Labour party with disdain, putting as much space as possible between him and it. We need no more words, no more promises and no more time wasting. Labour is the problem, so Labour cannot be the solution. Someone must clean up the act and Scotland will demand that that starts tonight.

7.35 pm

The Secretary of State for Scotland (Mr. Donald Dewar): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"notes with concern losses in a number of direct labour organisations within Scottish councils; and commends the swift action taken by the Secretary of State for Scotland to deal with them."

I must start by congratulating the hon. Member for Woodspring (Dr. Fox)—I shall not say reluctantly, because that would be discourteous to him and to the House—not on his speech, but on his appointment to the Front Bench. We can all safely assume that he is the first representative of Woodspring to hold the position of Opposition chief spokesman on Scottish affairs. I am afraid that I am coming to the conclusion that the view from Woodspring is a little distorted. There may be a plea of mitigation, given the distance, but the situation is unfortunate.

The hon. Gentleman has obviously read a lot of newspapers. I am not complaining about that—Opposition spokesmen read newspapers. However, when making such serious charges, it is important that he should go beyond press cuttings. He referred to legendary stories. Some of the stories that he mentioned are legendary—they are not well founded in reality. I accept that the Opposition will make what political points they can, but, having read his charge sheet, I am disappointed at the lack of a single constructive suggestion. He did not discuss the future of local government or consider the realities of any of the problems. I regret that, because I would have been interested in something more than simple political knockabout.

I accept that serious issues have arisen recently. The debate should be taken seriously by all those participating and spectating. For good reasons, I cannot comment on the security company in Ferguslie Park. The hon. Gentleman must know that the issue has properly been in the hands of the police for some time for investigation. We do not know the outcome of the investigation, and it would be improper of me to speculate, but I assure him that the proper authorities will act if evidence of wrongdoing emerges from the inquiry.

What matters in local government is what works. I accept that there is clear evidence of some difficulties in local government in Scotland. Those difficulties must be addressed. The Government will not tolerate failure and inefficiency in local government, and will act swiftly—as we have done—to deal with such cases. There is a need for change in Scottish local government. I want to say something a little more constructive about that later. We have acted, and will act, on impropriety and the falling away of proper standards, as well as on the agenda for change.

[Mr. Donald Dewar]

The only precise question that the hon. Gentleman asked was when I first knew about the difficulties in North Lanarkshire. It was on 27 May. If he follows the chronology carefully from there, he will see that we have acted with speed and decision. If there have been any longueurs, it is because of the strictures of statute.

We have proceeded under the provisions of the Local Government, Planning and Land Act 1980 and the Local Government Act 1988. First we had to tell the East Ayrshire and North Lanarkshire councils that they had a specified period—in this case three weeks—in which to offer an explanation and give full information about their direct labour organisations. That was done. I assure the hon. Gentleman that, when we have that and the other information that we require, we shall take what we regard as suitable and—I hope—appropriate action.

Dr. Fox: Will the Secretary of State further clarify the matter? The management services officer, Alex Haggerty, said, as the right hon. Gentleman will be well aware, that the council knew of problems concerning losses in the DLO in March 1997. When did the Scottish Office first become aware of that?

Mr. Dewar: I first became aware of Mr. Haggerty's report—I am neither accepting nor rejecting it—when I came across it in a daily newspaper this morning. To the best of my knowledge, we in the Department did not have access to the document. I have already told the hon. Gentleman—I hope that he will take this from me as fact—that my first intimation of the difficulties was on 27 May. Indeed, a very senior civil servant to whom I turned learned about it from me. We have certainly not been sitting on information about the activities of DLOs and refusing to act on it.

Mr. Alex Salmond (Banff and Buchan): The precise suggestion in Mr. Haggerty's report, which is published in today's *Daily Record* and which I have read, is that four Labour councillors had known for some time of the situation concerning the North Lanarkshire DLO. If that suggestion proves to be correct, how will those four councillors stand vis-a-vis disciplinary action in the Labour party?

Mr. Dewar: The hon. Gentleman will have to wait and see, as I will. I do not know who the four councillors are; none of them was referred to by name. I have not at this stage had any evidence about the contents of the report.

I do not at this stage know very much about Mr. Haggerty, except that he has left the employment of the council. I rely for that information on the press cuttings to which the hon. Gentleman referred. It is not helpful to build great theories, or to speculate on such reports. Obviously, I intend to try to find out about the situation, and we shall take appropriate steps in order to do so. I was replying to the specific question of the hon. Member for Woodspring, who I hope accepts my reply.

Mr. Wallace: There has been some speculation, and it would be helpful if the Secretary of State could clarify matters. I have been led to believe that the post of chief management accountant in North Lanarkshire was created last year following expressions of concern by officials about the accounting system in the department that is now giving rise to concern. Does the Secretary of State know whether that is so? If it is, does it not suggest that councillors should have monitored what was happening?

Mr. Dewar: I am not in a position to answer such detailed questions at this stage. We have taken steps to establish the facts, which I shall explain in a moment. Perhaps we can take the matter forward on that basis.

I stress to the House that North Lanarkshire and East Ayrshire are two out of 32 authorities; there are 30 other authorities with DLOs. We have, of course, been trying to check the position in order to establish the extent of the damage and the problem. Other DLOs have deficits either on part of their operations or overall, but the distinction is that none of them is unknown. They have all been established for a purpose—for the management of funds—and are, to that degree, under control.

One can argue about tactics, but there is a sharp distinction between that and what appears to have happened at the two councils at the centre of the storm, where undoubtedly matters ran out of control. On the face of it, there was a collapse of financial discipline, and a quite substantial failure of management systems.

In North Lanarkshire, it looks as though the deficit is about £4.2 million. The provisional figure in East Ayrshire is £3.5 million. Even though there are variations on the figures, they give some idea of the scale of the problem. In both cases, there have obviously been very serious failures of management and financial control. As the House will know, DLOs are required, very properly, to meet a 6 per cent. return on the capital they employ. It is deeply worrying that deficits in these two cases were not detected or monitored at an early stage. Both became fully evident only after the end of the financial year in question.

My first and immediate reaction in both cases was to ensure that the councils called in their external auditors to verify financial figures and try to establish the position. As I have said, I also used my statutory powers to require information and explanation of the councils. That is a necessary step, which I stress is to pave the way for further action. I shall return later to what further action I may take.

On the face of it—I will not conceal this—there has been an unacceptable and intolerable level of failure and mismanagement in the two councils. It is indefensible; no one on the Labour Benches, or indeed in local government, is attempting to defend it. It raises three important questions: first, what is to be done about the cases; secondly, what is to be done to avoid repetition; thirdly, what broader lessons can be learned about the future of DLOs and, indeed, of local government as a whole, especially as we begin to consider the relationship between local government and the Scottish Parliament that will come into being in the middle of next year?

I have already initiated the statutory process. I expect a response from the councils later this month. It is already painfully clear that the contracts under which the DLOs have made such losses cannot be allowed to continue. The councils concerned have already acknowledged that, at the minimum, the work will have to be re-tendered. I am not yet convinced that that is enough. The question clearly arises whether the organisations can deliver a proper

service in a controlled way without an unacceptable impact on the council tax payer. Before making up my mind finally on that, I will want to hear what the councils themselves have to say. We are waiting for that information.

I want to make it clear today that I am perfectly prepared to use my powers to require the council, if necessary, to wind up the DLO and obtain services from the private sector in either or both of the cases. I intend to come to an early conclusion after I have considered the information provided by East Ayrshire and North Lanarkshire councils.

I want the reassurance that we do not have similar breakdowns in management and control elsewhere. My Department has already approached every DLO; we have asked that external auditors be brought in. The Scottish Office has written to every council in Scotland asking them to check the operation of their bonus systems in direct works departments, and to report back. It appears—at least on the face of press reports—that something went very far wrong with the bonus system in North Lanarkshire particularly. I have certainly no wish to see any repeat of the bizarre anomalies that seem to have emerged in that council, which have been so widely noticed in the press.

Dr. Fox: Leaving aside the two DLOs in question, does the Secretary of State draw a conclusion about the whole system of DLOs from the fact that a more direct relationship with the private sector may be the answer? Will he organise an investigation into how they operate in their entirety?

Mr. Dewar: I certainly said—I am sure that the hon. Gentleman was listening—that lessons would have to be learned in local government in a wider sense. I shall come to that later.

Mr. Andrew Welsh (Angus): Although the Secretary of State is understandably dwelling on the downside, does he acknowledge that there are well-managed, well-run direct service organisations, such as that in SNP-controlled Angus, which produced a surplus of £250,000 last year while providing top-quality public services at low cost?

Mr. Dewar: The hon. Gentleman can always be relied on to paddle his own canoe—or perhaps his own coracle—in such matters. I do not want to comment on individual councils that are not at the centre of the matter with which we are concerned; we might get into some difficulties. The hon. Gentleman is making a party point. He could consider the DLO in Perth and Kinross, for example, where he might find a rather different situation.

Mr. Welsh: I ask the Secretary of State not to destroy the whole system, but to accept that, where it works well, it does so in the public interest. Bringing in the example of Perth and Kinross is rather pathetic, since it had £1.1 million in reserves and has produced a surplus elsewhere in its accounts. That does not compare with the real problems on Labour councils, on which he has dwelt. That is where the difficulty lies. Well-run and efficient DLOs should not be wiped out.

Mr. Dewar: We are not talking about wiping out anyone. I have no wish to go into this, but I understand that Perth and Kinross faces a deficit of £450,000 in respect of its DLO and services. I do not make too much of that, but if we are talking about perfection in every respect, I mention it as a corrective.

Mr. Welsh *indicated dissent.*

Mr. Dewar: Perhaps we can agree to disagree, on that as on so many other things.

We have brought the external auditors in, and will closely examine their results. We want final conclusions by September. We have asked the Accounts Commission for Scotland, an important safeguard that is totally independent, to conduct a rather different sort of audit starting in July. It has been asked to examine the financial and management control systems of every DLO in Scotland. It will be an important report.

That may help answer the point that the hon. and learned Member for Orkney and Shetland (Mr. Wallace) made by implication. The commission has the power not only to investigate but to comment on fault and on where the problems arise, and, if necessary, to hold public hearings on the matter. Not only that, but it can make recommendations and findings that come to the Secretary of State, which might include recommendations for personal penalties. I do not anticipate that, or make any assumptions. The House can see that we have brought to bear a battery of inquiry and expertise to try to establish exactly what happened and why.

In answer to the hon. Member for Angus (Mr. Welsh), I accept that the two councils are, to the best of our present knowledge, alone in respect of the scale of the problem and the background to it—the loss of control that appears to have occurred. I say this with proper caution, because we have not definitively covered every angle, but we think that it is unlikely that there are any more cases. That does not detract from the seriousness of what happened. The breakdown of financial controls inside the two councils was especially worrying, because it allowed the deficit to accumulate unnoticed. I want to be sure that that is not happening elsewhere.

Mr. John Hayes (South Holland and The Deepings): Does the right hon. Gentleman acknowledge that this is an issue of culture, not structure? That was the point of my hon. Friend the Member for Woodspring (Dr. Fox). Is there a distinctive, undesirable Labour local government culture in Scotland?

Mr. Dewar: I do not suppose that there is any sort of Tory local government culture in Scotland. If there is, it is being carefully retained in a test tube while the antidote is produced.

I accept that there are a wide range of councils in Scotland, very different in character, scale and size. There are many different councillors, who range, no doubt, in ability and character, but the vast majority try hard to deliver good services. Across the board, they succeed in doing so, by and large. They would be as distressed as I am by the fact that the two councils in deep trouble raise questions about the integrity and competence of other councils.

It is important to ask whether, for example, it is right that the council tax payer should continue to bear the risk of failures of this sort. If something goes wrong, the risk

[Mr. Dewar]

falls on the services provided by the council and on the council tax payer. It is legitimate to ask whether providing such services directly is the right way for councils to secure for their communities the provision that they deserve. I think that it can be, but I agree that there is a cultural problem.

In the days of compulsory competitive tendering, with its rigid structures, which were ill suited and which failed, people in some areas became convinced that they should keep work in-house if they possibly could. There have been cases in which people have signed up for tendering, but without having their heart in delivering the results that tendering should produce: the best possible deal for the council tax payer, and, most important, for the person who depends on council services.

In considering the introduction of best value systems, it is important that councils understand, and act on the basis, that the tendering process must not be weighted in any way, and that it should be a fair test of the market and the best way of producing the services that the users require. It is vital that we get that established, and that it happens in practice.

Mr. Salmond: The Secretary of State's point is fair, but does he accept that it can be greatly in the public interest to have effective direct service organisations and DLOs, because they can provide the cutting edge of competition in those areas? In most councils, such organisations work efficiently. The problem of management and uncontrolled expenditure in the two authorities should not be used to condemn the many councils where such organisations work carefully and appropriately.

Mr. Dewar: I have already said that, in many areas, the service provided is good and delivery is up to standard. I have also said that, where there have been difficulties, we must get to grips with them and eliminate them. It would be as wrong to say that there should be no in-house services as to say that there must be in-house services and nothing else. It is a matter of balance and judgment.

I am facing up to an unpleasant truth. There has been a tendency in some parts of the local government world, for perhaps understandable reasons, to be so keen to keep work in-house that we have sacrificed efficiency and not delivered services as effectively as we should have. That is what the best value regime is intended to put right.

Mr. David Marshall (Glasgow, Shettleston): My right hon. Friend said that services may not have been delivered as well as they could have been. After 17 years of continual cuts by the previous Government, local government was reorganised two years ago. It was a shabby, gerrymandered, ill-conceived, politically spiteful and politically motivated reorganisation.

Was not the problem that all the new councils and councillors, regardless of party, had to face the serious underfunding by the previous Government of all the essential costs of reorganisation? They put in some £36 million when an independent report by the Convention of Scottish Local Authorities and the Chartered Institute of Public Finance and Accountancy stated categorically that reorganisation was underfunded by more than £200 million. How can we have perfection, with such underfunding caused by the activities of the previous Government?

Mr. Dewar: My hon. Friend put his point passionately. I have much sympathy with the difficulties of local government. No one has denied them. We must get the right balance and framework in which services can be efficiently delivered. Best value, on which we have worked closely with COSLA, seems to offer that opportunity. If it is to be taken, we must deal with some of the difficulties that have arisen and that have dramatically struck down the management and financial control system in two important local government areas.

I agree that compulsory competitive tendering did not work, because it was based solely on compulsion. I agree that it encouraged the creation of an evasion industry. That is why we have abandoned it, and asked local authorities to sign up to the best value regime and implement it willingly and with full co-operation. That is the road that we still intend to travel.

However, part of that process is a tendering procedure—testing the market in the interests of ensuring that we are delivering services effectively. I am sure that I carry most of my hon. Friends with me when I say that we must adopt a straightforward, uncomplicated approach to get the best tender for the services, and, if they are in-house, to ensure that they are delivered efficiently and effectively as advertised. Apparently that has not happened in Ayrshire and Lanarkshire, and I regret that.

I make it clear that we must now move forward and examine the whole basis on which local government now operates. The House will know that the public perception of the many able and dedicated people in local government is often undermined by the few who fall short of the standards that are expected of them. There is no doubt about that, and local government deserves better.

As the House will know, we have suggested a new ethical framework for local government, to rebuild public confidence in its probity. Especially important in that respect is a clearer national code of local government conduct for Scotland, and a new national standards commission for Scotland with powers to investigate and to come to conclusions about the validity or otherwise of complaints that may be made about councillors or officials thought by some to have fallen short of the required standard.

The commission will have the power to take decisions, and I hope that, when it is in place, it will approach the task with impartiality and consistency. I hope that that will reassure the public that, if there are complaints, they will be dealt with expeditiously. It will also offer an element of protection for councillors against ill-founded allegations—and there are many of those in currency at the moment. The development of best value on the basis that I have tried to outline, the new ethical framework, will do a great deal to help to deal with the problems.

We must also consider some of the other difficulties that local government faces. For example, we are working co-operatively with local authorities on community planning, on the role of councils in community leadership, and on the way in which they can establish a good and positive working relationship with the Scottish Parliament that is to come.

We want to examine local government's standing in the community. If less than 40 per cent. of the people turn out to vote in local government elections, clearly that undermines the legitimacy of mandates, and makes it more difficult for those who operate on elected councils.

Several hon. Members *rose—*

Mr. Dewar: I have read the Liberal Democrat motion, so I do not think that hon. Gentlemen need to put their point to me. I accept entirely that this is not simply a Scottish problem. It is worth noticing that, at the English local government elections a few weeks ago, the average turnout was 26 per cent., which suggests that the problem goes far beyond Scotland.

That may point to at least some of the arguments that will be advanced about changes in voting systems. It will be on the agenda of the McIntosh commission, which was set up in fulfilment of an election manifesto promise by the Government. No doubt its members will have heard the arguments, and will want to consider them.

I do not intend at present to go down a technical byway, but I am by no means sure that the single transferable vote is likely to be the answer. However, I realise that we are all thirled to the baggage of the past to some extent—none more, and none in more distinguished ways, than the Liberal Democrat party. Undoubtedly there are questions to be answered, and we shall come to them.

There is also the possibility of considering, as we considered in the past, the traditional committee system through which local government has operated over many generations. The system was endorsed by a Conservative party committee in 1993, but since then it has been under constant attack.

I was interested to read a Convention of Scottish Local Authorities working party report that at least opened the door to change in that respect, by looking with some favour at some of the arguments for a Cabinet system within local government. Beyond that, there is the possibility of elected leadership in the cities.

There is a great deal to consider, and, as I have made clear in several recent speeches, I am anxious that all those matters should be on the agenda. I do not want to rush to judgment today, but I believe that the McIntosh commission has an important remit, and that we have to consider all those possibilities, as well as how to attract talented people back into local government and broaden its basis.

Local government is a vital democratic bulwark, and a level of accountability between central Government and the ordinary citizen is essential. It is also responsible for a wide range of services in Scotland. As the House will know, its total expenditure equals almost half the Scottish block.

What we cannot have in local government is inadequate systems, inefficient management or an apparent lack of effective scrutiny. Those are cancers, and if they were to spread, they would do great damage to the whole fabric of local democracy. The Government are determined to put the mechanisms in place to ensure that they are rooted out. I am sure that I will carry the House with me when I say that this is an issue not between right and left but between right and wrong.

At the heart of the problem may have been a culture of complacency in some areas, but that is something we can change. It does not lead to the conclusion that there is no need for local democracy, or that we can in some way wipe out large parts of the remit and responsibilities of local government. However, it does put upon us a real and heavy responsibility to work with local authorities to put local government's house in order.

As for the tendering process, I repeat that the overwhelming priority must be to get the best deal for those who use the services and for the council tax payer. The head count in the DLO is not necessarily the true test when considering such matters.

Those are all important and serious questions, which go well beyond the immediate problems of two buildings and works departments in two Scottish local authority areas. Those represented very serious breakdowns in financial and management discipline, and I believe that I have taken the swiftest possible action to deal with them—action that I shall not hesitate to carry through.

Those two examples point up a need, which the Government have always recognised, for a different and modernised local government in Scotland, marching alongside a new Scottish Parliament. We want a local government elected by more local people, properly accountable to them through new ways of doing council business, and attracting a different and wider range of members who demonstrate the highest possible standards of probity. Such authorities will lead their local communities through vision and influence, and will not automatically run all services as an extension of the municipal machine.

We want a local government focused on performance and on improvement in quality and cost—in total, something of which Scotland can be proud. Despite the problems that we have seen, I believe that we are beginning to move in the right direction, and that many of the preliminary steps have been taken.

We must learn the lessons of the unfortunate events in East Ayrshire and North Lanarkshire, and make the transformation. Those problems should be a challenge—a challenge for central Government certainly, a challenge for the new Scottish Parliament inevitably, but above all a challenge for local government itself. I am convinced of the importance of local government's place in our life in Scotland, and I believe that the transformation that is needed can certainly be achieved.

8.7 pm

Mr. James Wallace (Orkney and Shetland): I agreed with the Secretary of State when he expressed a view probably shared by the whole House—that there is a danger in such debates that the efforts of honest, decent, hard-working councillors will be undermined and tarnished because of problems that arise in a few councils. That is especially important as we move forwards towards a Scottish Parliament; one of the critical relationships that will have to be established is that between the Parliament and local government. Local government is concerned that the Scottish Parliament will attempt to suck powers into the centre. I know that that is not what any party in this House wishes to see, but it becomes easier to do that if local government has been undermined and given a bad name.

The hon. Member for Woodspring (Dr. Fox) said that a prescription for valium might be required during the Scotland-Norway match this afternoon, but I wonder whether he needs a prescription to treat partial amnesia.

[Mr. James Wallace]

Reading the motion leads one to suspect that he has forgotten everything in local government for which the Conservative party was responsible. It is hard to believe that the words

"Scotland requires financial stability and ethically sound local government"

were written by the party that presided over Westminster council in the period when some of the greatest abuses ever in local government were perpetrated. The Conservative motion demands "an independent inquiry", but many of us argued that there should be such an inquiry before the unwanted Conservative reforms of local government went ahead.

The hon. Gentleman admitted that perhaps it was too late now and that the independent inquiry should have taken place earlier—it is always welcome when a sinner repents. The hon. Member for Glasgow, Shettleston (Mr. Marshall) was right to point out that some of the problems facing local government arose from that reorganisation. The Conservative Government deliberately underestimated the costs of that reorganisation and today's local government and council tax payers are having to pick up that bill. In addition, I am informed that Strathclyde region left a debt of £79 million, which is also having to be paid by council tax payers. The Secretary of State has said that those responsible for running up the debt must accept that serious responsibility.

It is undoubtedly true that there is a problem in local government. The Secretary of State was frank in saying that there was inefficient management and that there had been a lack of scrutiny; he even conceded that there had been complacency. He concentrated on two councils—East Ayrshire and North Lanarkshire—but never once acknowledged that they were councils on which the Labour majority was overwhelming. No doubt, Labour Members had been happy to go out campaigning for individual councillors in local elections and to claim great credit and triumph on the nights Labour swept to power in those councils. If there has been inefficient management, lack of scrutiny and complacency, it is Labour inefficient management, Labour lack of scrutiny and Labour complacency, because on councils with such overwhelming Labour majorities, there is no one else to blame.

It is not just those two councils, as the hon. Member for Woodspring said. In Dunbartonshire, the Convention of Scottish Local Authorities had to be called in to arbitrate; in Glasgow, there was the case of votes for trips in the cause of municipal tourism—"Glasgow's miles better", but Barcelona's miles further; and in Renfrewshire, as we heard, the police have to be on standby at council meetings. I sat with the Liberal Democrat candidate in the Paisley, South by-election, Mrs. Eileen McCartin, who is a councillor on Renfrewshire council, when she described some of the things that went on there; it was a real eye-opener to the journalists who heard the full extent of the trouble. The problems are not confined to two councils, but let me repeat: not every councillor should be tarred with that brush.

Dr. Fox: Does the hon. and learned Gentleman accept that there is a fear that what the Secretary of State wants—bad councillors brought to account—has been undermined by the fiasco of the Labour party's internal disciplinary action in Glasgow? That makes it hard to believe that the Labour party can tackle the problem effectively.

Mr. Wallace: It is fair to say that a series of inquiries have been set up which never quite come to a conclusion. As long as that hiatus or state of limbo persists, the problems, the suspicions and the general undermining of local government will likewise persist. My own party got into serious trouble when there were allegations of racism in Tower Hamlets. We set up an inquiry under an independent chairman and we as a party were prepared to follow the recommendations in the report. The report was produced promptly and we responded decisively, but we received an awful lot of political flak—perhaps rightly so—into the bargain. However, we have not seen the same decisiveness when the Labour party has set up its inquiries.

It is easy to use local government and direct labour organisations as scapegoats for what is, in fact, underfunding disguised as council inefficiency. The current Government must take some responsibility for the underfunding of services. It is also easy, when things go wrong, to say that the Secretary of State must act. The Secretary of State has, rightly, taken powers to act, but the tendency to centralise power must be guarded against. We recall that, not long ago, the Secretary of State was only too anxious to tell the Grampian police force what action to take in respect of its chief constable, and politicians and pundits on all sides were clamouring for the Secretary of State to be given more powers. It is easy to fall into the trap of centralisation, even in matters such as the democratic local control of police, which is strongly rooted in our traditions and should not be so easily given up. We must always be wary of the trap of wanting more power to be drawn to the centre, whether here at Westminster or, eventually, in the Scottish Parliament at Holyrood.

Like the Secretary of State, I am greatly concerned about the increased cronyism of Cabinet-style local government and elected provosts, because it could lead to greater lack of accountability. It can be argued that a Cabinet style of government already exists on East Dunbartonshire council. The Labour administration there strives to conceal as much information as it can from opposition groups. Budgets have been allowed to escalate, without anyone keeping an objective eye on what is going on. The council set up a budget monitoring group—very laudable, one might think, until one discovers that it is comprised solely of Labour councillors. The efforts of opposition councillors to be involved in that group have been thwarted and cast aside by the ruling Labour group. Councillors have been able to take it for granted for too long that they will continue to be re-elected even if the affairs of the council do not run smoothly. The solutions must lie in setting up mechanisms for effective scrutiny, whereby councillors from all parties are involved in monitoring council performance, in addition to the sometimes highly effective external monitoring from the Accounts Commission.

I make no apology for mentioning the importance of proportional representation. I do not object when a party that receives more than 50 per cent. of the vote gets a majority on the council, as happened in North

Lanarkshire, East Ayrshire and Glasgow; however, no party should have more than 90 per cent. of the seats on 60 per cent. of the votes, as happened in Glasgow. That makes accountability near impossible and makes extremely feeble the opposition's ability to keep the administration up to the mark. Under a system of proportional representation, there would be a greater opportunity for opposition councillors to hold the administration properly to account and to restore credibility.

Without proportional representation for local government, there is a serious danger that a Scottish Parliament elected by proportional representation will not treat local government, if it is still elected under a distorting first-past-the-post system, with the respect that it should receive. Indeed, Scottish local government could be diminished vis-a-vis the Scottish Parliament if it does not change its electoral system. I also believe that, under a system of proportional representation in which there is voter choice, there will be no hiding place for the lazy and incompetent councillor, which is why we favour the single transferable vote system. Councillors who are simply not up to the job will soon find that the greatest indignity of all is to lose a seat to a member of their own party. At the last two sets of Scottish local elections, the Liberal Democrats have polled votes in roughly the same proportion that we have gained seats, so I can say without fear of being accused of seeking party advantage that the introduction of proportional representation would be to the advantage of democracy.

It might seem strange when, in a debate that has focused on the mismanagement of local government finance, I say that local authorities and councillors should be given more responsibility for raising their own finance, but that will be essential if local government is to restore in any meaningful sense the concepts of local democracy and local accountability. The Secretary of State talked about low turnouts, which are of concern to us all, but I do not believe that the strength of local government or the re-creation of local democracy will be advanced by elected provosts or committees. What will be of considerable influence is the relationship between local government and central Government. If local authorities are dependent on central Government for 80 per cent. or more of their funding, the relation will always be unbalanced, so we must look for ways to shift that balance.

That is why it is almost inconceivable that the independent committee set up under Neil McIntosh to consider the relationship between the Scottish Parliament and local government has specifically excluded from its remit the opportunity to consider the financial relationship between the Scottish Parliament and local government. If the Government do not change their minds about referral of the question of local government finance to the McIntosh committee between now and the establishment of the Scottish Parliament, one of the first things that the Scottish Parliament should do is to ask the committee to consider that important financial relationship—indeed, it is almost inevitable that the Parliament will do so. Without that, an important link will be missing from the effort to ensure that local government in Scotland becomes more robust than it is.

Mr. Dalyell: The hon. Gentleman's remarks reveal that he believes that a Scottish Parliament will inevitably intrude and meddle more and more in local government.

Mr. Wallace: I have that suspicion, which is shared by many people in local government. I would want strongly to resist that trend. Devolution should not stop at Edinburgh. Where we can devolve more power to local authorities, we ought to do so, but that must mean that local authorities are established on a sound financial footing and on a proper democratic and accountable basis.

Local government is the level at which most ordinary citizens have the opportunity to participate or influence decisions that affect their community. It is important that local government in Scotland is robust, democratic and accountable. There are many question marks hanging over local government at present, and some of the ideas that Liberal Democrats are putting forward would go a long way toward ensuring a regeneration of local democracy in Scotland.

8.20 pm

Ms Sandra Osborne (Ayr): I speak from the perspective of someone who, until very recently, was a local councillor in South Ayrshire and who suffered the stresses and strains of local government reorganisation. Local government in Scotland cannot be discussed outwith that context or the culture of compulsory competitive tendering, which has existed for several years, and the constant attacks from previous Conservative Governments over 18 years.

I am proud to have been a member of Kyle and Carrick district council and of South Ayrshire council. However, like many current councillors, I have recently felt exasperated, disappointed and stunned at the way in which local government and public service are brought into disrepute. I very much welcome the swift action that the Secretary of State has taken to investigate outstanding matters.

I cannot remember a time in the past decade when local government was not in crisis, and the sustained attack over 18 years by previous Tory Governments is the root cause of that continuing crisis. I make no excuse, because there is none, for any failure to ensure that all duties are performed in compliance with the highest standards of probity and integrity. However, the Government have taken swift and immediate action to deal with problems and the Secretary of State has given an assurance this evening that he will not hesitate to use his powers, should that be appropriate, when the investigations are complete.

Not for the first time, I have had cause to reflect and compare local government with activities in the House. Was the same swift action taken in the past to consider standards in public life as they affect the House, or was there considerable resistance to increasing public accountability through the disclosure of information on Members' financial affairs and activities? Members who have been here somewhat longer than I have may be able to answer that question. How many drinks on the house and free lunches do hon. Members obtain? Obviously, I accept that public servants, nationally or locally, should

[Ms Sandra Osborne]

behave appropriately, and I very much reject the macho bullying that has been reported in the press. However, machismo is the same whether it comes from the upper class or from the working class.

In the Scottish Grand Committee earlier today, I heard described a scenario of local government out of touch with local communities. As a former local councillor, I do not recognise that scenario. Nor do I recognise the claim that local councils do not want to relinquish power to local communities. First, I take issue with that, because it is a sweeping generalisation. As a former community worker with Strathclyde regional council, I am well aware of the efforts made in the past to empower communities, particularly in the poorest areas. I am aware also of the work of voluntary organisations, funded by councils, to support voluntary provision of services and policy development. That wealth of experience is now being utilised under the new deal and policies on social exclusion.

As a local councillor, I spent many evenings attending community groups in my council ward and initiating new groups to assist me in securing resources to meet the needs of my area. I was by no means unique. I know that many councillors work in a similar manner, which is why they have retained the trust of the people who elected them. Over the years, I have received much advice, wisdom and experience from many of the older generation of councillors, some of whom, sadly, are no longer with us. It grieves me a great deal to think that such sterling public service could be undermined in any way.

One of the main problems that we face today is that many younger people gave up their involvement in local councils in the face of an increasingly centralised Government. People feel that local government has lost its influence; it has the power to raise only 15 per cent. of its revenue. The constant battleground that has existed for years between central and local government has taken its toll. Local government services became a political hot potato instead of a focus for community leadership, which they should be. Councillors and officials became more and more pressurised—but from an ideological onslaught, not from a genuine attempt to consider how councils could retain the important role of sustaining community pride and citizenship.

The new Government are pointing the way ahead with partnerships that will give local government influence again—in particular, a partnership between the Scottish Parliament and Scottish local government. I agree with the comments of the hon. and learned Member for Orkney and Shetland (Mr. Wallace) about increasing the powers of local government. Local government will in future reflect the wishes of the Scottish people, not impose Tory policies that nobody in Scotland wants, as happened in the past 18 years. I should like there to be a more constructive approach and wider involvement in politics at all levels. I have raised that matter in the House in relation to the Scottish Parliament, much to the disgust of some Conservative Members.

It is my experience that, given the chance, most local councillors want to do what is best for the local community, regardless of their political affiliation. I have represented an area that has traditionally switched between Conservative and Labour support. I say with all sincerity that, in my experience, councillors from all parties are very committed to the electorate whom they serve.

I welcome the radical proposals from the Commission on Local Government and the Scottish Parliament, which have been put out to consultation, to look at various voting systems and to consider how a wider range of people can become involved as councillors, including, of course, how more women can become involved.

One of the major problems in recent years came with local government reorganisation. Many very experienced staff were lost to early retirement. There was chaos in the disaggregation process. Many of the new council areas are far too small to deal effectively with the strategic issues for which they are responsible. As I understand it, the decentralisation plans that all the new unitary authorities were asked to produce have sat on a shelf in the Scottish Office because they did not fit in with the Tories' plans and were only a paper exercise in the first place.

In spite of all that, I can certainly vouch for the fact that in my area an incredible effort was made by councillors and officials to make the new unitary authorities work despite the difficulties. In South Ayrshire, a lean management structure was put in place and council departments such as housing and social work, and education and leisure were merged. Genuine attempts have been made to provide greater input by community councils, and a citizens' jury has been set up to examine council policy and debt.

It is laudable to talk about empowering local communities, but those who have been involved, over the years, in making painful decisions know that with power comes responsibility. Democratic accountability is also a factor. If we are to involve local people in decision making, we must ensure that they have more than just a nodding acquaintance with all the facts.

The citizens' jury is an interesting example. It recently began to examine the issue of drinking in public places. At first, the majority of the citizens' jury in South Ayrshire were in favour of a ban. However, after consideration and a realisation that many complex issues were involved, the jury has thought again and decided that a more in-depth inquiry is needed. That realisation quickly dawns on anyone who is involved in the privilege of representing others and exercising powers within constraints, only some of which are financial.

I am very much in favour of widening involvement, and I am fearful of too much work—never mind too much power—being placed on the shoulders of one person. For that reason, I would be reticent about Cabinet-style local government. Councillors should be enabling, but not in the Tory definition of enabling, which meant washing one's hands of responsibility. The leader of East Ayrshire council has said that he will accept responsibility if the investigation shows any lack of responsible action and places it at his door. I commend him for that responsible attitude.

I have every faith that the Secretary of State will ensure that any current difficulties are dealt with in no uncertain manner. The Labour party has an agenda for local government's future; I should like to hear more from

Opposition parties about that future. None of the Conservative Members present has any experience whatever—

Mr. Dalyell: I hate to interrupt my hon. Friends truly excellent speech. She talked about the Tories washing their hands of responsibility. I place it on the record in her speech that, during the reorganisation of local government, some of us pleaded, begged and went on our proverbial knees to Ian Lang and Lord James Douglas-Hamilton to ask them to listen, and we were absolutely spurned.

Ms Osborne: It comes as no surprise to me that that was happening in the House as well as in local government, where our words also fell on deaf ears. In South Ayrshire, the boundaries that we got were not the boundaries that the local area needed, but those that the Conservatives believed would gain them more seats. As it turned out, they got four seats out of 25, so it did not work—but they tried.

It is notable that, by definition, none of the Conservative Members present has any experience of local government in Scotland. I find some of their attitude and some of their remarks about local councillors in Scotland very patronising and deeply offensive to those who do a very hard job on the community's behalf.

Mrs. Maria Fyfe (Glasgow, Maryhill): Does my hon. Friend agree that the comments of the hon. Member for Woodspring (Dr. Fox), arguing that there was a culture of corruption within Labour local authorities, were deeply offensive? I do not remember any of us saying, when some Conservative Members were accepting large amounts of cash in brown envelopes, that it was a Tory culture and they were all at it. Why, then, are the official Opposition launching this attack? It is deeply offensive to honest, decent, hard-working councillors, who have a majority.

Ms Osborne: That is a well-made point, which will be noted by the people of Scotland as well as those present tonight.

The Commission on Local Government and the Scottish Parliament will report, and I believe that that will lead to radical change. For the sake of the Scottish people, it is vital that we go ahead on the basis of a revitalised local authority system, which has the credibility of civic pride—which has very much been enjoyed in Scotland—but in a way that reflects the needs of today's local government.

8.32 pm

Mr. Andrew Welsh (Angus): I support the plea made by the hon. Member for Ayr (Ms Osborne) on behalf of the very many hard-working local councillors from all parties who—week in, week out—do tremendous work for local communities. On their behalf, we should all condemn anyone who lowers the standard and brings the system into disrepute. My background, also, is in local government and I know its value and worth. Due praise should be given to the hard-working, honest councillors who work for their community.

The Tory motion smacks of hypocrisy. The Tories starved Scottish local government of resources. When they were in power, they placed extra statutory burdens on local councils and forced through a root-and-branch reorganisation against the clearly expressed wishes of the Scottish people. The Tories started the process of movement toward enabling authorities, with the consequent destruction of service departments and the loss of tens of thousands of jobs that affected communities throughout Scotland.

Since their total rejection by the electorate, the Tories have apologised for their treatment of local government. I suppose a death-bed confession is better than nothing, but it is no consolation to local authorities, the remaining staff or the communities they serve. It is an almighty insult for the Tory motion now to call for an investigation into all local government and every aspect of local government in Scotland when the problems of direct labour organisation incompetence relate to a limited number of very badly managed Labour one-party states. The efficient, professional, well-managed many should not be lumped in with the incompetent, corrupt few.

The North Lanarkshire report—an internal document from the North Lanarkshire council management services section—condemns the Labour-run direct labour organisation for its appalling "runaway Bonus Scheme". Taxpayers poured millions of pounds into a gaping financial hole that Labour councillors chose to ignore for more than a year. That damning report shows that the Labour party in North Lanarkshire swept away even the checks, balances and accountability procedures of the old Monklands and Cumbernauld and Kilsyth district councils, replacing them with the worst elements of the discredited Strathclyde region.

Under the system used by the district councils, the doomed bonus system could not have been created, nor could its effects have gone unnoticed. The report clearly states that no fewer than four elected members were aware of the situation; moreover, it refers to a report of March 1997 that levelled the same criticisms at the bonus incentive scheme.

Why on earth did those Labour councillors turn a blind eye and allow a system to continue which they surely knew would cost taxpayers millions of pounds and seriously undermine confidence in local government throughout Scotland? It is a fair question, and they should answer it.

Those Labour councillors are guilty of cheating the people in their local wards and of discrediting direct labour organisations throughout Scotland, which perform as best they can under new Labour's punitive financial regime.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. Terms such as "cheating people" are not expected in a parliamentary context. The hon. Gentleman is free to say what he wants, but he should bear it in mind that those men and women have families and that they have their own integrity. I therefore appeal to the hon. Gentleman for moderate language in these matters.

Mr. Welsh: Perhaps the strength of my feelings has led me to express them rather too strongly. However, these are serious matters that affect everyone and they lead to strong emotions. I should like strong action to match those emotions to solve the problem wherever it

[Mr. Welsh]

exists. I certainly do not wish to attack individuals in such a way, but I do wish to attack the problem that has been created.

Mr. Connarty: The hon. Gentleman has used strong language. Would he say that a member of a political party who is found guilty of fraud and stealing from the public purse should be kicked out of that political party and never allowed back into it?

Mr. Welsh: I think that if a person is guilty of fraud, a criminal prosecution should follow and they should be answerable for their own actions.

The crisis in Scottish local government not only exists at local level, but has been inflicted and encouraged by central Government. The Conservative party began the attack on councils with compulsory competitive tendering and effective privatisation of council services; new Labour has done nothing to reverse that trend. Best value retains the worst of CCT and imposes a top-heavy, bureaucratic structure that weighs the whole system down. It used to be said of some departments that they used to go out and cut the grass; now they appear to go out and measure it.

Councils must meet the demands of the Accounts Commission rather than those of the electorate and the community they serve. Unfair and inflexible comparisons are made between authorities in socially and geographically diverse areas. Crucially, best value is being implemented against a climate of severe local government budget cuts. The Labour party has clearly and unambiguously taken up the reins of local government cuts where the Tories left off.

In the last two years of Tory rule, council finances were cut by some £300 million. In Labour's first year, they have cut budgets by a further £150 million. The burden of pay increases was shifted on to councils and numerous additional financial demands were placed on local authorities without the money to back them up. That is at the root of the present crisis in local government. In addition, increases in pension costs, the effects of the Children (Scotland) Act 1995, the landfill tax and the true cost of local government reorganisation have hit local government. All that has come against a background of swingeing budget cuts.

The inevitable result has been a reduction in staff and an increase in work load. Among the first casualties have been the checks and balances that existed to prevent financial irregularities. Coupled with some rather inadequate actions, that has created fiscal and democratic disaster in North Lanarkshire, and it is repeated in too many other Labour one-party states. North Lanarkshire is a mess of Labour's own making, but it is now being used as a stick with which to beat every other council in Scotland.

In opposition the Labour party was quick to attack moves that stripped councils of their powers and of their ability to provide services. Since coming to power, the Labour Government have subscribed to the Tory idea that councils should be little more than enabling bodies or local management companies. The Under-Secretary of State for Scotland, the hon. Member for Western Isles (Mr. Macdonald), has said that

"fewer services under the direct control of councils has to be the future"

I utterly disagree. Aside from the fact that that is an erosion of local accountability and local control, the evidence shows that such wholesale destruction of direct service organisations and direct labour organisations will lead to greater bureaucracy and lower standards.

DLOs, their employees and the communities they serve must be protected against being undermined in that way. DLOs must be allowed to work in a framework that is efficient and transparent. The review that the Secretary of State has commissioned into DLOs all over Scotland is nothing but a smokescreen designed to cover the trail of destruction left in the wake of several disastrous and incompetent Labour councils.

It is the Labour party's responsibility to demand that its own councillors clean up their act where that is required. To hide the shame of what is going on, Labour and the Tories are calling into question every council in Scotland, as the motion shows. The accomplishment of the majority of DLOs and DSOs, which include many in Labour councils, in the face of severe pressure, is threatened by Labour's determination to erode local government from above and by inefficient management by certain Labour councillors.

The Secretary of State should realise that the problem is not with the DSOs or DLOs, but with his own party's inability to manage its resources efficiently and effectively. Local government in Scotland has been plunged into crisis and, instead of pulling it out of the mire, the Labour party seems to want it to sink for good. Fortunately, the people of Scotland now have an alternative. These are serious matters that bring into question local government as a whole. I want a strong, effective, accountable local government system. The sooner the problems are cleaned up, the better for everybody.

8.42 pm

Mr. Michael Connarty (Falkirk, East): The motion is a false attack on the Government. It attempts to smear anyone who happens to wear a Labour ticket in a local authority. As other hon. Members have said, by imputation, anyone who serves in local government is smeared by the Conservatives. That is entirely consistent.

As my hon. Friend the Member for Linlithgow (Mr. Dalyell) pointed out, the Conservatives attacked Scottish local government during debates on their Local Government Bill in an attempt to destroy the credibility of local government by making its structures ineffective. The result was that the people of Scotland rejected the Conservatives thoroughly at local government level, and then at national level.

Now the Conservatives are picking on a difficulty in a local authority that should not have arisen, as we all agree. It should have been found out through the proper structures and controls, but it is not enough to sustain the Conservative motion, which calls for an independent inquiry. In our amendment we commend the actions of the Secretary of State.

It was clear that the hon. Member for Woodspring (Dr. Fox) was using a hollow lance in his attack on my right hon. Friend the Secretary of State. It was quickly

shattered because my right hon. Friend had taken an honest, open and pre-emptive approach to the problem and had shown Labour's willingness to innovate in local government in line with our ambitions and the built-in errors of past structures. I am happy to commend my right hon. Friend's speech and to support the amendment.

People seem to think that every time a councillor travels or goes to a conference it is a junket. I spent 13 years in a local authority, 10 of those years as a leader. Much of the travelling that I did and many of the conferences and seminars that I attended during that period were for the purpose of disseminating best practice.

I commend the work of ADLO—the Association of Direct Labour Organisations—which was formed to resist the attacks of the Conservatives who introduced an environment of compulsory competitive tendering in which it was impossible to take into account many factors that were relevant to the recipients of local authority services. Those factors could not be counted as part of a good service provided because of the method used, which focused on the bottom-line finances and the bidding. ADLO found ways of innovating and was a leader in the discussions on best value that will be used by the Government to provide better local authority services.

Perhaps some of the trips taken by some councillors should be monitored and the councillors disabused of the notion that they can travel abroad for a jaunt, even when the trip has no great relevance to the local authority. However, that should not introduce an atmosphere of no conferences in the local authority. Councillors and officials must be encouraged to travel, to meet, to study and to learn from each other so that best practice travels across Scotland.

Local government should be judged at many levels. There is a level of competence, a level of vigilance and a level of corruption. Those who know North Lanarkshire and the authorities that made up North Lanarkshire and East Ayrshire would say that there was a great deal of competence in many areas in those authorities and that they would stand up to scrutiny beside the best local authorities in the United Kingdom and in Scotland.

The local authorities may have fallen down in vigilance. The explanation offered by the hon. Member for Angus (Mr. Welsh) for other parts of Scotland was that they adopted a system used by a local authority that was not a district authority. Perhaps that method was inappropriate and the local authority lacked the fine tuning and did not have the spy glass on the right indicators to show early enough that something was going wrong. That can be dealt with by increasing vigilance.

There have been innuendos in the tabloids that corruption was going on. The example was given of a labourer who was employed as a crossing patrol man. I was amazed by the suggestion, offered by the Opposition Front Bench, that that person had earned the equivalent of £17,000. My understanding is that he was a labourer, and that if he worked all the hours he could work as a council official at his normal rate of pay he could have earned £17,000 on any job.

It happened that the council could not get anyone to fill the position of a crossing patrol man and therefore allocated to the job those people who were available—labourers. Perhaps that was wrong, but that is the explanation—not that the person was employed for a year and earned £17,000 as a crossing patrol attendant. I was amazed to learn that that man could take his family to Gran Canaria, buy a car and refurbish his house on £17,000 a year. I should like him to come and look after my finances, because I cannot do that on my salary. I do not believe that there is room for serious accusations of corruption in that case.

I shall not go over what my hon. Friend the Member for Ayr (Ms Osborne) said, but there are many excellent councils that are innovative, enterprising and efficient. If one examines local authorities in Scotland, in 90 per cent. or more of the service delivery areas, all three adjectives apply.

In my local authority area the anti-exclusion policy in local authority schools is beginning to win back pupils from that dark area where they drop out of school and into other habits. The early intervention and early literacy schemes that I have visited at Inchyra nursery in Grangemouth were the best that I have seen, and I have looked at education throughout the UK and across the continent, especially in France. Those schemes are excellent and are making great inroads in Grangemouth.

In special needs education and the attempt to raise educational achievement for all pupils at all levels, Scottish local authorities are leading the way. When there was a Tory Government for 18 years, English local authorities would not have got into some of the difficulties that they experienced if they had followed the example of the many innovative and enterprising local authorities in education in Scotland.

There has been housing reinvigoration in the town of Grangemouth—a large overspill for Glasgow—which was probably built in a way that was not suitable for the long term when people's aspirations rose. The innovation of changing the tenure mix, top-downing flats and putting people into decent houses was commended by none other than Lord James Douglas-Hamilton, who was happy to be photographed with the tenants, local authorities and me during the last Government. There are many such examples. I am sure that there are examples in Angus and where the Liberal Democrats have influence.

I agree totally with the point made by another former councillor—my hon. Friend the Member for Ayr—who said that most people from all political parties join local authorities to serve the public and to do a good job to the highest standard. That applies to all the Conservative councillors with whom I served when I was leader of Stirling council for 10 years. There were not any SNP councillors because we had taken them all out—which is why we controlled the council.

Mr. Salmond: There are now.

Mr. Connarty: Yes. In fact, the Conservatives created two seats in the north that were taken by the SNP, but the majority for Labour in the Stirling area is higher than it has ever been because people realise that public service drives the councillors. I do not think that we ever fell out over which party was best unless it was an election year and we wanted to be judged by the electorate. For most of the time, in the quadrennial cycle, we worked together for the benefit of the public.

What did the Tories do? The last Government abandoned the use of housing plans. We sent detailed assessments of need to the Scottish Office, but they were

[Mr. Connarty]

put on a shelf and the Government did not respond to them. That is why many of the things that went wrong in housing were allowed to go wrong.

I mentioned corruption. I have a little local difficulty in that area. I find only one part of the Conservative motion interesting. It says that we require:

"financial stability and ethically sound local government".

I intervened on the hon. Member for Angus, but he did not take up my point. We have a little local difficulty in our area. We had a little difficulty when the SNP controlled Falkirk council and an SNP provost, Sandy Crawford, was sent to gaol. That is looking back in history, but we have local difficulties now.

An ex-SNP councillor from my constituency, Jamie Rae, was involved from October 1990 to January 1995 in criminal acts for which he was sent to gaol. He faced 23 charges over that period. I have the evidence with me today, which has been returned by the police. Between 12 May 1993 and the end of March 1994, he defrauded the local authority of £2,545 in false claims for housing benefit for someone who was not resident at the house at 20 School road, Redding in my constituency.

There are also fraudulent mortgages, including the sad story of Jamie Rae's own uncle who was defrauded out of his house at 20 School road. He thought that he had signed an application for a housing grant but he had actually signed a document that allowed Jamie Rae to take the money when his house was sold and a mortgage of £37,000 was raised. I have a letter from the lawyer, Graham McLachlan, which was returned by the police. It says quite clearly:

"The writer's recollection however is that the proceeds of the sale of the above property were paid to Mr. James T. M. Rae".

That is the same councillor. He was gaoled, and what did we find upon his release? On 28 May 1998, that person was accepted back into the Scottish National party. I would like the leader of the Scottish National party, the hon. Member for Banff and Buchan (Mr. Salmond), to stand up now and tell us that he will kick him out. He is the kind of person we do not want in local government. I would like the hon. Member for Banff and Buchan to do the honourable thing now and say that he will throw Mr. Rae out of the SNP.

Mr. Salmond: Does the hon. Gentleman seriously seek to demean a debate about the conduct of the Labour party in North Lanarkshire, East Ayrshire, Glasgow and in many councils across west and central Scotland by talking about an individual case involving someone who transgressed and has paid his debt to society? Any party in the House would have members such as that. Is he saying that that is what the debate is about? If so, it shows the desperation of the Labour party in Scotland.

Mr. Connarty: That intervention shows the paucity of the hon. Gentleman's argument about good local government. The money taken from the council has never been paid back. The money taken from my constituents, who paid the housing benefit charges, has never been returned by that individual. It is in a bank account somewhere. It is important to raise the matter here because the motion refers to ethical local government. We can deal with competence and vigilance, but the leader of the SNP must deal with corruption and get that person out of his party. I contend that that person would never be allowed back into the Labour party; can the hon. Gentleman say the same about his party?

In considering this debate, I would like the Secretary of State to look seriously at finding a way of stopping such individuals from standing for local government when they have clearly defrauded money from the public purse—from their own constituents—and not returned it. That matter is very important to my constituents.

On the general approach to local government, I believe that this is a false and not very well-researched debate; it seems to have come from newspaper cuttings rather than from original ideas. I notice that the hon. Member for Woodspring, who led for the Opposition, has returned to the Chamber. I point out to him that police are called so often to Renfrewshire district council because SNP members put down motions that would never be accepted in the House—for example, "The provost is a liar—discuss." That is the sort of motion that they debate. When they are ruled out of order, they march up and down the council chamber banging on the table. In fact, they climb on the table in Renfrewshire district council chamber and refuse to leave when they are ordered out. That is why the police are called. That is what the SNP is offering the people of Scotland as an alternative at present. SNP Members should be ashamed of trying to use that in this debate.

Mr. Salmond *rose—*

Mr. Connarty: The hon. Gentleman should sit down. If he cannot do the honourable thing, I shall not let him intervene. On the general approach to local government, it is important that we deal with the facts and the problems.

Mr. Salmond: On a point of order, Mr. Deputy Speaker. Should we not move the debate from individuals to subjects such as Ferguslie Community Business in Renfrewshire? Has the hon. Gentleman ever heard of that?

Mr. Deputy Speaker: I have already appealed for temperate language in the Chamber. We must be careful. Hon. Members have protection in the House, but it is perhaps unfair in a debate such as this, when we are considering local government in general, to refer to individuals by name. We should try to keep to the terms of the motion. I think that the hon. Member for Falkirk, East (Mr. Connarty) has made his point and should move on. My ruling applies to every hon. Member: I ask that the debate remains at a certain standard.

Mr. Connarty: Thank you very much, Mr. Deputy Speaker. I made a point of using only evidence that was allowed in court and on the basis of which someone was found guilty in order to stress that we need ethical local government. That means that every party must deal with its members who break that ethic and the rule of no corruption in the harshest fashion or be judged unfit to put up candidates in local government elections.

Dr. Fox: Far be it from me to defend the Scottish National party, but this debate is about the ethical conduct of the Labour party in local government in Scotland simply because it is by far the largest party. Throughout the debate, we have discussed the way local government

is being run. The hon. Gentleman referred to being able to take effective action. Does he honestly believe that what has happened to Pat Lally in Glasgow amounts to effective action?

Mr. Connarty: The hon. Gentleman has mentioned another name and you, Mr. Deputy Speaker, have admonished us about for using individuals' names. I shall not be impolite to you by taking up the hon. Gentleman's point.

The motion and its terms are quite clear: it is about ethically sound local government. I commend the fact that the hon. Gentleman has drafted the motion in such a way as to allow that subject to be discussed. It is important to say clearly that, while we can work on incompetence and deal with vigilance and the structures for vigilance, corruption is just not acceptable in any part of local government. That is why I made those points.

In winding up, I move to the general approach to local government. I believe that local government has a very good record in Scotland—despite the fact that errors were made before I entered local government that people would quote to me as being reasons why it was not something in which one wanted to be involved. I am glad that I did not take that advice and instead became involved in local government. We found that Labour candidates were able to take Scottish nationalists out of the council because they were able to win their seats.

I believe that I followed the hon. Member for Angus in that I represented the same seat in the council after taking it off his successor, who was an SNP councillor. We did not do what we did on the basis that we wanted to abuse them. We wanted to replace them and to do better than them, not necessarily to drag them down or attack them. That has been the basis on which most councillors have gone into councils.

If things go wrong, one of the reasons is that because of their size and structure councils can suggest—even Government can suggest—that councillors should remove themselves by going into some sort of think tank, including general policy committees and strategic committees, leaving the council officers to get on with delivering services. If councillors get the structures right and if the reporting mechanisms are correct they can, possibly, take that course, but I would argue that the involvement of as many councillors as possible and as many individual contacts as possible between officers who deliver services and accountants to evaluate the quality of those services and the cost of them, along with the performance and quality of those who are responsible for the delivery of the services, can benefit local government.

I would worry if we ever moved to a super-councillor concept—a few councillors to look after everything and the rest having no function. We must give local Government some dignity. That means that we must be more supportive as a Government. We must be more interrogative and there must be more scrutiny, but we must be more supportive. Our approach must be positive. We must try to correct errors and to give those involved good structures, good advice and good, firm rules setting out how councillors should go about things. We should then support and encourage them.

I worry that people do not turn out to vote. I am involved in a by-election in my constituency. It is the first one this year. If 32 per cent. of the people turn out to vote, I will be seriously disappointed. However, I believe that that was the average turnout in the English local government elections.

Dr. Fox: It was lower.

Mr. Connarty: So it was less than 32 per cent. That is even worse.

Perhaps the problem is that the Government—previous Governments and even the present Government—have not given local government proper value and have not talked it up to make people realise that it is an important matter. It is public service. I was a teacher who worked on a half-time contract for 10 years so that I could be a councillor on a Thursday and Friday and on most evenings when I was not in school. That was my choice. I was lucky to have another salaried person in the house, which enabled me to do that. Many people are not in that position. I am not saying that I was necessarily of the calibre that we have been discussing, but people of high calibre should be attracted to give public service at local authority level.

I think that the Government should seriously consider abolishing the Widdicombe rules, which is the United Kingdom equivalent of Berufsverbot. Individuals in certain positions in a local authority area cannot stand for any political position. They cannot offer to serve. It was an honourable tradition and not a much abused one where those who were professionals served. Often local government officers served in other local authorities. That is more difficult now because of the size of local authorities. However, I believe that offence was caused to those who were willing to give public service. We should consider ways of releasing professional talent and bringing it back into local authorities. We should kick out the motion and support the amendment.

9.2 pm

Mr. Graham Brady (Altrincham and Sale, West): At one point, the hon. Member for Falkirk, East (Mr. Connarty) suggested that this was a false debate. Far from that being the case, we initiated the debate to put the spotlight on the behaviour of many Labour local authorities in Scotland and to introduce appropriate scrutiny, which is an important democratic function. The hon. Gentleman suggested two local authorities. I think that we might suggest one or two more than that.

The debate has produced a particular and welcome advantage because we have given the people of Scotland a foretaste of what the Scottish Parliament may hold in some of the exchanges between Labour Members and Scottish nationalists in the Chamber this evening.

Mr. Welsh: The hon. Member for Falkirk, East (Mr. Connarty) will not be there.

Mr. Brady: I did not mean to suggest that particular individuals in the Chamber may be participants in such exchanges in the Scottish Parliament.

Mr. Salmond: Apparently the hon. Member for Falkirk, East (Mr. Connarty) will not be going to the Scottish Parliament because he did not wear a tie for his interview in the Labour party and was turned down.

Mr. Brady *rose—*

Mr. Deputy Speaker: Order. The hon. Member for Banff and Buchan (Mr. Salmond) pleaded with others to keep within the terms of the motion but he is now outwith its terms.

Mr. Brady: It is welcome and important that the Labour party is at least prepared to set some standards in some things, if not in local government. I may actually welcome that, although I am sure it is a great loss to the local Scottish Parliament that the hon. Member for Falkirk, East will not be represented there.

The hon. Gentleman defended the payment to a lollipop man of £17,000 a year. I would not wish to comment on that. I notice that he did not bother to defend the record of a plumber earning £54,000 a year. Perhaps he thought that there was nothing exceptional in that and that it was a typical income for someone in that profession. That may be true.

The hon. Member for Ayr (Ms Osborne) referred properly to the many very good councillors. A number of hon. Members have referred to the many people who have given sterling service—no pun intended, and no credit intended to the Stirling local authority—to local authorities and to the people in Scotland, as in the rest of the country, over a number of years. The hon. Lady is right to highlight that.

It is unfortunate that, whenever parties, hon. Members or people outside the House draw attention to the bad behaviour of a few people in public life, the reputations of others are tarnished, but that does not detract from the fact that it is essential to apply proper scrutiny to what is happening in local government in Scotland. It would be wrong to avoid debating subjects because they might detract from the good work that people do.

The Secretary of State made a gracious speech, and fully and frankly admitted that something must be done about the state of local government in Scotland. He is absolutely right, but he did not go nearly far enough in his analysis of the problem or in examining ways in which it should be addressed. Uncomfortable as it may be, Labour Members must accept that their party, not the structures of local government or the systems with which they may want to tinker, is, in many ways, at the root of the problem.

The new charge that the Secretary of State levelled at Scottish local authorities was most interesting. He suggested that they had systematically flouted the law on compulsory competitive tendering over a number of years—something that many of us had suspected at many junctures. It was interesting that he emphasised that, and appeared to admit and accept it.

The debate brought from my hon. Friend the Member for Woodspring (Dr. Fox) an appalling litany of incompetence and corruption on the part of many local authorities in Scotland and many councillors. We have heard about the situation in North Lanarkshire at length, and I shall not dwell on the more ludicrous examples of conduct there. It was not brought out, however, that council employees owe more than £1 million in council tax. The appalling incompetence of a council that allows its employees to be in such a position beggars belief.

We have heard that two Labour councillors in East Ayrshire threatened a council officer with the sack if he did not use his allowance or expenses to buy them drinks. The hon. Member for Ayr, rather disingenuously, suggested that that is comparable to hon. Members occasionally accepting free drinks or meals from outside bodies. I should imagine that all of us present in the Chamber have declined superficially attractive engagements involving free drinks or a meal, and had a much more enjoyable and fulfilling time than we would have done had we succumbed to those temptations. What has happened has nothing in common with someone from outside the House offering hospitality to a Member of Parliament or to a councillor. The onus would be on such an hon. Member or councillor not to be influenced in any way by hospitality, but accepting such hospitality is simply not comparable to the rather disgraceful allegations that have been laid against those councillors. They abused their position in the most appalling way and, what is more, placed council officers—their employees—in a terrible position.

We all know of the votes for trips allegations in Glasgow. I understand that not a council employee but a councillor owes £3,748 in council tax arrears. That is another disgraceful disregard for office. Another Glasgow councillor, who is, I understand, in receipt of £40,000 a year of taxpayers' money through various allowances and urban development work, has bought a new house, but has not repaid £1,300 of rent arrears on a council house.

Mr. Dalyell: Will the hon. Gentleman name the councillor to whom he is referring?

Mr. Brady: I am relying on press reports. I cannot name the councillor.

Mr. Dalyell: It is all very well to rely on press reports, but I know to whom the hon. Gentleman is referring. It is a poor press report that does not give the full story, if the right person has been identified. Members of the House of Commons should not make unspecified allegations about individuals of whom they know nothing.

Mr. Brady: I thank the hon. Gentleman for his remarks. If the press reports are inaccurate, I apologise unreservedly to the individual concerned.

Mr. Hayes: Before my hon. Friend continues his combination of a sermon and a travelogue, will he consider this point? The litany of misdeeds that he describes is part of a local government culture that is peculiar to parts of Scotland. It will damage the good name of local government in Scotland and, as a consequence, people will become disillusioned with the democratic process. The serious issue is not the individual cases, but the effect that they have on Scottish Labour local government culture.

Mr. Brady: I thank my hon. Friend for his helpful intervention. That is the point. If the hon. Member for Linlithgow (Mr. Dalyell) knows that press reports have been misleading, he is right to correct any false impression. That does not alter the fact that the sheer volume and weight of the allegations in all parts of the Scotland that have appeared in the press for some time and that are frequently subject to investigation show a picture of incompetence and corruption. Given the large number of allegations, it would be reprehensible of us not to draw attention to them.

In East Dunbartonshire, even Unison has attacked councillors as fat cats and suggested that they pay themselves too much money. The picture is one of arrogance and disdain in far too many parts of Scotland.

There is disdain for the public and for democracy. The Secretary of State was right to refer to a culture of complacency. It would be wrong to contemplate further relaxation of the ban on political office for senior employees, as the hon. Member for Falkirk, East suggested. One of the causes of this difficulty is the blurring of the distinction between councillors and officers: between public office and the services that councils control. The background to compulsory competitive tendering and the fact that some services did not go out of council control was unfortunate: it might have lessened the problem if they had.

What has happened in Scotland is unfortunately reminiscent of what happened in other parts of the country over many years. I shall not dwell on the loony left in London, because you would rightly call me to order, Mr. Deputy Speaker. This is an old Labour story of municipal sleaze. It occurs in many places. I am sympathetic to the many Labour Members who are properly ashamed of the bad conduct of members of their party.

When one party is in control of a local authority, often with insufficient opposition from other parties—in effect, a one-party state—it can lead to abuse. We have seen that happen in many of the great cities of the north. Labour control of Liverpool has recently ended. Sadly, the electors in Liverpool moved only to the first stage: it is now under Liberal Democrat control, and it will not return to its former greatness until it is once again under Conservative control.

In my city of Manchester, we are wary of what has happened in Scotland. Manchester city council wants to expand its boundaries to include parts of my constituency. My constituents tremble with fear at the prospect of being subsumed by the kind of one-party state that we see in local government in Scotland.

Labour has had too much power for too long in too many town halls in Scotland. The only hope for democracy lies with the Scottish people. They can reduce the dominance of Labour in Scottish local government. That will happen over time. The only thing that concerns me greatly is that they may turn to the Scottish National party to remove Labour from office, as it seems they intend to do for the Scottish Parliament. That will give the impression that they want full independence for Scotland, and I hope and believe that that is a false impression. The only answer is for them to turn to other parties in Scotland that do believe in the Union. I firmly hope and believe that they will begin to return to the Conservative cause, which will start to redress some of the difficulties and imbalances that we have debated this evening.

9.14 pm

Ms Rachel Squire (Dunfermline, West): I trust that, at some stage, the hon. Member for Altrincham and Sale, West (Mr. Brady) will ask himself why, at the most recent local elections, the people of Scotland decided to get rid of the few Conservative-controlled councils that remained.

I have mixed feelings about today's debate. Along with, I think, hon. Members on both sides of the House, I wish that it had not been necessary: I wish that there had been no sign of mismanagement in any Scottish local authority. Again along with hon. Members on both sides, I think, I believe that any misconduct on the part of local government, or indeed central Government, should be dealt with appropriately and fully.

Like others, I emphasise that the majority of elected representatives, whether they are Members of Parliament or councillors, are honest and hard working, and that it is in no one's interest for a cloud to hang over the conduct and credibility of elected representatives. Unlike one or two earlier speakers, I well remember how, in the last Parliament, many hon. Members felt that our reputation was being tarnished by sleaze and suspicion generated by the conduct of certain members of the then Government party, particularly their appalling practice of accepting cash for questions.

I do not believe, and I do not think that the public believe, that there is anything to be gained from using the debate to score cheap party political points. If we are completely honest, we must say that every political party that is represented here tonight has had, at one time or another, to investigate allegations of misconduct among its own members and elected representatives—and rightly so. The public expect the highest standards of conduct from those who hold public office. It is important for us to demonstrate tonight that our common objective is to uphold those standards, and to praise and give credit to those who have conducted themselves so well for so many years.

Mr. Hayes: I respect much of what the hon. Lady has said about ensuring that the highest standards are upheld, but what tangible proposals has she for putting that in place? The Secretary of State mentioned a commission for complaints and a new code of conduct, but what about other statutory measures?

Ms Squire: I shall refer later to some of the actions that the Government have already proposed and, indeed, taken. First, however, let me praise the swift action taken by my right hon. Friend the Secretary of State in relation to North Lanarkshire and East Ayrshire councils.

Mr. Allan Rogers (Rhondda): Will my hon. Friend reflect on the fact that the present system of local government, and the present structure that controls it in this country, were set up by the Conservative party? During their 18 years in office, the Conservatives passed more local government Bills than any other Administration, and what exists now is a result of their Government.

Ms Squire: My hon. Friend makes some relevant points.

It demonstrates the determination of the Secretary of State that he has not only acted swiftly in respect of two councils, but taken the opportunity to review the operation of all direct labour organisations in Scottish local government. He has ensured that external auditors go through the books of each and every one of them to reveal whether there are any further causes for concern. In reply to the hon. Member for South Holland and The Deepings (Mr. Hayes), let me say that this Government have already published a new ethical framework for Scottish councils and are endeavouring to ensure the highest standard of conduct.

Opposition Members have said quite a lot about culture. I clearly remember some aspects of a culture where people were desperate to retain jobs in the public sector.

[Ms Squire]

They were desperate as they saw tens of thousands of jobs in the mining industry, in the heavy engineering sector, in the steel industry and in manufacturing destroyed by the previous Government, who must accept some responsibility for making councils feel that the priority had to be to try to maintain some reasonable level of employment in local authorities.

This Government have already demonstrated their commitment to ensuring that councils are efficient and provide quality and best value services. The Secretary of State has issued a notice to councils over concerns and instructed them to come back with a rationale. He will look at what they have to say and issue the necessary directions. Every council in Scotland will be required to introduce a new code of conduct for councillors and, as has been mentioned, the independent commission is already examining the future relationship between a Scottish Parliament and local government.

Despite the impression that may have been given by some Opposition Members, I want to mention some of the excellent actions that have been taken by councils in Scotland, particularly the council that I deal with as a Member of Parliament, Fife council. To use the words of my hon. Friend the Member for Falkirk, East (Mr. Connarty), it has been innovative, enterprising and efficient in many respects.

Let me cite one or two examples. In the budget-setting exercise for the financial year 1997-98, Fife council undertook the largest consultation exercise of any council in Scotland. It involved all of its council employees, hundreds of community groups and local residents. The council also held more than nine public meetings to discuss directly with the people of Fife how they thought that the council's expenditure could best be spent.

The council decided not to wait for further action from central Government but immediately to take seriously the work of the Nolan committee; it has already adopted the national code of conduct for elected members. It has shown its determination to develop an integrated, one-stop approach to local services. I recently had the pleasure of opening the local services office in High Valleyfield in my constituency; the council had directed money there to provide such a local service.

Fife council and other councils should be applauded for the action that they have taken on so many matters—such as providing education, especially pre-school education, and on domestic violence—*[Interruption.]* The hon. Member for Epping Forest (Mrs. Laing) scoffs. Perhaps she finds it difficult to accept that Labour-controlled councils can provide first-class services to the people whom they represent.

I am looking forward to developing new ways of working—which could be one of the positive consequences of today's debate—in ensuring that we change the face of politics in both central and local government, in building a positive and constructive relationship between local government and the Scottish Parliament and in demonstrating the House's commitment to giving the people a voice that will be heard—in contrast to the way that the voices of the many were ignored, for 18 years, by the few in the previous Government.

9.25 pm

Mrs. Eleanor Laing (Epping Forest): I am ashamed that today's debate is necessary and, from his eloquent speech, I rather suspect that the Secretary of State is also ashamed that such a debate is necessary. Although he was careful in dealing with the specifics of the motion on the Order Paper, he was also careful to distance himself from the culture of Labour in local government in Scotland.

I am ashamed because the once good name of Renfrewshire and Paisley—which is my home—has been tarnished by the behaviour of some of the elected representatives. I care about what happens to the people of Paisley and Renfrewshire. Although I should like to say that they do not deserve their local government, I cannot say it. They deserve their local government because they persist in voting for Labour, and sometimes for the Scottish National party.

I remember Paisley and the villages around it as a prosperous and proud area. The hon. Member for Ayr (Ms Osborne) was wrong—although she had no way of knowing it—in saying that Conservative Members know nothing about local government in Scotland, because I do. My father was a member of Renfrewshire district council for almost 20 years—for the whole of my early life. However, those were very different days.

Ms Osborne: I am grateful to the hon. Lady for giving way, especially as I—as a Paisley buddy myself—seem to have something in common with her. If she will tell me her father's name, it may be that I knew him.

Mrs. Laing: I must, because of time, make some progress.

Those were very different days—I am talking about the 1960s and 1970s, so I very much doubt that the hon. Lady knew my father; but that is not really the point—when the object of seeking election was to serve the local community, not to line one's own pockets or to get jobs for one's friends and family.

I am not suggesting—Labour Members will agree with me—that simply electing more Conservative councillors in Scotland will make the difference. I can think of several decent old-style Labour, SNP and independent councillors who, although I would not agree with their policies, were decent people doing their best for their own local community. Indeed, a member of my family was a prominent Glasgow Labour councillor for many years. Today, however, I would not embarrass him by asking him what he thinks about the necessity of this debate or the behaviour of his successors. He, too, must be ashamed of them.

Many senior Labour Members must be ashamed of the way in which their supporters have been behaving for many years in Scotland. However, we are debating not old Labour—which, however wrong in its economic and social policy, had principles—but new Labour, which has no principles, no beliefs, no standards, no discipline and no decency. New Labour is only out for itself. The new Labour party in the west of Scotland is rotten to the core. Labour Members know that, which is why they are embarrassed. I do not know why the Secretary of State is laughing—it is not funny. It is certainly not funny for the people of the west of Scotland who have to live under the domination of Labour local government.

I have every sympathy, however, with the people who try to combat sleaze in the west of Scotland. I am thinking of the hon. Member for Paisley, North (Mrs. Adams) and the late hon. Member for Paisley, South who, we should not forget, fought hard against the sleaze that he encountered daily in his constituency.

How amusing it was to hear the hon. Member for Aberdeen, North (Mr. Savidge) criticising my hon. Friend the Member for Woodspring (Dr. Fox) for not having intimated to the hon. Member for West Renfrewshire (Mr. Graham) that he might mention his name in the House tonight. What difference would it have made? We have not seen the hon. Member for West Renfrewshire for nearly a year. The people of West Renfrewshire are not represented in the House because of Labour sleaze in the west of Scotland.

Mr. Deputy Speaker: Order. No hon. Member should be associated with any type of sleaze. I hope that the hon. Lady was not making any particular comment about the hon. Member for West Renfrewshire (Mr. Graham). Whether or not the hon. Gentleman is absent, the hon. Lady should not make such a comment.

Mrs. Laing: Thank you, Mr. Deputy Speaker, for clarifying what I was saying. I make absolutely no allegation against any particular hon. Member. I am talking about the culture of the Labour party in the west of Scotland, not about any particular person.

The Secretary of State was very swift this evening to blame the newspapers for spreading stories, but I did not have to read the newspapers—I heard directly how often the police have been called to meetings of Renfrewshire district council. Everyone in the area knows it. The Secretary of State knows that many of the reports in the newspapers are factually absolutely correct.

Mrs. Irene Adams (Paisley, North): Will the hon. Lady give way?

Mrs. Laing: I beg the hon. Lady's pardon, but I cannot give way because of the lack of time.

Mrs. Adams *rose—*

Mrs. Laing: Oh, very well. I give way briefly to the hon. Lady as she represents Paisley, North.

Mrs. Adams: The hon. Lady will be aware that when the police have been called, it has been by the Labour party with the support of the Conservatives on Renfrewshire council on account of the conduct of the Scottish National party in particular and of some independent members.

Mrs. Laing: I thank the hon. Lady, but I am aware that Conservative councillors on Renfrewshire district council have been instrumental in calling the police time and again.

The Secretary of State this evening simply swept aside many of the press reports. I shall not deal with them in detail because of the lack of time, but every hon. Member knows of the allegations concerning council officials, councillors and the people who are running the Labour party in the west of Scotland.

The Secretary of State and the hon. Member for Angus (Mr. Welsh) were swift to defend direct labour organisations. I attack DLOs without reservation. They were even worse before the Conservative Government introduced compulsory competitive tendering. The reason why I condemn DLOs out of hand is that they unfairly undercut small local businesses. The Secretary of State defends the public sector. The Labour party pretends to be the party of business, but it is not. It is interested only in the public sector, certainly not in small businesses in the west of Scotland.

Examination of local government in Scotland provides a tragic vision of what might happen in the future. It does not augur well for the new Scottish Parliament. I wonder whether Labour Members are aware that American companies planning to invest in Scotland are now taking out political risk insurance—that is how much confidence the Labour party inspires in the very people it wants to attract to improve the Scottish economy.

The point of the debate is what we have learnt not about individuals but about the Labour party itself, and not only in Scotland. Its leadership, the Secretary of State and the Prime Minister have been careful to distance themselves from their party's activists. They are so concerned with their image that they want to cast aside the facts. What we have learnt tonight is not about old Labour or new Labour, but about real Labour. The people of Scotland should beware of real Labour.

9.34 pm

Mr. Desmond Browne (Kilmarnock and Loudoun): I am grateful to my hon. Friend the Member for Linlithgow (Mr. Dalyell) for giving up the opportunity to speak, to allow me a few minutes. I have a particular interest in the debate, because my constituency is wholly within the borders of East Ayrshire council. I share the concerns of all hon. Members about the serious deficit that my council has had to report in the accounts of the direct labour organisation. The figures reveal unacceptable management failure and inefficiency. That view is shared by the leader of the council and all its elected members, including the administration and the opposition.

To prevent the House from relying on recycled press releases, misquoted and sometimes partially quoted by the hon. Members for Woodspring (Dr. Fox) and for Altrincham and Sale, West (Mr. Brady), I had intended to go into the history of the deficits at some length and explain the actions of the council and the councillors. I do not have time to do so, but I am sure that the House will accept that I have investigated the issues as far as I can, subject to the Accounts Commission's investigation, and am satisfied that we are not dealing with a story of sleaze, corruption or the abuse of a one-party state. It is a story of elected members who do a difficult job. In November last year, they realised for the first time that there were problems, and have organised and instructed proper investigations, which have revealed the deficits.

The council leadership and chief executive have explained their decisions fully to the opposition Scottish National party councillors and have taken them with them. At no stage during the investigation has any opposition member on the council been kept in the dark about what was going on. Importantly, no opposition member has expressed any view contrary to the decisions of the administration.

[Mr. Desmond Browne]

The council prides itself on openness and accountability. To my understanding, it was the only council in Scotland to take its budgets out to public consultation in public meetings. I see some of my hon. Friends shaking their heads, so it may not be the only council, but it was certainly one of the first to do so. As soon as the extent of the problems came to light, the leader of the council issued a press release. I shall quote from it to show the responsibility that the council has taken for the issue. He said:

"We instigated an investigation as soon as the deficit came to light, we called in the Accounts Commission when we realised it was growing, and we contacted the Scottish Office when the scale of the problem began to emerge.

When the independent audit is complete and when all the information is available it will be made public. Further I have asked the officers of the Council if we can instruct an independent inquiry into the actions of all the elected members including myself."

The leader of the council has since said publicly that if he is criticised, he will consider his position and act accordingly. He is a man of integrity. Finding themselves in a difficult position, East Ayrshire councillors have taken steps from day one to clear up the mess, inefficiency and mismanagement. They will accept the political responsibility required of their office. I commend their integrity to all hon. Members.

Mr. Dalyell: On a point of order, Mr. Deputy Speaker. Could it be put on the record that several hon. Members would have wished to speak, so that anyone reading the debate will not draw the conclusion that there was a lack of interest? In no way do I criticise the choice of speakers.

Mr. Deputy Speaker: That is not a matter for the Chair. Those who were not called will be remembered on a future occasion.

9.39 pm

Mr. Oliver Letwin (West Dorset): I share the misery of many colleagues on both sides of the House at the fact that the hon. Member for Linlithgow (Mr. Dalyell) was unable to speak in the debate. He always has an interesting contribution to make.

Given what might be the somewhat sore and battered nerves of Labour Members, I shall begin by warming the cockles of their hearts. There is a very beautiful kind of old rose which grows in many parts of the kingdom and goes by the name of New Dawn. At the election, many millions of our fellow countrymen thought, rightly or wrongly, that they would see a new dawn from the Labour rose. They were told by no less a figure than the Prime Minister in various utterances, and in the manifesto, that the Labour Government would be committed to open government, cleaning up politics and improving local government. Those claims were repeated and repeated. If those claims were real, they should clearly apply in every part of the kingdom—in Scotland and in Scottish local government. [HON. MEMBERS: "And in Westminster."] Indeed, in Westminster as well.

In this debate, various very serious allegations have been raised about the conduct of local government in Scotland from every point of view. They have been raised from the point of view of financial mismanagement—admitted in great part by the Secretary of State—of corruption, of cronyism and favouritism, and of the way in which the culture of local government, particularly Labour local government in Scotland, works. The accusations may be true or false; they may be partly true or partly false.

Labour Members spent time explaining that the allegations were very restricted. They tried to minimise the scope of the allegations, saying that only one or two councils are affected. I have no doubt that some were telling the absolute truth when they explained that there are many excellent councillors—Labour councillors and others—in Scottish local government who are doing good work, and that many councils are doing good work. Labour Members did not answer the allegations point by point; they merely sought to minimise them.

The Secretary of State took a different tack. He made a most interesting and, as always, a very eloquent speech. He posed as the magisterial figure, who has nothing to do with the mere squabbles of party politics. In all his awesome grandeur, he is to descend on the councils as an independent arbiter. He is to set matters right by putting in some accountants, and then by changing—or, at any rate, considering changing—structures.

The accusations that have been raised by my hon. Friends and members of other parties are not trivial. They are serious accusations, which, if they were true, nobody could claim would not warrant serious investigation and remedying. In fact, I think that the Secretary of State admits as much.

If this is the Government who are committed to open government, cleaning up politics and improving local government, is it so very much to ask them to conduct a full and open independent public inquiry into the allegations to discover how far the multitude of press reports is true, partly true or false? How can a party that proclaimed to the British public that it sought openness, purity and reform of local government not commission such an inquiry in the face of such a welter of accusations?

Mr. Malcolm Chisholm (Edinburgh, North and Leith): What reason does the hon. Gentleman have to suppose that the Accounts Commission is not an independent body?

Mr. Letwin: I make no such accusation. The Accounts Commission is an independent body but it is restricted by statute. It can investigate only a narrow range of financial matters. The Secretary of State was at pains to point out that his objection to the motion, which he would otherwise have accepted, was precisely that we were seeking to widen the scope of the inquiry. I repeat the question: how can a Government and party devoted to openness and to cleaning up and improving local government resist an independent inquiry of wider scope?

On 12 July 1997, a right hon. Gentleman who does not often appear in the House but is of more importance than we poor mortals who do, the Prime Minister, told a Labour party conference:

"But we are on trial. Deliver our promises, repay the people's trust, and we will be rewarded with more of their confidence. Go back on those promises, return to old ways, and we will lose that trust."

He was right. There is a sort of trial, but, alas, it closely resembles Kafka's trial. The Prime Minister, as Prime Minister, is judge. As leader of the Government, he is

foreman of the jury. Most important, as leader of the Labour party, he is the plaintiff. That is not open government.

Mr. Browne: The hon. Gentleman's vocabulary is slightly wrong. The debate is about Scotland, where we say "accused", not "plaintiff".

Mr. Letwin: I am well aware of the hon. Gentleman's credentials. He has explained to the Competition Bill Committee that he is not a lawyer but a notary. I do not regard either point as material to the debate.

If we do not have an inquiry, it will do lasting damage not only to local government in Scotland and the Labour party but to the structure of democracy in this kingdom. It will do damage because the Labour party—I apologise to hon. Members who represent the Scottish National party—is likely, often if not immediately, to form the new Government of Scotland. I thought that the Secretary of State might appreciate those remarks. No doubt SNP Members are quietly fuming, but the people of Scotland may well elect Labour to the new Government of Scotland.

Mr. Salmond: I do not mind the hon. Gentleman conceding defeat for the Conservative party, but can he leave us out?

Mr. Letwin: The issue is not the frivolous debating point of whether Labour will win, but that it may win. It is therefore of the utmost importance to the electorate not only of Scotland but of the United Kingdom to know that the Labour party in Scotland has been cleared of what the Secretary of State claims are overblown allegations. He can do that only by commissioning a full, independent inquiry. At that point, the problem will disappear. Until then, we have what was accurately described by Kafka as "a blend of fog and smoke filling" the Chamber "with a faint smell of burning soot".

Mr. Wallace: Will the hon. Gentleman clarify his motion? Is it for an independent inquiry into the allegations that have been made, or, as appears in the Order Paper, into the conduct of local government in Scotland, in which the whole of local government in Scotland is tarred with the same brush?

Mr. Letwin: The sad fact is that the dominance of the Labour party in local government in Scotland, especially in the councils under discussion, is so nearly complete that the difference evaporates. It is a difference without a distinction.

We are asking whether it is true, as is alleged in press report after press report, that the culture of the Labour party in dominating local government in Scotland has reached a point at which it needs investigation. That question can be answered only by such an investigation.

Mr. Dewar: As the hon. Gentleman is talking, as many hon. Members have talked, about Renfrewshire council and its dominance by the Labour party, could he tell us what the political make-up of Renfrewshire council is?

Mr. Letwin: I have no intention of spending the last half-minute of my speech doing that. I shall, as the Secretary of State himself would say, write to the right hon. Gentleman on the matter.

The question at issue is clear: will the Secretary of State open local government in Scotland to the kind of inquiry that it deserves and needs, following those allegations? If, in the winding-up speech, we are to be told that the answer to that question is no, we must be told why not. Why will those claims made by the Labour party before, during and after the general election not be applied in this case, by means of a full, independent and open inquiry?

9.49 pm

The Parliamentary Under-Secretary of State for Scotland (Mr. Calum Macdonald): Despite its ups and downs, this has been a useful debate on the whole, and has made some things, at least, a wee bit clearer. First, there is agreement that, in two cases, direct labour organisations in Scottish local councils made unacceptably high losses, and revealed serious problems within management and control. As my right hon. Friend the Secretary of State made plain, serious failure of that magnitude is not acceptable, and will not be tolerated.

Secondly, as several hon. Members have said, it is clear that my right hon. Friend acted swiftly and promptly in response to the problems when they emerged. He instantly activated the statutory procedure, issued notices to the two councils, and called for reports from all councils on the financial status of their DLOs. He has also asked the Accounts Commission to prepare a high-level audit of all councils in July, not only on the operation of their DLOs but on the client side.

It is important to point out, as my hon. Friend the Member for Edinburgh, North and Leith (Mr. Chisholm) has just suggested, that the Accounts Commission is independent. Its findings will be made public, and in the course of its investigations it can ascribe responsibility for the various things that have gone wrong.

The action that my right hon. Friend has already taken is, I believe, unparalleled in its speed. He has made clear his intention to act effectively and swiftly in the statutory process that he has started. He has also made it clear that, if similar problems emerge in other Scottish councils, he will not hesitate to take similar action.

The third factor that has emerged in the course of the debate is the paucity of constructive suggestions from the Conservatives to tackle the crisis that they affect to describe. It has become clear that it is the Government who have the constructive agenda for reform and modernisation of local government. The proposals for a new ethical framework, for the appointment of the McIntosh commission with a radical and far-ranging brief, and for the development of a new system of best value to replace the discredited policy of compulsory competitive tendering, are all evidence of the Government's drive to improve and modernise.

To pick up some of the specific points that have been made in the debate—

Dr. Fox: Did not the failings of the two councils whose DLOs gave rise to the problem occur within what the Government have described as best value practice?

Mr. Macdonald: The contracts that the DLOs now have were secured by competitive tendering. The competitive tendering was not compulsory, but it was entered into voluntarily by the local authorities, which followed the exact procedures that the Conservative

[Mr. Macdonald]

Government laid down. Those are the procedures that produced the contracts that led to the problems for the local authorities.

During the debate, some hon. Members advanced constructive proposals for reform and improvement in local government. My hon. Friend the Member for Ayr (Ms Osborne) mentioned the value of systems of decentralisation, and of the establishment by various local authorities of citizens' juries. Local authorities have pioneered several different decentralisation schemes, which have been submitted to the Scottish Office. While they are not actually gathering dust, the Government have no power to dictate to local authorities how to operate such schemes, which is right, because there must be space for local flexibility. The existence and experience of those schemes will be a valuable resource for the McIntosh commission.

The hon. and learned Member for Orkney and Shetland (Mr. Wallace) turned to his favourite remedy for all ills—proportional representation. We have asked the McIntosh commission to take a fundamental look at how to enhance accountability within local government, including asking questions about why people do not turn out to vote and how best to elect councillors.

I concede that there is a case for some form of proportional representation in local government elections, albeit not an unanswerable case, and my right hon. Friend the Secretary of State recognised that case in his recent Richard Stewart memorial lecture. As the hon. and learned Gentleman knows, I am not opposed in principle to proportional representation, and nor are the Government; we have introduced it for European elections and for elections to the Scottish Parliament, but we remain agnostic about its suitability for local government.

Mr. Wallace: I did not say that proportional representation was necessarily a panacea for all problems—in fact, an important aspect of the relationship between central Government and local government, which influences the strength of local government, is the financial relationship between the two. Will the Minister explain why the financial relationship between the Scottish Parliament and Scottish local government is not within the remit of the McIntosh commission?

Mr. Macdonald: There are two reasons: first, it would make the work of the McIntosh commission too unwieldy if it had to investigate those financial systems in detail; and, secondly, we are reviewing the financial arrangements for local government as part of the comprehensive spending review, and we shall publish a consultation paper on that subject in the summer. The McIntosh commission has said that it would want to look generally at the financial relationship between the Scottish Parliament and local government, which we accept is a proper and legitimate thing to do.

The hon. Member for Angus (Mr. Welsh) was rather critical of recent Accounts Commission reports, and implied that they were rather inflexible, but he is quite wrong. I would argue that those reports are an important starting point for the best value process, because they allow an increasingly sophisticated system of benchmarking and competitive comparisons between various local authorities to be developed. A couple of hon. Members, including my hon. Friend the Member for Falkirk, East (Mr. Connarty), raised the question of the Widdicombe rules. Those are being reviewed, although I would not anticipate the dramatic change for which my hon. Friend argued.

The hon. Member for Altrincham and Sale, West (Mr. Brady) mentioned council tax collection. I can tell him that we expect councils to improve their collection rates, and that the Government have made special funds available to achieve that end. We expect councils to ensure that their own employees in particular pay their debts to the council. That must be an important priority for councils, as it is vital to public confidence.

Scottish local government faces a very important challenge, as it has in future to exist alongside a democratically elected Scottish Parliament. Over the past 20 years, Scottish local government has provided an important democratic protection for the people of Scotland, and the public services on which they depend, against a hostile and interfering centre in Whitehall. That is changing. Local government will now have to form a new, constructive partnership with the Scottish Parliament, which will have its own strong democratic mandate. That is why the Government have set up the McIntosh commission, and its report will be delivered to the First Minister in the Scottish Parliament.

I have no doubt that the Labour party will lead the development of new and imaginative ways of ensuring that, in future, local government makes as important a contribution to Scottish public life as it has in the past, despite the problems that we have discussed today.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 113, Noes 322.

Division No. 305] **[9.59 pm**

AYES

Amess, David
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Cash, William
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cran, James
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*

Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Sayeed, Jonathan
Simpson, Keith *(Mid–Norfolk)*
Soames, Nicholas
Spring, Richard
Swayne, Desmond
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Woodward, Shaun
Yeo, Tim

Tellers for the Ayes:
Sir David Madel and
Mrs. Caroline Spelman.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Baker, Norman
Ballard, Jackie
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beith, Rt Hon A J
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blunkett, Rt Hon David
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canavan, Dennis
Cann, Jamie
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Church, Ms Judith
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Edwards, Huw
Ellman, Mrs Louise
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hoey, Kate
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Linton, Martin
Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCafferty, Ms Chris
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Paul *(Torfaen)*
Norris, Dan
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn

Quin, Ms Joyce
Radice, Giles
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Salmond, Alex
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stott, Roger
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dan *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
Welsh, Andrew
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. John McFall and
Mr. Jon Owen Jones.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments):—*

The House divided: Ayes 274, Noes 31.

Division No. 306] **[10.14 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Benn, Rt Hon Tony
Bennett, Andrew F
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canavan, Dennis
Cann, Jamie
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Denham, John
Dewar, Rt Hon Donald
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Edwards, Huw
Ellman, Mrs Louise
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hoey, Kate
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCafferty, Ms Chris
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*

Murphy, Paul *(Torfaen)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Quin, Ms Joyce
Radice, Giles
Raynsford, Nick
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stott, Roger
Stringer, Graham
Stuart, Ms Gisela
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. John McFall and
Mr. Jon Owen Jones.

NOES

Allan, Richard
Ashdown, Rt Hon Paddy
Baker, Norman
Ballard, Jackie
Beith, Rt Hon A J
Davey, Edward *(Kingston)*
Fearn, Ronnie
George, Andrew *(St Ives)*
Hancock, Mike
Harris, Dr Evan
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Livsey, Richard
Llwyd, Elfyn
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Oaten, Mark
Rendel, David
Russell, Bob *(Colchester)*
Salmond, Alex
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Stunell, Andrew
Taylor, Matthew *(Truro)*
Tyler, Paul
Wallace, James
Webb, Steve
Wigley, Rt Hon Dafydd
Willis, Phil

Tellers for the Noes:
Mr. Donald Gorrie and
Mr. Andrew Welsh.

Question accordingly agreed to.

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House notes with concern losses in a number of direct labour organisations within Scottish councils; and commends the swift action taken by the Secretary of State for Scotland to deal with them.

Council Tax (Derbyshire)

10.25 pm

The Minister for Local Government and Housing (Ms Hilary Armstrong): I beg to move,

That the draft Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order 1998, which was laid before this House on 8th June, be approved.

It will be useful if I set out how we hope to reinvigorate local government and what our future approach to capping will be. This year marks a watershed in our approach to local government finance, as it will be the last year of crude and universal capping. We are making changes because we believe that the current system has the balance between central Government and local government wrong. The turnout figures in the local elections in May underline the need for change. Under the current arrangements, local accountability is simply not strong enough, and the use of central Government's powers is disproportionate to achieving their objectives.

Our plans are a key to the future decisions of councils such as Derbyshire and reflect our desire to develop strong, effective and accountable local government. That is essential, because local government is responsible for so many of our most important services, such as schools, transport and care of the elderly. It is also essential to our aim to work with local government to lay the foundations for stable economic growth and to improve people's quality of life.

Many hon. Members will know that we have published a series of consultation papers aimed at establishing modern, accountable local government based on simple and stable finance systems that reflect the leadership role of councils and their partnerships with local communities. Our proposals include replacing crude and universal capping; making it easier for people to understand the link between their council's spending decisions and the council tax bills that they receive; giving people a greater say in local decisions; and helping councils to act more strategically and corporately, and to achieve better value for money. Detailed proposals on those matters will be published in a White Paper in the summer.

Although we are determined to improve local accountability, central Government still have an interest in the level of local government spending, because local authorities are responsible for a significant proportion of overall public spending and deliver a number of key services.

Mr. John Gummer (Suffolk, Coastal): We are discussing Derbyshire local government. Would the Minister have supported the previous Government in capping at the lowest level ever, as she is proposing, or will she come to that in her speech?

Ms Armstrong: I shall explain why the Government have made these decisions.

The Government will retain a reserved power to control excessive increases in local council spending. However, with a more accountable system of local government in place, we hope that reserved powers to intervene in local budgetary decisions will be used rarely, if at all.

We are committed to a fair distribution of Government grant to local authorities. This year's settlement was a start in achieving that goal. It is better in cash terms than

[Ms Armstrong]

many authorities expected based on last year's plans. We have allowed a 3.8 per cent. increase in provision for local government revenue spending nationally, which is double what the previous Government planned.

The amount available for local authorities includes an additional £835 million for education nationally, which has been fully funded by matching grant to authorities. That shows our commitment to improving standards. We have been able to increase resources for social services nationally by £447 million, which is almost £100 million more than was envisaged by the previous Government. We have also provided an extra £70 million for children's services, which is the first substantial increase for three years.

Mr. Eric Pickles (Brentwood and Ongar): If the hon. Lady has given extra resources—figures supplied by the Library show that an extra £1 million was provided for education in Derbyshire schools—why is she proposing to take away £1 million?

Ms Armstrong: The hon. Gentleman has got his figures confused. I am dealing with the local government settlement, whereas he is referring to education money under the new deal, which is for capital spending outside the local government settlement. I am sorry that the hon. Gentleman does not understand that.

The capping principles for 1998-99 allowed all authorities budgeting up to 12.5 per cent. above their standard spending assessment to passport the increases for all non-police service blocks in the spending assessments. If an authority's SSA increased by more than its class permitted increase, its cap reflected that greater amount—so the money could be spent.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. We are discussing Derbyshire. The hon. Lady is entitled to a lead-in, but she must restrict her comments to the issue of Derbyshire.

Ms Armstrong: I am aware of that, which is why I have been hesitant about taking interventions. I know that you want me to deal with the Derbyshire issue, Mr. Deputy Speaker. However, it is important to put the Derbyshire decision in context.

It is the first time that increases in highway maintenance, other services and capital financing blocks have been passported. Those were important changes in the capping regime, and they gave greater discretion to local authorities.

In the past seven years of crude and universal capping, 49 authorities exceeded their caps. This year, only one authority—Derbyshire—has set a budget above its capping limit. As a result, when we announced our decision on the capping principles on 7 April, we designated Derbyshire for council tax capping. It challenged its cap—as the legislation allows it to do—and proposed that it should be permitted to budget at the level that it originally set.

In reaching a view on the final capping limit for Derbyshire, we had to take account of its specific circumstances. We have considered those carefully, and I have met a delegation from Derbyshire to hear its case in detail. I am sure that, during this debate, we shall hear of the efficiencies that Derbyshire has achieved. It is extremely important that authorities pursue efficiency gains, as that will help and enable them to provide the best services at lowest cost.

Capping is about whether the cap proposed for that authority is reasonable, achievable and appropriate. The fact that an authority claims to be efficient is not, of itself, a justification for it to take a larger slice of the cake of general Government expenditure. The demands of individual authorities must be examined in the context of the demands of all authorities, and those of the economy as a whole. That is why I felt it appropriate to explain the background of the debate.

Derbyshire county council has set a budget of nearly £473 million, £3.9 million above its proposed cap. As I said, I met members of the council, and a number of Derbyshire Members of Parliament, so that they could explain their reasons. Among the Members of Parliament was my hon. Friend the Member for North-East Derbyshire (Mr. Barnes). I am delighted to hear that he is now out of hospital. I pay tribute to his diligent attention to the needs of his constituents, and to the fact that he has put their case so strongly. Several of my other hon. Friends have been to see me, and have also pursued the interests of their constituents with incredible diligence.

The Deputy Prime Minister and I have carefully considered all the relevant information available to us, and have decided that we should permit Derbyshire to increase its budget relative to its provisional cap by £2.9 million, rather than the full £3.9 million proposed by the authority. There are a number of factors which I believe make Derbyshire a special case, and which therefore warrant the increase.

Derbyshire has had the eighth smallest capping increase of any county in 1998–99, at 3.1 per cent.—compared with the average of 3.7 per cent. Since 1989–90, it has had a smaller cumulative increase in its cap than any other county. The increase in Derbyshire's education standard spending assessment represents nearly all its total capping head room. In short, if it passported all its increase in education SSA through to schools, it would have only a 0.25 per cent. increase for all other services. Derbyshire has no significant reserves with which to support its budget.

I stress that it is the combination of those factors, rather than any one in isolation, that makes Derbyshire's position unique. We decided against allowing the county to increase its budget against its provisional cap by the full amount of its actual budget. Among other things, its budget is above SSA by more than the county average. That suggests that there is scope for the council, within existing resources, to give more to education by reordering its priorities. The overall effect should be to allow Derbyshire to passport the full increase in its education SSA, and to increase its take-up of the education standards fund. We have carefully considered the points raised by Derbyshire in the capping process to ensure that the cap that we have proposed is reasonable, appropriate and achievable.

Mr. Patrick McLoughlin (West Derbyshire): Will the Minister tell us when she first learned that the estimated

cost of rebilling had gone down from £550,000 to £320,000? When was her Department first made aware of that?

Ms Armstrong: I do not know when the Department was first made aware of it, but I will write to the hon. Gentleman to let him know.

I have highlighted the particular combination of factors that, in our view, make Derbyshire a special case this year. We believe that those factors justify this treatment. However, it is clear to the Government that Derbyshire now needs to take more determined steps to address its budget. Over the coming months, we expect it to put in place a firm medium-term strategy to manage its finances in a way that will avoid excessive council tax increases in the future. That will clearly mean making some tough decisions to reorder priorities, as well as setting challenging targets for efficiency gains. The county will need to do more to manage its expenditure from year to year if its council tax payers are not to face unreasonable increases. Were that the case, the Government would step in to limit increases in budgets that were, in their view, excessive. We will also want to consider whether to use our powers to treat authorities that were designated in the preceding year differently from other authorities within the same class.

More generally, the Government will continue to take a rigorous approach to all sectors of public spending, including local authority expenditure. It will be essential that local authorities also take a responsible approach to their spending budgets. Next year, the Secretary of State will have in reserve powers to limit council tax within the current legislation. He will not hesitate to use those powers where he believes that authorities have set excessive budgets.

If the order is approved, we shall serve a statutory notice on Derbyshire formally setting its cap. It will have 21 days to reduce its budget in line with its cap and to set a lower precept. That will lead to the issue of new lower council tax bills by the Derbyshire billing authorities. I commend the order to the House.

10.40 pm

Mr. David Curry (Skipton and Ripon): I am sure that we would all wish to join the Minister in wishing the hon. Member for North-East Derbyshire (Mr. Barnes) a rapid recovery.

It was with some nostalgia that I listened to those marvellous words "reasonable", "appropriate" and "achievable", having used them so often and knowing that they have a ritualistic character in this debate; they save the Minister from judicial challenge at a later stage. I was interested that she began with a debate on the six, I think, Green Papers on local government as, up to now, we have been denied a debate on those in the House, despite their enormous importance. Not one was introduced by a statement in the House, but I hope that her words are in earnest of the good intention to give us a proper opportunity in Government time to debate crucial proposals affecting local government. I note simply that the largest Green Paper was on ethical behaviour in local government, which was six times the size of the paper on capital finance and a future financing system.

The Minister gave the particular reasons why she thought that Derbyshire is a special case, but, with all due respect to her, those were mechanical reasons that flow from her decisions on standard spending assessments; there was nothing unusual about them. Had she taken different decisions on SSAs and made different changes to them, that would have affected Derbyshire's position. It is not an exceptional condition. It flows automatically from the decisions that she has taken.

Of course, I do not ideologically object to capping; that would be somewhat curious as I have, as it were, been there and got the tee-shirt for doing it myself. The arguments about public expenditure are real enough. The chapter on it in the relevant Green Paper has a familiar ring. Indeed, I suspect that I frequently said the same words. Even in the little document that is snappily called "A Plain English Guide to the Local Government Finance Settlement", under the heading "Capping" we find the words:

"Local government spending is part of the total of general Government expenditure, so the Government need to limit how much local authorities spend."

Local authorities will be interested in the Minister's words. The last few pages of her speech were devoted to a fairly fearsome warning about how the Government intend to apply capping if local governments do not behave according to her definition. Of course, she would use the legislation that the previous Government put in place to do that because capping is not a duty; it is facultative. The legislation remains on the statute book. The Government have the option simply of not applying it—of not setting capping criteria—but, of course, if they really wished to send a signal to local government that they want to get away from the old system, they would repeal our legislation. They clearly do not intend to do so.

Therefore, when Labour says that it will end crude and universal capping, one wonders where the sophisticated and particular capping will arise. When the Minister talks about the cap relating to excessive spending, we wonder whether this is excessive spending. Is £1 million in a budget of £471.7 million an excessive increase? It seems curious for the people of Derbyshire to be told that there are particular circumstances—with which I do not agree, but which she has adumbrated—and that this is peculiar to Derbyshire.

Derbyshire is now permitted to spend £2.9 million over the budget that Ministers initially thought was necessary for it to meet its statutory obligations. However, its budget is being capped to prevent a mere £1 million of £471 million of expenditure. In other words, if my calculations are correct—I was never in the Treasury, so I may be corrected on them—its budget will be cut by 0.21 per cent., which is the smallest amount that has ever been caught by a cap.

As my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) said, a couple of months ago, Derbyshire received an extra £1.1 million to reduce class sizes. Although of course that was part of the education budget, and of course it was capital, verily it is said that "the Lord giveth and the Lord taketh away".

So what happens now? There will be rebilling, which is done by the districts—which, initially, send out the bills. I am told that, by some mysterious alchemy, the cost of rebilling will be reduced from £500,000 to £300,000. That £300,000 would have paid many teachers' salaries, and paid for many local authority activities, school meals and many other things that are probably regarded as important by the people of Derbyshire.

[Mr. David Curry]

Nevertheless, there will be a bonus: local people will have money handed back to them. Undoubtedly, they will rejoice mightily at that bonus.

The county of Derbyshire has many band A properties. According to my research, 66 per cent. of properties in Bolsover are band A, as are 56.7 per cent. of properties in Chesterfield, 43.7 per cent. in North-East Derbyshire and 40.4 per cent. in Amber Valley. Even in the Derbyshire dales—which I suppose must be regarded as the most propertied part of Derbyshire, as it has the fewest properties at the bottom end—bands A to C still account comfortably for more than 50 per cent. of properties. It is therefore worth asking quite what will be the big bonus that is handed back.

My calculations—on which, again, I stand to be corrected—show that the consequence of the Government's action for band A property holders in Bolsover—where, we have agreed, two thirds of property holders hold band A properties—will be the great bonus of a £2.87 rebate. I have been told that that sum will buy an inexpensive packet of 20 cigarettes. In the House of Commons Bar, one can buy two pints of beer for that sum—but, as we all know, beer is relatively cheap in the House of Commons Bar.

The objective of all that paraphernalia and rigamarole—£300,000 or £500,000 will be spent on rebilling—is to rebate £2.87 to the citizens of Bolsover, Chesterfield and the other districts. That is the cost of financial probity, and the reward for the Government's actions.

The capping order is not the important issue. The Government could have changed the system—they have been in power now for well over a year. Although they have made perhaps only one local authority settlement in their own right, they are now on their second settlement. The Government have had control of the standard spending assessment system. Local government is almost universally under Labour control, and, for the moment, the Local Government Association does not say boo to a goose. Ministers could have altered the system, but they have stayed with it.

In the future, we will have the "brand new system". However, anyone who reads the Government's documents on the matter will wonder where the new dawn is, and when it will arrive. We have heard that the Chief Secretary to the Treasury has rejected the idea of changing the definitions of public expenditure. Now we have old-fashioned rigorous capping, although I suspect that it is only a gesture, as Ministers could not allow anyone to get away with it completely. The cap is the iron Chancellor's little gesture towards local government, warning it about what might come. He is perhaps thinking, "Gosh, £1 million off Derbyshire's budget of £471 million won't half make them wonder. That will really get them bothered."

The cap is only a precursor of what is to come. The Minister for Local Government and Housing talked about the new system which we will be getting, and about getting away from all that terrible old capping problem and entering a new world. If one reads about what that new world will comprise, it quickly becomes clear that it will not include repatriation of business rates, as that would of course have implications for public expenditure. Nor will it include giving everyone—lock, stock and barrel—the power to raise taxation locally, as that, too, would have implications for public expenditure.

There has been an awful lot of talk about, "Let's have annual elections. No one can sleep easily in their beds at night, or feel that they have had a good run at delivering what local people perhaps want them to deliver."

The Labour Government still deeply distrust local government. They believe fundamentally that they must keep control in their own hands. What we are asked to consider tonight is merely an aperitif, an amuse-gueule before the feast that is to come—the feast of continued Government control.

10.49 pm

Judy Mallaber (Amber Valley): I am rather confused by the previous contribution, as I was by the remarks and questions of the hon. Member for West Derbyshire (Mr. McLoughlin), who I understand is summing up tonight, since the announcement was made last week. Perhaps the hon. Gentleman will tell us whether the Opposition are now saying that the Government have not given enough to Derbyshire. If they are, why were they previously arguing that Derbyshire should not ask for anything more? That is the question that the Opposition now need to answer.

Does the hon. Member for West Derbyshire support the potential loss of 440 jobs—including those of 70 teachers—the closure of homes, and the threatened closure of the Lea centre in his constituency? If he does not, does he support the Government's allowing us to get off the horrible hook on which we found ourselves? Perhaps he will also tell us what proposals his Conservative colleagues on Derbyshire county council had to enable the council to operate within its budget within the cap, without causing the horrendous consequences for education and other services that we have been seeking to avoid.

During business questions last week, the interesting suggestion was made that the Members of Parliament for Derbyshire would not welcome this debate. I have to say that that is completely wrong, just as the current Conservative Tory Member of Parliament with a Derbyshire constituency and our Conservative predecessors who lost their seats were wrong to denigrate the county over the years and to encourage the Conservative Government to do us down and act against the interests of their constituents.

We welcome the chance to be positive tonight, as we have spent some time in doom and gloom. We have a beautiful county, and the county council has undertaken many excellent initiatives, in spite of the difficulties and in spite of the denigration that it faced.

I apologise to those hon. Members who have had to stay late tonight and who might not have wanted to do so. We might owe them an explanation. I also apologise to Ministers who have had to spend a long time talking to us and considering the arguments. We are grateful that they have listened to us with care and have gone some considerable way to meeting our concerns.

Reference was made to the fact that my hon. Friend the Member for North-East Derbyshire (Mr. Barnes) is not here. We are sorry that he is not here, but a recent question of his summarises one of the problems. He asked

what percentage of UK taxpayers pay the higher rate of taxation. The answer is that, overall, 8.1 per cent. of UK taxpayers do, whereas only 5 per cent. of Derbyshire's taxpayers are in the higher tax bracket. In Hertfordshire, the figure is 15.2 per cent., or three times higher, yet Hertfordshire gets central Government grants that allow it to spend £76 more per head on its residents than Derbyshire can. That goes to the heart of the problem that we face.

Considered since 1989, Derbyshire's capped spending is now 18 per cent. less than the average for all counties, and its increase was more than 6 per cent. below the next lowest increase. There have been cuts of £200 million in its budgets, and 4,500 employees have lost their jobs over that period. That has led to an annual cost of £4.2 million in redundancy and retirement payments. Our pupil-teacher ratio has declined from being one of the best in the country to being one of the worst. The same has happened to our home help ratios.

I was interested to read in *The Times Educational Supplement* a couple of weeks ago about the threat to school music services. Those discretionary services went in Derbyshire in 1991. We have been left with no reserves, so we are in a unique position.

Mr. John Hayes (South Holland and The Deepings) *rose—*

Judy Mallaber: I shall not give way. Many hon. Members wish to speak, and I am keen to make progress.

Over that period, Tory Members have gloated, as we saw in the debate on local government finances. There were many good changes in that settlement, but the changes that have started to redress some of the unfairness in the local government system did not help us in Derbyshire. We faced difficult cuts that would have been impossible to meet.

Some positive schemes were under threat as a result of the budget that we were set. The head teacher of one school in my constituency who lobbied us came from Hampshire. If he had still been there, he would have had £300,000 more for his school and fewer statemented children. The Employment Sub-Committee, of which I am a member, is looking at pathways to work for women. We shall say that education and training are as important as child care in enabling lone parents, for example, to make the jump from welfare to work. Peverel house in Codnor has 130 women on computer and keyboard skills courses that will enable them to get back to work. It also has other facilities, including nursery facilities and youth facilities, used in the evenings by 80 young people a week. It was under threat of closure. We hope that that will be reversed.

My Select Committee is also responsible for investigating the new deal. I have been told by the new deal adviser at Heanor job centre, which is in a pathfinder area, that many people with basic skills problems are still presenting themselves. One of the nearby secondary schools has an excellent literacy and numeracy programme, for which it has gained national plaudits. I found it heartening to see a 13-year-old who had had difficulties with reading being able to read the announcement about the award and talk about it. That was thanks to the special programme. Such programmes are vital if we are to make advances.

In some cases, parts of the Government's programme would have been jeopardised by the cuts that Derbyshire is facing. The Government have recognised our class size problem and given us a substantial sum to cut infant class sizes. Last January, 13,000 infants in Derbyshire were in school classes of more than 30. From next January, we shall have only 1,000. That is thanks to the first stage of the Government's recognition of our problems. If we had not been allowed the extra money, we would have added teachers to help five to seven-year-olds, but taken them away for seven to 11-year-olds, which would have been nonsense.

Derbyshire is an efficient authority. Council staff use 20 per cent. less than the county council average. We spend £23 per pupil on education and central support services for schools, which is 30 per cent. below the county council average.

We needed the additional money to put ourselves on a proper footing for the future. We can go forward to make our arguments in the review of local government finance to ensure that we do not get into the same position again. The council can address the issues in conjunction with the review.

Sir Paul Beresford (Mole Valley): When the hon. Lady talks about extra money, does she mean the £2.9 million or the £3.9 million that she campaigned for?

Judy Mallaber: We are grateful for the £2.9 million. We hope to be able to access some of the other money.

I am sure that the hon. Member for West Derbyshire will talk about rebilling. We should remember that he voted for that ridiculous system. We are landed with Tory legislation. I did not vote for it and neither did my hon. Friends the Members for Erewash (Liz Blackman), for South Derbyshire (Mr. Todd) and for High Peak (Mr. Levitt), but our predecessors did and they lost their seats. We would prefer not to have such legislation, but we do.

Mr. McLoughlin *rose—*

Judy Mallaber: The hon. Gentleman will have a chance to reply. He voted for a £1 million rebilling charge in 1990. That will cost £1 per household.

Will the hon. Gentleman name a single school in his constituency that does not welcome Derbyshire's decision to go through the cap? Let him name a single school that does not welcome the Government's decision. I recently met the chairman of education on Derbyshire county council, who told me that he would happily visit such a school or talk to any parents in west Derbyshire who do not welcome the decision. Perhaps the hon. Gentleman's answers will tell us whether the residents of Derbyshire agree that the Government and the county council have done the right thing.

Does the hon. Member for West Derbyshire support the loss of 440 jobs, the loss of 70 teachers, the closure of centres? Are the Opposition saying that the Government should have spent more or that the county council should not have asked for anything? I am very confused about their position and would welcome some clarification. If they are opposing the order, is it because we have not been given enough or because we have been given something?

In Derbyshire, we are grateful that Ministers have listened to our arguments. Obviously, we are disappointed that we did not get the full amount. Although there are

[Judy Mallaber]

still difficult decisions to take, the settlement fends off the worse of the disasters and gives us a base on which to build. The Government have recognised our case in providing money for reducing infant class sizes and for school buildings. They have recognised our case in allowing us to go through the cap. We can now talk about how to get a fair settlement for the future, which will resolve the problems and not leave Derbyshire lagging behind other authorities in such a difficult position.

Parents and others in the county know whom to blame for the difficulties that the county council has had over the years. They now know whom to thank for the recent decisions and the ability to enter into discussions in future. Although I am disappointed that Derbyshire did not receive the full amount, I shall happily support the Government in the Lobby.

11 pm

Mr. Adrian Sanders (Torbay): I associate the Liberal Democrats with the best wishes that have been sent to the hon. Member for North-East Derbyshire (Mr. Barnes). We look forward to his return.

It is extremely regrettable that we must discuss the capping of Derbyshire county council's revenue budget. The fact that we are shows how far this Labour Government are prepared to go to implement a Conservative agenda; how much they are prepared to say one thing in opposition and do exactly the opposite in power.

In opposition, the Labour party consistently opposed capping of local authority budgets. In 1993, the then hon. Member for Blackburn (Mr. Straw) said:

"The Labour party is wholly and unequivocally opposed to the capping of a council's budget. It is an abuse of central power, it demeans democracy, it undermines the right of local people to decide what services they are ready and willing to pay for . . . it serves no economic purpose, and it has not worked in its own terms."—[*Official Report*, 9 June 1993; Vol. 226, c. 385.]

I could not put the arguments against capping more eloquently.

In 1995, a Labour party policy statement on local government said:

"The present capping arrangements suggest that some civil servants or Minister in Whitehall knows better than local people and local councillors about the depth, degree and urgency of the needs of each and every local community and its capacity to pay for what it needs. This can't be right in principle or practice."

Just two years later, we find ourselves with a Government formed by the Labour party which, in its election manifesto, said:

"Although crude and universal council tax capping should go, we will retain reserve powers to control excessive council tax rises".

In office, they implement exactly the crude and universal capping that they promised to end.

Mr. Mike Hancock (Portsmouth, South): I am grateful to my hon. Friend for giving me the chance to intervene—unlike the Minister, who would not. Like you, I share the sentiment that an overwhelming majority in the House support the views exposed by the then hon. Member for Blackburn (Mr. Straw). What do you think—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Member has been in the House long enough to know whom to address.

Mr. Hancock: I apologise. I am sure that my hon. Friend the Member for Torbay (Mr. Sanders) is as curious as I am to find out what impediment stood in the way of the large Government majority doing something about the unfortunate capping regime.

Mr. Sanders: I am sure that the Minister, who is a believer in open government, will comprehensively answer that later.

I find it even more regrettable that the Government are imposing a cap on Derbyshire's budget only two weeks after the end of their consultation on reform of local government finance.

In the Green Paper, "Modernising Local Government—improving local financial accountability", the Government state that modernising local government is dependent on radically changing the relationship between councils and their communities and between councils and the Government. They suggest that one way to achieve that is

"to enhance local accountability, and reduce central government's involvement in local tax and spending decisions."

Can the Minister explain how she thinks that she is achieving that by interfering in Derbyshire's tax and spending decisions?

Even those of us who remain opposed to capping might have understood the Government's action if Derbyshire had set a budget £10 million or £20 million above cap, but it was set only £3.9 million above cap, and the Government appear to have agreed that £2.9 million of that was needed. We are here tonight because the Government cannot allow Derbyshire county council an extra £1 million, less than 0.25 per cent. of Derbyshire's total revenue budget. If that is not central Government prescription and control run riot, I do not know what is. It is also regrettable that the Government think that spending an extra £1 million on public services is unacceptable when they have just announced £3.6 million for spin doctors in Whitehall—a strange sense of priorities by any standard.

The Liberal Democrat group on Derbyshire county council did not support the controlling Labour group's decision to set a budget above cap. It agrees that capping, crude or sophisticated, should go but believes that there were ways in which the council could have achieved savings and stayed in budget. It has no wish to inflict the cost of rebilling on council tax payers. Out of the £2.9 million gained by Derbyshire, £320,000 will have to be spent on rebilling every household. One could argue that the council is still £2.5 million better off so perhaps it is worth it. If that gamble had not paid off, the council would have had to cut services even further and the local community would have suffered.

The case that Derbyshire county council made in arguing for extra Government grants tells an all-too-familiar story in local government. Over the past nine years in Derbyshire, central Government have reduced the council's revenue budget by £214 million. Service closures include the school music service, the only local home for disabled people, a toy library and five homes for the elderly. Discretionary and clothing grants were abolished in 1996. Those cuts will hurt the most vulnerable, reinforce deprivation and perpetuate social exclusion.

Liberal Democrats have spent many years campaigning against the incompetence and inefficiency of Labour-run councils and we have no wish to become apologists for them. However, the fact that Derbyshire requested only

an extra £3.9 million, of which the Government concede that it needs £2.9 million, suggests that there may be a case. We intend to vote against the imposition of a cap on Derbyshire's budget because capping is an abuse of central power, demeans democracy and undermines the right of local people to decide what services they are willing to pay for.

In 2001, the people of Derbyshire will be able to pass judgment on the track record of their council. They could choose to pass a vote of no confidence in the council because of higher spending or to endorse its decision to fight for more money for its communities. More likely, most voters will not vote at all, confused about who is really responsible for spending decisions and concerned that, however they vote, central Government will set priorities and dictate community needs. People will not bother to make the detour to the polling booth on local election day. The Local Government Association recently conducted a MORI poll that showed that more than one third of people do not believe that voting in local elections makes a difference to local taxes or services. Will the Minister admit that her actions reinforce that view?

I hope that this is the last time that we are called to the Chamber to debate the capping of a local authority's budget. We should like the Minister's assurance that that is the case. The Government cannot continue their practice of promoting democratic renewal while constantly interfering in local spending decisions without rightly being accused of hypocrisy.

The Government have promised to provide greater freedoms for "well behaved" councils in their local government Bill. Perhaps the Minister can tell the House when we might expect to see that Bill. If they really believe in local democracy, they should give councils the freedom to raise taxes and to work with local communities to agree local service and spending priorities. If the local government Bill offers only more sophisticated versions of central Government control of local councils, the House will know that the promise of democratic renewal was all spin and no substance.

11.9 pm

Mr. Dennis Skinner (Bolsover): We have just heard from the representative of the Liberal Democrat party, the hon. Member for Torbay (Mr. Sanders), about the plight of my constituents, and it is a strange tale that he has told. When the controlling Labour group in Derbyshire decided, with my support and that of other Derbyshire Labour Members, to go through the cap because we felt that the county had been treated unfairly, what did the little band of Liberal Democrats on the council do? The Liberal Democrat representative has now informed us that they did not have the guts to challenge the Government to try to get more money.

Now that, through our efforts, we have an extra £2.9 million for the Derbyshire ratepayers, for more schools and all the other services, the hon. Gentleman has the cheek to come here and say that the Liberal Democrats are now complaining that that is not enough—although they did not want any more money in the first place. I like to challenge the Tories about hypocrisy, but that takes some beating.

It is not as if the Liberal Democrats do not usually find a way of saying, "Raise taxes." That is their usual ploy, but the Liberal Democrats in Derbyshire did not have the guts to say it, so we need no lectures from their Members of Parliament.

When the whole saga began, many years ago, we had the awesome experience of seeing a Tory Government come to the House with their revenue support grant settlement and Tory Members of Parliament from Derbyshire stand up in the Chamber and demand that the Minister should not give Derbyshire too much money. In all my years of experience, I had never before heard Members of Parliament saying, "Don't give us money for our schools and our kids, or for our welfare services." Yet the hon. Member for West Derbyshire (Mr. McLoughlin) and his colleagues who represented Amber Valley and South Derbyshire at the time all used to jump up and condemn Derbyshire for asking for too much money. Today, however, the Tories are coming along to say the opposite.

On one such occasion I wanted to put Derbyshire county council's case in an Adjournment debate, to explain how the Tories had robbed it of £214 million—actually it was a bit less than that at the time, because they still had a few more years left in which to take away even more money. I thought that it was high time that someone put the county's case, which was a good one.

I got my Adjournment debate, and stood up to speak—I was on the Opposition Benches in those days—but I had got only one sentence out of my mouth before a Derbyshire Tory Member, who later became Government Deputy Chief Whip, demanded to intervene and stop the debate on a point of order. A Member gets only a quarter of an hour or 20 minutes to speak in an Adjournment debate anyway, but all that I managed was another couple of sentences before the Derbyshire Tories raised several more points of order. I still carried on, but I was not getting very far.

The Tories talk about wrecking things in the House of Commons, but what happened then was that one of the Tories called, "I spy Strangers," and called a Division in the middle of my Adjournment debate. It took them 20 minutes to vote and my whole debate was lost—and now they have the cheek to talk about democracy. All that I was trying to do—

Mr. Paul Tyler (North Cornwall) *rose*—

Mr. Skinner: Sit down.

Mr. Tyler: Will the hon. Gentleman give way?

Mr. Skinner: No, sit down, I have not got time. Other people want to speak.

Mr. Tyler: Does the hon. Gentleman not want to hear the truth?

Mr. Skinner: I do not think that the hon. Gentleman was in the House when that took place—

Mr. Tyler *rose*—

Mr. Deputy Speaker: Order. We cannot have two Members on their feet at the same time. Mr. Skinner.

Mr. Skinner: I do not think that the hon. Gentleman was in the House when that took place. He is one of those little Liberal Democrats; I do not know where he was at the time.

[Mr. Skinner]

The Tories talk about democracy, but that night they destroyed my opportunity to put the case for Derbyshire. The case has persisted ever since. Then, we get a Labour Government: we demand more money from the settlement, we meet the various Ministers and Derbyshire county council sets a rate £3.9 million above the original settlement. I wanted £3.9 million and I made that clear to all the Ministers I met, but I have to take into account what my constituents are saying, and every single one—teachers and all the rest—has made it clear to me that half a loaf is better than no bread at all.

I have also had assurances from the county council that there will be no compulsory redundancies, which I had feared. I remember last year, when Somerset and Oxford were complaining about rate capping. I know that the reason for their complaints was that they knew that they would have to sack people if the cap went through, but that is not the case with Derbyshire. I have had assurances from the county council leadership and others, who have explained to me precisely how they have managed to find a little extra money here and there—I shall not go into the whys and wherefores—to enable them to manage the budget and to make it up to about £3.9 million.

I have to take into account the fact that, if I am a general complaining about what the Labour Government are doing, I have to have an army behind me in Bolsover, Amber Valley and West Derbyshire in order to be able to demand of the Government, "What are you going to do about it?" However, I have to tell hon. Members that what the people are telling me is that £2.9 million is not as much as they wanted, but it is the first time in the history of Derbyshire county council since 1981 that it has finished up with more money than was promised in the first place. They are telling me that, in 1981 under the Tories, in 1982 and on and on down the years, they failed to get the money, so I have to say that the settlement being debated tonight is not as good as I wanted, but it is better than a poke in the eye with a big stick. With a little shuffling of the pack, we shall be able to manage to run the budget.

To my hon. Friend the Minister I say, this is only part of the settlement—the rest has to come later. We have lost £214 million in the past 12 years under the Tories. We are having a job keeping our heads above water, which is one of the reasons why the council went through the cap. I say to my hon. Friends on the Treasury Bench and to the Treasury Ministers who are not here tonight, but who are the most important people in these matters: I know that there is to be a three-year settlement, but the next time there is a settlement I do not want to have to go through the galling experience of having meeting after meeting with Ministers to get the additional money. I do not welcome the fact that we are here tonight. I want a better settlement for Derbyshire next time.

I hope that because, at long last, we are weaning ourselves away from the Tory spending plans and because the next Budget will be the most important in this Parliament, the Derbyshire settlement will take account of the fact that the Tories closed every single pit in the whole county. That has reduced our ability to find work for people and reduced the spending power of people in Derbyshire. The whole area was devastated by those pit closures, and we cannot afford to sustain the results of that for much longer. The social fabric is breaking down in every town and village in the county, and the only way to put that right is to make sure that, next time, we get sufficient money to repair the social fabric and to start to provide employment again. The county council can play a role in that, which is why the next rate settlement will be important, not only for the other parts of the country that have suffered from this year's settlement, but for Derbyshire.

11.18 pm

Mr. John Gummer (Suffolk, Coastal): I wonder whether the House would have imagined the comments by the Minister for Local Government and Housing being made if the previous Government had proposed so narrow a cap in such circumstances. It is wrong in the House to talk about hypocrisy—

Ms Armstrong: Will the right hon. Gentleman give way?

Mr. Gummer: No, I shall not because I have only a very short time to speak. The hon. Lady did not answer the question that I directly asked her because she was unable to do so. She was not able to come to the real point, which is that this is the narrowest cap that we have had, and it is not a cap that she, in opposition—

Ms Armstrong: Will the right hon. Gentleman give way?

Mr. Gummer: No, I have only four minutes in which to speak, so that the hon. Lady may have time to sum up the debate.

The Minister did not get on to the Derbyshire settlement until she had told us a great deal about what could happen and should happen, but would not happen now. Are the Government in power or not? They have been in power for over a year. They could perfectly well have changed the system if they did not like it. Not only have they not changed it; they have introduced a cap that would not have been introduced under any previous Government. The Minister therefore wanted to avoid the question of the cap on Derbyshire for as long as she could, which is why we heard a lot of generalities before she got on to the question of Derbyshire. Indeed, you, Mr. Deputy Speaker, had to intervene to tell her that it was time that she got back to the question of Derbyshire. You were being polite—she had not started to talk about Derbyshire at that point.

I exculpate the Minister for her speech, having heard that of the hon. Member for Amber Valley (Judy Mallaber). I hope that every person in Amber Valley reads that speech, because it was an example of what happens when a Government remove all independence from their Back Benchers. I cannot remember a single occasion on which I introduced a capping measure and a Member of Parliament for an area that I was capping made so toadying a speech. I used to get—to use a special word—hell from my colleagues when I introduced such capping measures. The hon. Lady takes the biscuit. I hope that people in every single home in her constituency read her speech—indeed, if I can manage it, I shall arrange that—because she will never win that seat again.

It is remarkable and sad that the hon. Lady did not mention that we are having this debate only because of the Opposition's pressure on the Government.

The Government wanted to have a private word upstairs. The hon. Lady would not then have had a chance to reveal herself to the House and the public as being totally uninterested in what happens in Derbyshire and deeply interested in what might happen to her in the future.

Mr. Tyler: Is the right hon. Gentleman aware that the Government wanted not only to take the matter in Committee, but to pack that Committee with hon. Members who have no connection whatever with Derbyshire, and that when it was suggested that the hon. Member for Bolsover (Mr. Skinner) should be added to that Committee, the Government resisted the idea?

Mr. Gummer: I am aware of that, which is why I could not understand the speech by the hon. Member for Bolsover (Mr. Skinner). Can the House imagine the speech that the hon. Gentleman would have made if this had been a Conservative capping proposal? Can one imagine how he would have torn it apart? His rant would hardly have stopped by now. He would have said that to have so small a cap was intolerable; to have insisted that the money be spent not on schoolteachers but on demanding new bills was unacceptable, and that he and his friends in Derbyshire knew that this was a Tory plot. But did we hear a word of that?

Mr. Tom Levitt (High Peak): Will the right hon. Gentleman give way?

Mr. Gummer: No; I will not.

The Minister would not have allowed me to get away with it, and I will not allow her to get away with it. I asked her a direct question—whether she would have supported my proposal of such a capping measure. She did not answer—because she would have opposed it root and branch. She would have voted against it, and it is a disgrace that she asks the House to vote for it, and an even greater disgrace that she had to be dragged to the House to discuss it at all. She wanted to get away with a little speech in a little Committee, packed with little Back Benchers who would not raise a voice against her. She is frightened of the House, as she has shown once again, because she cannot make her case and has not made her case—she deserves to be voted against.

11.24 pm

Mr. Mark Todd (South Derbyshire): We have just heard a speech that hardly mentioned the capping order in question, and instead focused on abusing the Minister. I give the order a qualified welcome, because I oppose capping on principle; I have never supported it, and I find considerable difficulty in accepting its application this time around.

Nevertheless, as my hon. Friend the Member for Bolsover (Mr. Skinner) said, two thirds of a loaf—as, roughly, it is—is rather better than none. I acknowledge that Ministers have done their best to respond to concerns of hon. Members, and of contingents from Derbyshire, pressing the county's case. It will be a test of the county's ingenuity to implement, within the budget, the full effect of the standard spending assessment increase given to the education service in Derbyshire. Nevertheless, I am confident, because of the record of Derbyshire county council, that it will achieve that. It has shown originality and innovation in much worse circumstances, and I believe that it can respond to the challenge.

Mr. Levitt: Is my hon. Friend aware that £2.9 million is being given to Derbyshire in the context of £1.16 million under the standard spending assessment to address class size, £1,000 per school for books, money for capital spending in education and so on? That would never have existed under the Conservatives.

Mr. Todd: Indeed. Since the general election, there has been considerable Government largesse for Derbyshire, and that is welcome as a small step in redressing the legacy of 18 years of Conservative government. Tory malice toward Derbyshire was effectively admitted by the hon. Member for South Suffolk (Mr. Yeo) in the previous debate on this subject, and it was conceded by the Deputy Prime Minister in responding to that debate.

Evidence of consistent attempts to find ways to tinker with the SSA to achieve a lower settlement for Derbyshire is obvious to all concerned. My hon. Friend the Member for Bolsover has drawn out one implication of that—that this is a first stage in responding to Derbyshire's concerns. It is a welcome first stage, which I shall support in the Lobby tonight, but it means, together with the Minister's strictures, which I accept, that the county must settle for managing within its budget this year and looking for ways of finding economies, which is always a duty on a local authority. It will also be a duty of that local authority to present, with hon. Members, a coherent argument for new ways of looking at the mechanism that provides resources to local government. It is clear to me that Derbyshire has faced settlements that are inappropriate in comparison with those for the leafy suburbs of the south-east—an imbalance that we should do our best to redress in future.

Without the extra space within the cap, libraries and a family support unit would have been closed. I was fortunate enough to spend most of last week in my constituency, when I visited, among other places, a family support unit. It provided detailed help for individual young people who were estranged from their family, and tried to support them through the education process in the worst circumstances. If one of those units closed, the young people would never be able to advance their education and might be in jeopardy. Such are the terrible choices that would be faced by the county.

I also spent time visiting youth centres across my constituency. Again, there would have been massive cuts in the youth service across Derbyshire to stay within the original cap. That service provides critical support for young people in our community, to keep them out of trouble and to provide them with pathways into education. Such services would have been lost, too.

There is much to celebrate in our record. The Audit Commission showed that Derbyshire's record in helping elderly people to stay in their own homes was second to none. That is one further steer on how the standard spending assessment should be reconsidered. I do not believe that that goal of the county, which is well met, is properly recognised in the current spending assessment.

Just think what we could do as a county with a proper and fair settlement that would bear comparison with the settlements of some of the authorities represented by Opposition Members. My optimistic message for the

[Mr. Todd]

future is that Derbyshire can beat the rest with a fair deal, and we shall continue to fight for it, but tonight we shall support the order.

11.30 pm

Mr. Patrick McLoughlin (West Derbyshire): I begin by wishing the hon. Member for North-East Derbyshire (Mr. Barnes) a speedy recovery. Although I have disagreed with him on many occasions, I respect the fact that he always had the best interests of Derbyshire at heart when he spoke in the Chamber.

It is refreshing to hear Labour Members say how much they wanted this debate to take place. Only last week, for the first time ever, the Government were trying to get a capping motion through in Committee. Never before has a capping order been taken in Committee.

Ms Armstrong: Never before has there been one authority involved.

Mr. McLoughlin: I wish that the hon. Lady would check. There have been several occasions on which only one authority has been capped. She comes to the House badly briefed if that is what she thinks.

Every previous capping order has been taken on the Floor of the House. If the Government are so proud of what they are doing, why was the first question on the matter tabled by a Sunderland Member, and why was a question about the final decision tabled by a Kent Member? Are no Derbyshire Labour Members ever in the Chamber? Are they always in their constituency?

We have heard the excuses from the hon. Member for South Derbyshire (Mr. Todd), who said that he was in his constituency last week, so he was not available to table the questions. Sometimes it is not necessary to be physically present in the House to table questions. Hon. Members can table written questions.

Mr. Skinner: I do not put down planted questions.

Mr. McLoughlin: What about the other six Derbyshire Members?

We are here to discuss the Government's proposals. It is worth quoting from the Labour party manifesto, which states:

"We will retain reserve powers to control excessive council tax rises."

I assume that the Government regarded what Derbyshire wanted to do as an excessive council tax rise. If Derbyshire Members support the Government tonight, they will be confirming that.

Judy Mallaber: No.

Mr. McLoughlin: The hon. Lady says no, but how can she vote for the cap? The Government are introducing the cap because they believe that it is an excessive council tax rise. If they did not believe that, they would not try to cap Derbyshire county council. Perhaps Labour has some new logic. As my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) made clear, capping is a power of the Secretary of State, not a duty. The Government have assumed that duty.

The Government initially proposed to cap Derbyshire by £3.9 million. They have now changed their mind and will cap Derbyshire by £1 million, allowing it break through its cap by £2.9 million. I am wholly critical of the cynical way in which the Government are dealing with this issue. As my right hon. Friend the Member for Skipton and Ripon said, in order to stop Derbyshire spending £1 million out of a £470 million budget, the Government propose to reduce Derbyshire's spending by 0.21 per cent. That is what the Government are considering capping; that is an excessive council rise in new Labour speak. Let every council be aware of that for next year.

The cap will cost Derbyshire council tax payers some £320,000 according to the latest estimates. The first estimate submitted was £550,000. The Minister could not confirm when the Department was told that the figure had changed; I am surprised that no note has come from the Box. The figure that the county council has in its papers for tomorrow is £550,000. That would be sufficient to build extra classrooms at St John's school in Belper, which is grossly overcrowded, or it could go some way towards building a new school in Belper, which is desperately needed. It could be used to fund a study of the Ashbourne bypass or possibly to build a new primary school in Tansley.

Mr. Levitt *rose—*

Mr. McLoughlin: I shall give way in a moment. Yesterday a group of parents from Wirksworth Church infants school delivered a petition to No. 10 Downing street protesting that the school is threatened with the loss of a teacher. That £320,000 could have paid for a teacher for the next 20 years.

Mr. Levitt: Does the hon. Gentleman suggest that all the serious underfunding issues that he has listed have emerged in the past 12 months? Do they not relate to the period when the previous Government capped Derbyshire to the tune of £214 million over several years? Is he saying that he would have allowed Derbyshire to break through the cap completely to the level that it had planned?

Mr. McLoughlin: I shall come to that point shortly. I want to address the whole issue of capping in Derbyshire.

In its publicity, which it releases at regular intervals, the county council says that rebilling is the fault of the previous Government. This capping decision is the fault of this Government. It was said that we did not change the law. That is correct, but the Government do not have to use it. I reiterate that it is a power of the Secretary of the State, not a duty. The county council is being capped for only 0.21 per cent.—the smallest cap ever introduced.

The last time we debated capping in the House, the hon. Member for Bolsover (Mr. Skinner) and the right hon. Members for Derby, South (Mrs. Beckett) and for Chesterfield (Mr. Benn) and, I suppose, the Minister—although I have not checked the record—voted against the cap. That made a difference of £112 to the average household. We were talking then of a reduction for each person of about £56 and, therefore, an average reduction for households of £112. This cap will make a difference,

on average, for the vast majority of households, as my right hon. Friend the Member for Skipton and Ripon said, of £2.87. In Amber Valley, 40 per cent of houses are in band A, as are 19 per cent. in High Peak and 30.9 per cent. in South Derbyshire. Those are facts in terms of reductions in those council areas. The proposed cap does not stand up to justification.

The way in which the Government wanted to take the matter through Committee was deplorable. It was clear that not one Labour Member representing a Derbyshire constituency would be a member of the Committee. None of them would have the chance.

Mr. Levitt: I would have been able to speak.

Mr. McLoughlin: The hon. Gentleman says that he would have been able to speak, but he would not have been able to vote. Of what were the Government afraid?

Mr. Levitt: The argument was so persuasive.

Mr. McLoughlin: The argument was so persuasive!

Mr. Gummer: I wonder whether my hon. Friend will tell me what the Government would have been afraid of, given that when we heard Derbyshire Labour Members speak they supported the Government. They damned their county and supported the Government. Why did not the Government herd them in?

Mr. McLoughlin: I have to say—*[Interruption.]* It seems that the Minister is in favour of reforming the House of Commons. The Government are not content with reforming the other place; they want also to reform the House. Will their reform of this place mean depriving constituency Members of their votes? That is exactly what they tried to do last week. Is that what the Minister means by reforming the House of Commons? We shall watch these matters with interest.

The simple fact is that the motion is of the Government's making. There will be huge extra billing and all the Minister can do is laugh. That sums up the Government.

Mr. Levitt: Will the hon. Gentleman give way?

Mr. McLoughlin: No. I have given way to the hon. Gentleman already.

Mr. Nicholas Winterton (Macclesfield): I shall intervene extremely briefly. I find it extraordinary that a Conservative Member from Derbyshire, rather than a majority of Derbyshire Members on the Labour Benches, should have to speak in support of the council tax payers of Derbyshire. Why does my hon. Friend have to be doing this rather than Labour Members, who should be opposing their Government?

Mr. McLoughlin: Labour Members will have to answer for themselves.

Mr. Levitt: Will the hon. Gentleman give way?

Mr. McLoughlin: No. I have given way to the hon. Gentleman already. I want to deal with the points that he has made and other points. I know that the Minister wants time to respond to the debate. Therefore, I would like to make some progress.

It is a simple fact that £320,000 will be incurred in rebilling. That is about 32 per cent. of the sum by which the council is being ordered to reduce its expenditure. That would not have been so bad, but just a few weeks before the local elections we had an announcement from the Secretary of State for Education and Employment giving Derbyshire just over £1 million—the county rather than the city, which received a similar amount—yet we are discussing an order which would require the county council to reduce its expenditure by £1 million. That will cost £320,000 in rebilling. That money could be used—*[Interruption.]* The Minister says from a sedentary position that I have said that five times. I might say it six or seven times, because we regard the £320,000 as a gross waste of public money resulting from a decision made by the Government.

The simple fact is that—*[Interruption.]* If the Minister for London and Construction wants to speak, I am sure that he will be able to catch your eye in due course, Mr. Deputy Speaker. He should let hon. Members make their speeches, because he gets the chance to make his speeches. I realise that he is part of the bootleg tendency of the Government, unlike the hon. Member for Bolsover (Mr. Skinner), who reminded me of Boxer in "Animal Farm"—stick with it all the way, it is sure to get better. Even if the tune changes dramatically, he can be relied on to change his tune according to the music that is being played from the Government Front Bench. He was one of the people who refused to support a capping order of £112, but tonight he will support a capping order that will benefit most of his constituents to the tune of £2.87.

Mr. Skinner: The hon. Gentleman has got it wrong. The Tories and the Liberal Democrats on the county council refused to ask for more money from the Labour Government. The Labour people on the county council said, "Dennis, will you try to get more money from the Government?" We put in for £3.9 million and we have got £2.9 million. I said to the county council, "What do you think about that?" The council said, "It's not a bad deal—accept it."

Mr. McLoughlin: Excuses, excuses, excuses—the hon. Gentleman will support a proposal which will give £2.87 to 66 per cent. of households in his constituency. I have respect for the hon. Gentleman, but if he supports the Government he will be agreeing with them that the original budget set by the county council was excessive, because that is where council tax capping comes into being. That is what we are discussing—the Government's decision that the budget is excessive. *[Interruption.]* The Minister says from a sedentary position that I am over my time. I am conscious of the time, but I have been interrupted a number of times and eight of the first 15 minutes of her speech did not relate to Derbyshire. We should have had a statement, rather than some of the—*[Interruption.]* The Minister should just calm down.

Mr. Deputy Speaker: Order. The Chair will determine the equity of the debate.

Mr. McLoughlin: I apologise, Mr. Deputy Speaker, but before the Minister was brought to order by the Chair to address the motion, she did not speak about Derbyshire for eight of the first 15 minutes of her speech.

[Mr. McLoughlin]

In 18 years of Conservative government, Derbyshire county council was capped once. It will be capped once in one year of the new Labour Government—they have matched our record. At the general election, Labour Members representing Derbyshire constituencies and Labour candidates were not going around saying, "In one year, we will cap the county council as often as the Tories did in 18 years." That is why I shall not support the motion.

11.48 pm

Ms Armstrong: We have had an interesting debate, but we do not know why the Opposition have taken their position—we still do not know their view on the budget for Derbyshire. The speech of the hon. Member for West Derbyshire (Mr. McLoughlin) was something like a leadership bid—we know that the Tories are in trouble on their leader—and he certainly talked a great deal.

I must say to Conservative Members that we now know why debates after 10 pm frequently do not do the House any good. Debates are often conducted in a rabble-rousing manner. That characterises the Opposition this evening.

I shall answer some of the questions raised in the debate, even though the Opposition refused to answer any of the questions put to them. The right hon. Member for Skipton and Ripon (Mr. Curry) is clearly missing the job. Indeed, he writes so many articles about what I am up to I can hardly keep up with them. He said that Derbyshire's predicament arose from decisions that we had made. That is not so. I made it clear that one of the critical elements was the previous Administration's decision to reduce Derbyshire's increases year after year. That had a cumulative effect and it led to the position that we are in now. That problem was caused by the Conservative Government, not by us.

We are used to hearing the speeches of the right hon. Member for Suffolk, Coastal (Mr. Gummer), but he has clearly never read any of them. He showed us how he got into such trouble as Secretary of State. I hate to tell him this, but he got his facts wrong. The previous Administration capped eight authorities at less than £1 million—two of them were capped at £0.5 million.

The hon. Member for West Derbyshire exhibited the mentality that we have seen among the pathetic hooligans in France this week. *[Interruption.]* Being macho is all, and Conservative Members are at it again. *[Interruption.]* The hon. Gentleman took four minutes more than the allocated time. He accused me of being frightened of debating with hon. Members. I am not frightened: I want the opportunity to do so. The right hon. Member for Suffolk, Coastal and the hon. Member for West Derbyshire exhibited the behaviour and the mentality that bring this country into disrepute. They should grow up and learn how to debate effectively.

Labour Members did not use macho arguments, but dealt with the problems faced by schools, by folk who need community care and by others. They were prepared to discuss those issues, but no Conservative Member said a word about the people of Derbyshire and the problems that they face. We have had no apology from Conservative Members for the way in which they tried to sort out Derbyshire. The hon. Member for West Derbyshire has admitted that the previous Government focused on Derbyshire. We are having to deal with the problems that they created. We cannot resolve all of them in one year. Perhaps the hon. Gentleman does not realise that a manifesto covers five years, not one year. We shall be held to account at the end of five years.

The Liberal Democrats do not understand the concept of accountability. It means that people in the locality feel that it is worth while getting involved. Current and past local elections have shown that that is not happening, which is why we must change the relationship between central and local government. We must ensure that many more local people feel that the council is accountable to them.

We have had—as they say—an interesting debate. I believe that the Derbyshire Members who are concerned about the future of the county have made the case for it, but recognise the real problems that we face because of the way in which the previous Government dealt with public finances. I therefore do not hesitate to ask hon. Members to behave responsibly and to vote with the Government.

It being one and a half hours after the commencement of proceedings on the motion, MR. DEPUTY SPEAKER *put the Question, pursuant to Standing Order No. 16 (Proceedings under an Act or on European Community Documents)?:—*

The House divided: Ayes 214, Noes 152.

Division No. 307] **[11.55 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Atherton, Ms Candy
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Bennett, Andrew F
Best, Harold
Blackman, Liz
Borrow, David
Bradley, Peter *(The Wrekin)*
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Canavan, Dennis
Cann, Jamie
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbett, Robin
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davies, Rt Hon Denzil *(Llanelli)*
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Edwards, Huw
Ellman, Mrs Louise
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Jane *(Reading E)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hoey, Kate
Home Robertson, John
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*

Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kennedy, Jane *(Wavertree)*
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Linton, Martin
Lock, David
McAllion, John
McAvoy, Thomas
McCafferty, Ms Chris
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Maxton, John
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheffld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
O'Neill, Martin
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Radice, Giles
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Robinson, Geoffrey *(Cov'try NW)*
Rooney, Terry
Roy, Frank
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stott, Roger
Stringer, Graham
Stuart, Ms Gisela
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Alan W *(E Carmarthen)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Clive Betts and
Mr. Graham Allen.

NOES

Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baker, Norman
Baldry, Tony
Ballard, Jackie
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burnett, John
Burns, Simon
Butterfill, John
Cable, Dr Vincent
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clifton–Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davey, Edward *(Kingston)*
Day, Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorrie, Donald
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hancock, Mike
Harvey, Nick
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat–Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Loughton, Tim
Luff, Peter
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Oaten, Mark
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid–Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Tonge, Dr Jenny
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Wallace, James
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Sir David Madel and
Mrs. Caroline Spelman.

Question accordingly agreed to.

Resolved,

That the draft Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order 1998, which was laid before this House on 8th June, be approved.

DEREGULATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 18(1)(a) (Consideration of draft deregulation orders),

METHYLATED SPIRITS SALE (SCOTLAND)

That the draft Deregulation (Methylated Spirits Sale by Retail) (Scotland) Order 1998 be approved.—*[Mr. Jamieson.]*

Question agreed to.

CRIME AND DISORDER BILL [*LORDS*] (PROGRAMME)

Ordered,

That the following provisions shall apply to proceedings on the Crime and Disorder Bill *[Lords]*.

Report and Third Reading

1. (1) Proceedings on consideration and Third Reading shall be completed at two sittings and shall, if not previously concluded, be brought to a conclusion six and a half hours after commencement of proceedings at the second sitting.

(2) Paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to those proceedings for any part of the period of six and half hours after commencement which falls after Ten o'clock.

Business Committee

2. Standing Order No. 82 (Business committee) shall apply to proceedings on the Bill.

3. No Motion shall be made to alter the order in which proceedings on the Bill are taken, but the resolutions of the Business Committee may include alterations in that order.

Conclusion of proceedings

4. (1) For the purpose of concluding any proceedings which are to be brought to a conclusion at a time appointed by or under this Order, the Speaker shall forthwith put the following Questions (but no others)—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed;

(c) the Question on any amendment moved or Motion made by a Minister of the Crown;

(d) any other Question necessary for the disposal of the business to be concluded.

(2) Proceedings under sub-paragraph (1) shall not be interrupted under any Standing Order relating to sittings of the House and may be decided, though opposed, at any hour.

(3) On a Motion made for a new Clause or a new Schedule, the Speaker shall put only the Question that the Clause or Schedule be added to the Bill.

(4) If two or more Questions would fall to be put under sub-paragraph (1)(c) on amendments moved or Motions made by a Minister of the Crown, the Speaker shall instead put a single question in relation to those amendments or Motions.

Miscellaneous

5. If at any sitting a Motion for the adjournment of the House under Standing Order No. 24 (Adjournment on specific and important matter that should have urgent consideration) stands over from an earlier day or to Seven o'clock—

(a) the bringing to a conclusion of any proceedings on the Bill which under this Order are to be brought to a conclusion after that time shall be postponed for a period equal to the duration of the proceedings on the Motion, and

(b) paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to proceedings on the Bill for the period after Ten o'clock for which sub-paragraph (a) permits them to continue.

6. If a Motion is made by a Minister of the Crown to amend this Order and an effect of the Motion would be to provide a greater amount of time for proceedings on the Bill, the Question on the Motion shall be put forthwith and may be decided, though opposed, at any hour.

7. If a Motion is made by a Minister of the Crown to supplement the provisions of this Order in respect of further proceedings on the Bill, the Motion may be proceeded with, though opposed, at any hour and the proceedings, if not previously concluded, shall be brought to a conclusion three-quarters of an hour after they have been commenced.—*[Mr. Jamieson.]*

A27 (Sompting to Shoreham)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Jamieson.]*

12.6 am

Mr. Tim Loughton (East Worthing and Shoreham): As the mass exodus of hon. Members from the Chamber will demonstrate, the subject of safety of children on the stretch of the A27 between Shoreham and Sompting is not necessarily of universal interest—although the wider implications of road safety, especially for children, certainly are of interest to all hon. Members. In my constituency, for my constituents, the subject of road safety is literally a matter of life and death.

I am grateful to the Minister for Transport in London, who cannot attend this debate, as she has taken an active interest in the subject, and recently visited my constituency to investigate our problem at first hand. I am grateful also for the input provided by Lady Hayman. My sympathies perhaps go to the Minister for London and Construction for having to stand in for his colleague in this debate. I shall therefore not start my speech by saying, "The Minister is undoubtedly aware of the problems on that particular stretch of the A27." Moreover—for once in dealing with the A27—I shall not be majoring on the issue of the Worthing bypass, which, although it is a very large issue, is another matter entirely.

As the south coast corridor, the A27 intersects my constituency, dividing the downs from the sea. It is the main trunk road between Folkestone and Honiton, and takes a great deal of through freight. It has also become much busier since completion of the Southwick tunnel a couple of years ago, and traffic is increasing. The road divides the villages of Sompting and Lancing—which has the distinction of being the largest village in England.

The problem is that, right on the edge of the A27 is the Boundstone community college, which is the secondary school serving Sompting, Lancing and beyond. Frankly, it is a pretty bad place to site a major school such as this. The problem is that, on the eastern approach to the school, the road hits a blind bend. From the western approach, the school is situated just beneath the brow of a hill.

A child starting at Boundstone community college who lives in the north of Lancing or Sompting is likely to cross the road no fewer than 3,000 times in his school career, just to get to school and home again. The chances of any child having an accident are therefore quite high. Today, one can drive on motorway or fast, motorway-standard road virtually all the way from Newcastle to within just a mile of the school. Then, in the area immediately before the school, the speed limit becomes, officially, 40 mph. The problem is that that limit is not adhered to.

Over the past 11 or so years, there have been as many deaths on this stretch of road—an average of one fatality a year. In February 1997, Scott Purdie, a 13-year-old pupil of Boundstone community college, was killed on the pelican crossing outside the school while going to or from home for lunch. A few months later, a grown man from Lancing was knocked down and killed in broad daylight crossing the stretch of road just along from the school.

On 14 January this year, a public meeting was held at Boundstone community college. At that meeting, which I attended, we heard moving accounts from the mothers of two children who had been killed on that road, including the mother of Scott Purdie. That meeting was the culmination of much hard work and campaigning over many years by the school and the community.

In the community, many petitions have been completed, and parents have recently staged many demonstrations. Much hard work has been done by Adur council—especially by the council leader whose ward borders the school—by Sompting parish council, by Adur youth council, by the police and emergency services and by West Sussex county council. I must praise the county council for its excellent recent publication—the road casualty reduction plan—which contains some very interesting proposals.

As with most of the A27, the stretch of the road in question is now the responsibility of the Highways Agency. There is a feeling in my constituency that the Highways Agency is a rather remote body, as the office that has responsibility for this stretch of the road is in Dorking. To give the agency its due, a representative turned up at the public meeting, but since then the agency has, alas, declined my invitations to make a site visit, despite the promise of a meeting by one of the Ministers who has taken an interest.

The agency has instituted several minor measures, such as improving some of the road markings and providing a few extra school signs, but as I drove past the school this weekend, I noticed that some of the new signs are obscured by bushes that overhang the road. A little work has also been done on the crash barriers along the road.

Within weeks of the public meeting in January, a 12-year-old girl was knocked down near the pelican crossing and taken to hospital. Fortunately, she was not that seriously hurt, and she survived. Still, the road is an accident waiting to happen. Statistically, I fear that we are now due for another serious accident.

In Sussex, we like to think that we are untypical, a cut above other shire counties. Alas, the traffic accident figures in our county are not untypical. In 1997, there were more than 600 casualties in the county, an increase of 5 per cent. over the previous year despite the increased congestion on our roads. Of that 600, 360 were pedestrian casualties, including 101 people who were killed or seriously injured. Some 34 per cent. of those cases involved children under the age of 16, and 89 per cent. of pedestrian accidents were on roads where the speed limit was 40 mph or less. A third of the fatalities occurred on bends, and 22 per cent. of the accidents involved cars being driven at excessive speed for the prevailing conditions.

The figures have remained fairly constant for some years. It is difficult to understand how the traffic accident levels will reach the Government's target in 2000, which is based on the average for 1981-85, particularly given that road activity in the county over the past 16 years has increased by 54 per cent. All the dangerous elements that I have mentioned are pertinent to that stretch of the A27, combining to make it one of the most dangerous accident black spots in the county, if not the country.

What can be done? The Highways Agency has just tinkered and talked about safety surveys. We urgently need substantive action. Suggestions made at the public meeting included an overhead walkway or an underpass. Those are well-intentioned ideas, but they will take a lot of time and money, and there will be problems with siting

[Mr. Tim Loughton]

them and in deciding what land should be used. Moreover, children cannot be forced to use an underpass or overhead walkway.

I have mentioned road markings, anti-skid surfaces and crash barriers, but they are not enough. There is also the possibility of moving the traffic lights, but that would make it even less likely that the children would use them.

The key is education of the children. I welcome the work of the local education authority and the health authority on that. However, I favour the easy and quick option of accident black spot signs, which should be alarming and striking. We could have flashing signs, such as those used in France, which have been tested in the west country. We need more advanced signs that are not obscured by bushes. We could also change the timing on the traffic lights to make them respond more quickly, provided that they do not constantly stop the traffic.

The most important proposal that I should like the Minister to take up is speed cameras. We have just one red-light-jumping camera, which rarely operates. I am not calling for a change in the speed limit on this important stretch of trunk road. I want motorists to abide by the 40 mph limit. Speed cameras are the most effective way to induce drivers to slow down. In surveys, 80 per cent. of drivers freely admit to speeding. The public rank it as a minor indiscretion, just above illegal parking offences. Research shows that speed cameras can cut accidents by up to 70 per cent. The trouble is that four out of five are switched off or empty of working film. It is essential that they should work and be seen to work.

Only one in 10 people photographed by the cameras are prosecuted. The 750,000 fixed-penalty tickets issued have raised £30 million, but the cameras cost between £9,000 and £16,000 a year to maintain. I welcome the Government's proposals to reinvest some of the revenue to install new cameras and maintain the existing ones properly. The hypothecation of motoring revenue for safety and environmental improvement, flagged by the Deputy Prime Minister, is also welcome. Only six new cameras were installed in West Sussex last year. Tests by the Sussex police show that computerised cameras that read number plates automatically can work. We have the necessary infrastructure and expertise.

I have made some practical and affordable proposals that could be instituted quickly and with minimal upheaval. I urge the Minister to ask the Highways Agency to institute such substantive measures.

I cannot leave the subject without mentioning the Worthing bypass, which remains the highest priority for my constituency, particularly Lancing, Sompting and north Worthing, which is rapidly becoming a pilot scheme for integrated gridlock. I am pleased that discussions between the Department of the Environment, Transport and the Regions and the Government office for the south-east continue to identify the A27 Worthing bypass as a high priority.

I urge the Minister urgently to progress the scheme. I hope that we shall hear good news in the trunk road review later in the year. Although the bypass would certainly ease the amount of traffic using the A27 between Sompting and Shoreham, it would not necessarily solve the problem, because the traffic that remained would be induced to travel even faster. Even if the bypass is built, as I certainly hope, safety measures on the A27 would have to accompany it.

The Shoreham flyover is a mile or so down the road from the Sompting-to-Shoreham stretch. The A27 throughout my constituency is littered with accident black spots. The Shoreham flyover has been the subject of 12 personal injury accidents over the past few years. The number of accidents over the past three years has been increasing. They typically occur after dark, and at about the same spot: on the Shoreham slip road. Due to problems of light pollution of guidance systems at nearby Shoreham airport, the area of road is poorly lit. More discreet lighting, such as light guidance tubes, or more reflective chevrons could be used to improve the safety of the hazardous zone.

There was a most horrific accident in the new year on that very stretch of road. A young firewoman, Sarah Cotton, went to rescue two passengers who were trapped in a car that had crashed. The barrier had been smashed away, and the firewoman fell 34 ft on to hard ground below the flyover. She is remarkably lucky to be alive; she has only recently come out of hospital, She will need much treatment over many years to come, and her career in the fire service is obviously severely in doubt.

Alas, the Highways Agency has appeared reluctant to do anything about the black spot. Despite my constant letters and requests, it sees no reason to replace any of the 20-year-old barriers, which have been regularly weakened by crashes. Nor does it see a reason for improving the lighting, even just of the signs, or on the slip road, which I believe is the real cause of problem. That belief is certainly shared by members of the emergency services, who so tragically saw the problems at first hand.

It has been calculated that a fatal accident costs £800,000. A serious injury accident on the roads costs £90,000. The cost to the community—personally and psychologically to the families, schools and classmates of the victims I have mentioned—is immeasurable. For the cost of one fatality, we could install serious safety measures that might just defy the law of statistics and prevent another fatality or serious injury for many years to come. I therefore urge the Minister to press the Highways Agency to revisit the problem, and to come up with more substantial solutions as a matter of urgency.

The clock is ticking until the next inevitable tragic accident. The clock is ticking louder and louder the longer we leave it. I do not want to attend another public meeting next year and hear the tragic testimony of another parent whose child has been snatched from her by a needless accident at an accident black spot about which we all knew, which any responsible person could have seen coming. Accidents happen; accidents waiting to happen, as is so in this case, can and should be prevented. I therefore urge the Minister to facilitate some serious proposals in order to help my constituents.

12.22 am

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Nick Raynsford): I congratulate the hon. Member for East Worthing and Shoreham (Mr. Loughton) on having secured this debate, and on using it to highlight a matter which is obviously of very real concern to his constituents. He has highlighted the particular problems on the stretch of the A27 that runs through his constituency—a road with which I am not entirely unfamiliar, although I have not given it the same detailed

attention as my colleagues the Minister for Transport in London and Baroness Hayman, to whom he kindly referred.

The A27 forms part of the strategically important south coast route, linking the channel ports and the channel tunnel with Brighton and Worthing, and, westwards, with Portsmouth, Southampton and beyond. The five-mile length of the A27 to which the hon. Gentleman has referred goes through the urban area of Lancing, and acts as a boundary to the residential area at Shoreham. Most of the length is dual carriageway, with the exception of half a mile in Lancing.

Traffic flows are between 40,000 and 50,000 vehicles a day. The length west of the River Adur is lighted, and the speed limits vary from 70 mph on the dual-carriageway sections to 40 or 30 mph on the single-carriageway sections.

In the east, the new Brighton bypass, with the Southwick tunnel, was completed in spring 1996 and links with the existing dual carriageway north of Shoreham. Continuing westwards, the A27, including the River Adur viaduct, was completed in 1970, when the dual carriageway around Sompting was extended. Most of the dual carriageway is to a reasonable standard, but the road has side road accesses, particularly on to the existing single carriageway at Lancing. If I may be allowed a personal observation, it is not the most attractive example of motorway construction, because it makes a substantial impact on one of the most attractive parts of the Sussex countryside.

Towards the end of his speech, the hon. Gentleman mentioned the provision of more major improvements to the A27 between Sompting and Shoreham. The A27 Worthing-Lancing improvement scheme, which was designed to improve the flow and safety of traffic using the road and to improve the urban environment by removing through traffic from unsuitable roads, was withdrawn from the trunk road programme by the previous Administration in November 1996. The reasons were numerous.

First, the scheme was very expensive and the economic case for it was weakened when induced traffic was taken into account. Secondly, its cost meant that it could not have been constructed for many years. Thirdly, it would have had a serious adverse effect on the surrounding area. Finally, there was a lack of broad consensus on the appropriate route.

Following the withdrawal of the major improvement scheme in 1996, the then Secretary of State for Transport agreed to set out terms of reference for a study to consider what could be done to identify alternative, smaller-scale improvements to the existing A27, and to explore ways in which discussions could be taken forward with local authorities and the business community. However, no action was taken before the general election, and it has been overtaken by this Government's launch of our fundamental review of the roads programme and the role that trunk roads should play in an integrated transport strategy.

One output from that review will be a programme of studies to consider the most urgent problems for which schemes in the inherited programme are either inappropriate in the light of the integrated transport policy or not available. I am sure that the hon. Gentleman will understand that I cannot give any commitment to including the A27 in his constituency in the list of highest-priority studies in advance of the publication of the review. Nevertheless, he made a forceful case for measures on the route.

West Sussex county council already receives funding from my Department for a transport package for Worthing, through the transport policies and programmes system. The county council has already drawn attention to the difficulties caused by the withdrawal of the Worthing-Lancing improvement proposal which make it necessary to review the package objectives.

Once the roads review is completed and the position concerning this section of the A27 is known, officials in the Government office for the south-east will be looking to work with West Sussex county council, Worthing borough council and the Highways Agency further to develop measures such as park and ride, improvements in public transport, and improved facilities for cyclists and pedestrians, aimed principally at encouraging the use of alternative transport to the motor car and so reducing congestion and improving the environment.

The personal accidents, injuries and fatalities along this stretch of the A27 are an obvious cause for concern. The hon. Gentleman drew attention to several harrowing accidents. The accident rate over three years there is higher than the national average, and I understand his wish for urgent action. The Highways Agency assures me that it is well aware of the problem over this section of road, and is doing all it can to improve safety for pedestrians and road users. It has taken some significant steps over the past few years to improve safety.

To take the various sections in turn, the hon. Gentleman mentioned the number of accidents over the past few years at the River Adur-Shoreham flyover, in particular where the eastbound and westbound slip roads join from the A283, which goes under the viaduct. I am told that, since the opening of the Brighton bypass in the spring of 1996, the number of accidents has fallen, probably because some of them were associated with the disruption caused by the building of the new road.

None the less, the agency has carried out an accident investigation of the junction, and has agreed to carry out some minor works to reduce the likelihood of accidents. Those include adding chevrons and painting the existing safety fence with reflective paint at the exits and entrances to the A27 junction, which should help to address some of the problems that the hon. Gentleman mentioned in connection with accidents at night. There are other measures that the agency may implement if accidents continue—for example, additional road studs, improving the white lining, and signing.

The chief executive of the Highways Agency wrote to the hon. Gentleman on 9 March in response to queries about the strength of the parapets across the Adur viaduct and other issues. He confirmed that the broken parapets had been replaced with a new section. The parapets provided when the bridge was built continue to be safe, although, if the bridge were built today, the barriers would be stronger. He pointed out that the agency could not replace that short length of broken parapet with the latest design, as the joint between the old and the new would be difficult, the fixings to the bridge would not be in the same position, and the sections would not match visually. The alternative would be to replace all the parapets, which could not be justified on cost grounds.

[Mr. Nick Raynsford]

In response to the hon. Gentleman's query about the lack of direction signs and his request that lighting should be provided over the viaduct, the chief executive replied that it was not the agency's policy to light signs on unlighted stretches of road, and that to do so on the Shoreham flyover would set a costly precedent for the whole of the road network. In addition, there is a problem with the provision of lighting in that exposed location, partly because of the environmental context, but also because of the proximity of the airport—a point to which the hon. Gentleman alluded.

There have been a number of accidents around the Sussex Pad junction, several of which have involved students from Lancing college crossing the road to Shoreham airport, the Ricardos area and Shoreham town centre. The Worthing-Lancing improvement scheme would have overcome that problem with a grade-separated junction, but now that that has been dropped from the trunk road programme, the agency proposes to install improved traffic signals at that location, together with better crossing facilities. It will also keep the situation under review.

The hon. Gentleman drew particular attention to the Boundstone college area. There have been a number of serious accidents, including fatalities, at the pelican crossing near the college, which is situated immediately adjacent to the trunk road, and there has been a substantial campaign for action to improve the situation.

Representatives of the Highways Agency have had regular meetings with West Sussex county council, have attended a public meeting at Boundstone college, and have discussed what can be done with many parties, including the police, local councillors, and the headmistress of the school. The agency has recently implemented a low-cost safety scheme at the pelican crossing, comprising improved signing, new anti-skid surfacing and the relocation of stop lines further back from the crossing.

There is pressure to reduce the speed limit in the vicinity of the crossing from the present 40 mph, but the police do not favour that option. They prefer instead to reduce the overall speed of traffic by enforcement on a regular basis, and to assist that policy, the 40 mph repeater signs have been increased in size to help to get the message across.

Consideration has been given to the erection of speed cameras, not only in the vicinity of Boundstone college but elsewhere along the A27 between Sompting and Shoreham. The hon. Gentleman pressed that point, but I must tell him that the police have pointed out that cameras would be difficult to justify because of the high installation and administration costs, especially at a site such as the Boundstone college crossing, where the statistics suggest—I cannot comment personally on the situation; I am simply giving the figures—that none of the casualties resulted from accidents in which speed was a primary factor.

To reduce the possibility of vehicles jumping the lights at the Boundstone crossing, which may be a more serious factor in causing accidents, a "red light" camera has been installed on the eastbound carriageway.

The Highways Agency will continue to liaise closely with the police about speed limits and enforcement over this length of road, and it will take forward any measures that are considered to be appropriate. The agency hopes that, in the longer term, it will be possible to provide a segregated crossing, with either a footbridge or a subway. That option is being considered, but it would be extremely expensive, as it would probably involve the relocation of complex services and road closures, which would almost certainly involve a public inquiry.

The Highways Agency is also looking at other measures to improve the safety of that section of the A27 road by the provision of pedestrian refuges and other low-cost options. In addition, the agency hopes to initiate the study of options to improve traffic management and enhance junction capacity through Worthing and Lancing. That will include consideration of bus priority measures and any other worthwhile schemes, which will be taken forward as and when funds permit.

The hon. Gentleman expressed some concern about the extent to which the Highways Agency is aware of and sensitive to the problems he has highlighted. I understand that the Highways Agency's chief executive, Lawrie Haynes, has agreed to meet the hon. Gentleman on site to discuss the various issues.

Mr. Loughton *indicated dissent.*

Mr. Raynsford: That is what I have been told. I hope that, if the hon. Gentleman has not yet received the message, it will reach him shortly. The meeting will give him an opportunity to impress on Mr. Haynes the issues that he has raised tonight.

The matter is a serious one, and the Government do take it seriously. I hope that the hon. Gentleman accepts that, although there are constraints—not least financial constraints—the Highways Agency wants to do what it can within those constraints to improve the safety of his constituents and of road users and pedestrians in the area. I thank the hon. Gentleman for highlighting these issues tonight.

Question put and agreed to.

Adjourned accordingly at twenty-five minutes to One o'clock.

House of Commons

Wednesday 17 June 1998

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Disability Living Allowance

[Relevant document: Fourth Report from the Social Security Committee of Session 1997–98, on Disability Living Allowance (HC 641).]

Motion made, and Question proposed, That this House do now adjourn.—[*Mr. Kevin Hughes.*]

9.34 am

Mr. Malcolm Wicks (Croydon, North): I am speaking instead of the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), the Chairman of the Select Committee on Social Security, who, unfortunately, has injured his back. Although members of our Committee do not have the power to send him a mobility allowance, we certainly send him our best wishes.

The background to the Select Committee report is increasing recognition of disability in our community and, as a consequence, a growing proportion of the social security budget going to disability benefits. The report, which is the fourth from the Select Committee, deals with disability living allowance. Our inquiry focused on two matters: DLA in general and the so-called benefit integrity project, from the Department of Social Security. We conducted our inquiry at a time of growing concern about intentions regarding disability benefits, which many hon. Members will have picked up on in their constituencies.

The history of DLA goes back quite a long way. Invalid tricycles were introduced for war pensioners in the early 1920s, and more recently, in the 1970s, mobility and attendance allowances were introduced. They gave way to DLA in 1992. DLA is a benefit that is based on care and the mobility needs of people with disabilities, for people who become disabled before the age of 65. Its structure is in some respects complex, because the care component has three rates—the highest is £51.30 a week and the lowest £13.60. There are also two rates for mobility.

To the surprise of Governments and of Parliament, the number of people claiming DLA has increased dramatically since 1992, from 1 million in those early days to almost 2 million by 1997–98. By any measure, that is a surprising increase which requires explanation. The puzzle about DLA is compounded by the fact that there is considerable evidence that some people are not claiming their entitlement; in the jargon, there is a take-up problem. Estimates vary, but perhaps as many as 50 per cent. of eligible people are not claiming DLA.

Those two factors—an increasing number of claimants and evidence of DLA not being taken up—suggest the need for review. The Government are conducting a review of disability benefits, which we welcome. In our report, from which I shall quote carefully to reflect the view of members of the Committee, we

"recommended an urgent review of all aspects of DLA."

We add:

"In its present form, DLA is an unstable benefit and its future . . . almost impossible to predict."

That is partly because of court decisions, which have changed the basis for eligibility, and because of flawed administrative procedures, which fail

"in terms of simplicity and workability."

Much of the DLA procedure is based on self-assessment, and rightly so in many respects. It is important that there is not just a medical model, and that a person can state details of disability and needs, but we are not convinced that the balance is properly struck between self-assessment on the one hand and objective functional criteria and medical evidence on the other. We recommend that the Government look at that again. We also recommend reconsideration of methods of reviewing claims and dealing with changed circumstances as a matter of urgency.

The number of claimants raises the issue of what DLA is intended for. Who are the target group? We recommend that the Government should decide whether greater targeting on more severely disabled people would represent a better approach. We also state that, whatever the criteria in the future, a greater effort must be made to ensure full take-up. Many of the people whom we are discussing have serious needs. We must frame policies that can be easily understood, so that those people can claim the allowance to which they are entitled. We also ask the Government to consider how certain groups who are currently excluded from DLA, such as those with mental health problems, can be helped in the future.

Other members of the Select Committee may want to say more about DLA. Indeed, hon. Members who are not on the Committee may want to talk about it—that, after all, is the purpose of the debate. Before I sit down, however, I want to say a little about the benefit integrity project, which, I think, has implications for the relationship between the House and the Executive.

The project was initiated during the dying days of the last Administration. It was based on a desire to attack fraud or, as it might be described, incorrectness in the programme. One estimate suggested that DLA fraud could amount to some £499 million a year. It is clear that the Department received money from the Treasury to pursue a benefit integrity project designed to cut costs. I should add that DSS officials now say that fraud is probably minimal, rather than amounting to the large figure which I have mentioned.

The Committee is seriously concerned about the genesis and implementation of the benefit integrity project. In the run-up to the launch of BIP, as it is known, no consultation whatever was undertaken with groups representing those affected, despite an undertaking by the then Minister of State responsible for disabled people. The Committee does not blame that former Minister, Alistair Burt, whose good intentions regarding consultation we respect; nor do we blame current Ministers. Our criticisms are levelled at officialdom in the DSS. We believe that the failure to undertake even the slightest consultation was a serious error which has had serious consequences.

[Mr. Malcolm Wicks]

BIP involved people being visited in their homes, or receiving postal inquiries about their entitlement to the higher rates of benefit. The timing is important. BIP was formally launched on 28 April 1997, just three days before the general election. The first questionnaires were issued on 6 May 1997; I suspect that the minds of hon. Members were on other matters then. It was on that day that ministerial responsibilities were announced. The Minister responsible, Lady Hollis of Heigham, was not even made aware of BIP's existence until 29 May 1997, when, we are told, she took a telephone call from departmental officials at Preston railway station. Despite that incident, it is possible that Preston railway station will never achieve the prominence of, say, the Finland station in European history, but we were puzzled by the fact that the Minister was only informed by officials at that time.

The Committee believes that launching BIP without proper ministerial authority was a

"very serious error of judgement."

There are clear general election guidelines for officials which say that no new action should be launched during an election campaign if it is of a long-term character, and we think that those guidelines were ignored. We have recommended to the permanent secretary at the DSS that, in conjunction with her opposite numbers in other Departments, she should renew the rules of conduct and good practice in regard to general elections, to minimise the risk of such errors of judgment occurring in the future.

The Committee has put the benefit integrity project on what we describe as a six-month probation, and has asked Ministers to report to us on its progress by the end of July. We had considered calling for the suspension of the project, but, given the improvements that have been made, we thought that a probation period was more appropriate.

This matter has serious consequences for some of the people who are most at risk in our society. It has an important impact on people with major disabilities. We were struck by the witnesses with disabilities who gave evidence to the Committee, and we thank them for doing so. We particularly remember a woman with muscular dystrophy, who was clearly very ill and needed artificial breathing aids. She had been visited by officials, but it turned out later that her forms had been filled in incorrectly, and, although she needed virtually around-the-clock care, her higher rate of disability living allowance had been withdrawn. Apparently her general practitioner said that, if that had happened to her, no one could possibly be entitled to the allowance. The GP's disgust was shared by the Committee members who saw that brave witness.

I was also struck by the fact that, when we questioned senior DSS officials—including those directly responsible for BIP—it became clear that, despite the controversy that the visits were running into, none had seen fit to accompany their junior officials to see what was actually happening. The gap between policy and administration in offices and what was happening in people's homes is lamentable. It may explain why the thread of common sense and human compassion failed to run through this part of social administration.

As well as asking for a review of the benefit, we urge Government to

"consider publishing a draft Bill, following the normal process of consultation, to allow a full public debate to take place before legislation to reform DLA is introduced into Parliament."

I hope that our report will help the House in its deliberation on these important matters.

9.47 am

Mr. David Atkinson (Bournemouth, East): I welcome the opportunity to refer to a constituent's experience of the benefit integrity project, which astonished me so much that I concluded that the project, in so far as it affected the severely disabled, should be scrapped immediately.

I have no problem with the original concept of BIP as envisaged by the last Government. It was a sensible response to the outcome of the 1996 benefit review, which suggested that 27 per cent. of claimants' awards were incorrect, and that the figure for fraud amounted to 16.7 per cent. No responsible Government could ignore an estimated annual loss of £500 million in overpayments due to fraud.

The Select Committee is right to question the Department's judgment in launching BIP during the week of a general election and without the benefit of consultation with outside bodies, which was originally promised by the Minister. That is the main source of the problems that have arisen, which, in my view, have caused the project to be fatally flawed in the context of the severely disabled.

I knew little about BIP at the time, although I welcomed it as further evidence of the last Government's determination to control public expenditure, and saw it as a response to previous Select Committees' demands for a better way of combating fraud.

In January, my constituent, Mrs. Lesley Burton, wrote to draw my attention to the problems that she and her disabled husband were experiencing with the Department of Social Security and the disability living allowance. This is the same Lesley Burton to whom the hon. Member for Croydon, North (Mr. Wicks) referred. With the greatest courage and determination, she came to the House on 25 March to give her testimony to the Select Committee.

Mrs. Burton told the Committee that she has had muscular dystrophy—a progressive muscle-wasting disease—for 35 years. She will never get better. She had been receiving the higher-rate mobility component paid with the highest-rate care component. She gave evidence about her experience of the visiting officer from the Benefits Agency under the benefit integrity project. I shall not repeat it in detail, because it is reported on page 47 of the report.

The outcome of the visit was that the adjudication officer decided that Mrs. Burton satisfied only the criteria for an award of the middle-rate care component. The news that her benefits were to be reduced obviously came as a distressing surprise in view of the fact that she is physically completely dependent 24 hours a day on people, on life support machinery, and on her two electronic wheelchairs. Unlike other equally severely disabled people, who understandably may not have had the will to challenge that outcome, my constituent did and, as a result, her entitlement to the highest rate of care component was restored, as was her husband's—but that is another story.

In preparing her testimony for the Select Committee, Mrs. Burton obtained a copy of the DLA form completed by the visiting officer, from which it became immediately

clear that the officer had had an entirely inadequate appreciation and understanding of my constituent's disabilities. As Mrs. Burton told the Select Committee:

"I wish I could express to you my disbelief on reading page 24"—

of the form—

"which asks about the help I need at night. This was simply crossed through 'not applicable'. The questions were not asked. The last five pages she simply ignored. Nowhere on the form is there any mention of the suction equipment I could not live without. . . . That without the ventilator at night I would die."

She also said that the form did not show that

"I need someone with me all night. That I am dependent 24 hours a day."

The Minister, Baroness Hollis, referred my letter to the Secretary of State to the chief executive of the Benefits Agency, who replied to me, as did the screening officer of the ombudsman. When I had received a reply from Baroness Hollis, I visited my constituent at home to meet her and to discuss our next move. Suffice it to say that any hon. Member would have been as astonished as I was, having seen my constituent's situation at first hand, that any visiting officer from the Benefits Agency should have completed a questionnaire in a way that would lead to a reduction in her benefits.

In my view, Mrs. Burton's testimony to the Select Committee about her condition was entirely accurate. Therefore, I must conclude that the experience and training of at least one BIP visiting officer are inadequate. To how many more does that apply? I must also conclude that the DLA questionnaire is inadequate to establish a true appreciation of the complicated nature of disabilities, such as those of my constituent, although, to be fair, in her case key questions were not asked.

It is obvious that notification of a reduction in benefits to genuinely severely disabled people, such as my constituent, and especially to the more vulnerable and frail, must cause the most terrible distress. I regret that the chief executive of the Benefits Agency did not apologise in his letter to me, but tried to discredit my constituent's recollection of the visit. I have sought an apology from him. I have asked the ombudsman to accept the comparison of the questionnaire completed by the visiting officer with the one completed by my constituent as sufficient evidence to proceed with an investigation of her complaint of maladministration.

Far from establishing fraud in cases of severely disabled people in which there is little scope for fraud, the benefit integrity project is an expensive exercise that is causing great distress to the most disabled in our society. There is a risk of tragic misjudgments being made about the level of benefits on which people rely to sustain a minimum quality of life. I have written to the Secretary of State to urge that the most severely disabled be excluded from the benefit integrity project. I share the Select Committee's concerns and agree with the recommendations about the benefit integrity project, but I am sorry that it has not recommended the same in the report that we are debating today.

9.54 am

Ms Patricia Hewitt (Leicester, West): I endorse everything that my hon. Friend the Member for Croydon, North (Mr. Wicks) said in opening the debate on behalf of the Chairman of the Select Committee. I am grateful to the House for giving me the opportunity to participate in this inquiry as a member of the Select Committee. From the inquiry and from the experience that constituents have shared with me, I have learnt far more about the operation of disability living allowance and other disability benefits in the past six months or so than I had dreamed of before becoming a Member of Parliament.

I want to stress the appalling and intolerable complexity of the disability living allowance and, more generally, of the support system for people with disabilities. Although each part of the system has no doubt been developed with the best of intentions, it is virtually impossible for people with disabilities, their advisers or the civil servants who try to operate it to make sense of the system.

One of my constituents, a woman called Lisa, was a nurse for many years. Some 16 years ago, after a severe bout of flu, she contracted myalgic encephalomyelitis. Since then, she has suffered from not only ME, but degeneration of the spine and severe depression. In May 1996, she applied for disability living allowance. Despite the evidence of her condition, which is recognised by the World Health Organisation, and the fact that various medical specialists attested to the merits of her case, she was refused the allowance. She appealed, and in January this year she was awarded DLA care component at the middle rate, which is one of about 15 possible outcomes under the current structure.

The award was backdated to 1996 when Lisa applied for DLA. At that time, it was the rule that people awarded the care component at the middle rate were automatically deemed to be 80 per cent. disabled. Once people were judged to be 80 per cent. disabled, if they had been unable to work for several months they qualified for severe disability allowance, which is a non-contributory benefit to compensate for the fact that a person cannot work. However, between her application and the appeal that awarded her the backdated DLA, the rules were changed. From April 1997—halfway through the history of her case—only people on the higher rate of DLA care component were judged to be 80 per cent. disabled.

Although Lisa's claim for DLA has been awarded and has been backdated to 1996—at which time she would have also been entitled to severe disability allowance—as she had to go through the appeal procedure she has been refused SDA as a result of the change of rules in 1997. That is just one example of the extraordinary complexities that are inherent in the system and have forced my constituent and many others to become expert not only in managing their own disability but in understanding this abstruse part of welfare rights law. With the help of a solicitor and welfare rights officers, my constituent is now pursuing an appeal on the other aspect of her case—the claim for severe disability allowance. I intend to write to the Minister about her case but, in general, I want to reinforce the Select Committee's recommendations for a dramatic simplification of the system.

Costs are inherent in any such simplification and some cases will not be precisely covered by such new rules. However, it is clear to all those who have examined the matter and have learnt from our constituents that simplification will bring immense benefits not only to those who are trying to administer the system but, above all, to people with disabilities who are the system's intended beneficiaries. I shall illustrate the need for simplification in the context of people with disabilities who are able to undertake employment. Our report recommends a much closer and more comprehensive

[Ms Patricia Hewitt]

review not simply of DLA but of other cash benefits, services and equipment, all of which can assist disabled people to live independently and, in many cases, to work.

Last week, I was privileged to visit the centre for integrated living in my constituency where I heard from people, many of whom with severe disability, who were in work. They included a social worker who is completely wheelchair-bound and a welfare rights advocate, an organiser at the centre, who is completely blind. Those people are assisted not simply by DLA but by access to work grants. That is a fairly new benefit, but those people are struggling because the system is complex and it is often administered by staff who know much less about the adaptations that are available than the disabled people.

I have given the example of the blind man, whose name is Aslam. He knew when he applied for employment that he needed a laptop computer with a Braille keyboard and a voice synthesiser. That is expensive equipment, but it is one of the wonders of modern technology which enables him to do a full-time job. He applied for it in early June last year and a decision was finally made by the regional office of the Department for Education and Employment towards the end of October, and I think that the equipment was provided in December. His employer was willing and able to wait but many would not have been willing to wait for the access to work grant to come through that made it possible for Aslam to be employed.

The plea by those constituents of mine is for the Select Committee's recommendation to be acted on rapidly, and they ask that staff who implement the access to work grant be given the training and support that they need to ensure that the benefit's potential is fulfilled, as it must be if the new deal for people with disabilities, which every hon. Member warmly welcomes, is to succeed.

I plead not simply for all our recommendations to be implemented but for a simplification of the system so that disabled people know the purpose of disability living allowance and of the overall system of benefits, services and adaptations in equipment. I also ask for a simplification of the gateway to those various forms of support that will provide disabled people with opportunities for independent living when possible and with security of income and of services on which, above all, they depend.

10.4 am

Mr. Mark Oaten (Winchester): I attended the Select Committee meeting at which evidence on the introduction of the benefit integrity project was heard and, as it unfolded, I could hardly believe what I was hearing. The clear message was that none of the misery that has been caused by the project was necessary in the first place. Disabled people should never have been subjected to it. It is utterly frustrating for those of us who have constantly argued against the system to discover from the Select Committee report that BIP was an illegitimate creation with no political warrant.

In introducing the Select Committee report, the hon. Member for Croydon, North (Mr. Wicks) said that no consultation took place with disability groups about BIP. However, worse was to follow. It is bad enough not to consult such groups, but, from the evidence, it transpired that incoming Ministers did not get a look-in either. It is outrageous that a controversial scheme that has had an impact on so many of our constituents should have been launched in that way in the middle of a general election campaign and without the incoming Government's approval. The Select Committee report rightly sets out recommendations to ensure that that scenario never occurs again.

Four questions need to be answered. First, I have always assumed that, in advance of a general election, shadow Ministers had some sort of contact with civil servants to discuss plans and the timing of legislation that remained on the books. The evidence to the Select Committee makes it quite clear that, immediately after the election, no new Government figures were informed on such matters. Perhaps the Minister will confirm in his winding-up speech that there had been no discussion on the timing and details of BIP with the shadow Cabinet before the election.

Secondly, when a Labour Minister finally became aware of BIP during the now infamous telephone call to Preston railway station, why did the Government not act? Why did they not halt the project immediately they became aware of its timing and undertake an investigation into the reasons for BIP and, in particular, carry out a detailed examination of the way in which it would be executed? That would have enabled them to make a clear judgment on whether it was a project that they were prepared to inherit and for which they would take responsibility.

Thirdly, did the Secretary of State for Social Security consider cancelling the project when the matter was ultimately drawn to her attention? As the project has not been cancelled, the fourth question is: why did the Government decide to proceed with BIP? I hope that the Minister will answer those questions. It is clear that the Department's civil servants made a serious error in introducing the project when they did. Is it not also true that the Government were at fault for failing to call off the project at the earliest available opportunity? Since the crucial period for that opportunity, towards the end of May, there have been many opportunities to abandon BIP.

The Government have had plenty of evidence to suggest that BIP is not working. We have heard stories of poorly trained staff carrying out bad assessments and of incorrect targeting leading to groups of people who should have been excluded from the project being placed under BIP. There has been a threat about Motability vehicles to those who chose to appeal against decisions and, of course, the long and arduous appeals process is full of inconsistencies. There is plenty of evidence to suggest that the project should have been abandoned.

The Select Committee report is excellent, but the catalogue of incompetence in the process is likely to bring despair to disabled people. However, the positive recommendations in the report at least provide a constructive way forward on DLA. The acid test is whether the Government will now choose to follow up the recommendations of the report quickly. I hope that the Minister will tell the House that the Government endorse many of the Select Committee's ideas, but they need to go further than that. Having had a chance to read the report, I believe that disabled people deserve an apology from the Government for the fact that the whole mess was allowed to happen in the first place. Again, I hope that the Minister will make that clear today.

There is one key area in which I disagree with the Select Committee's recommendations. The hon. Member for Croydon, North said that the Committee was prepared to place BIP on probation for six months, but surely we have had enough black-and-white evidence by now. We have talked about probation periods and reviews, but none of that will work. The project should be scrapped and we should move on to a different system for reviewing DLA. How can we resurrect a system that was implemented without proper political scrutiny? How can something as discredited as BIP begin to regain the confidence of those being assessed? How can something that failed to tackle the problems in the first place be worth propping up for a further six months?

We should look to the future and not start from the perspective that benefit is paid to too many people, as both the previous Conservative Government and the Labour Government appear to believe. The critical question should be framed in terms of how those who are not claiming DLA to which they may be entitled can be brought into the system. All the evidence suggests that take-up is low among those who are in most severe need of the benefit. We can put in place parallel measures to help people to move away from benefits wherever possible, but the fact that a large number of disabled people need DLA should not be disputed.

We should introduce a new system of reviewing benefits and set up a disability home visit programme. That should be established with the aim of carrying out a proper assessment of people's needs, rather than of reducing Government benefit spending. Such a programme should be targeted at those who are not currently claiming and those who should be claiming at the higher level of the severity scale. It should involve careful and well-thought-out visits from staff who have been properly trained to assess uptake of benefits, to identify where equipment could help, to talk through disability rights issues and to help individuals with a whole package of appropriate benefits.

Disabled people want that sort of exciting development, which exemplifies the standards that we expect to govern the new Government's policy and to be upheld in the civil service. The Conservatives cannot afford to be sanctimonious—after all, BIP was their idea—but, equally, the Labour Government can take no comfort. What started out as a lack of information and an error by civil servants has now become a lack of constructive Government action to remedy or to replace the project. Today provides the Government with another opportunity to take decisive action and I hope that the Minister will not disappoint when he winds up the debate.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. To enable everyone who is desirous of catching my eye to do so, short speeches would be helpful.

10.12 am

Mrs. Joan Humble (Blackpool, North and Fleetwood): I am not a member of the Select Committee on Social Security, so I read the report with great interest. It is an excellent and detailed report, which reflects many of my constituents' concerns. As other hon. Members have said, we all get complaints from people who have been made desperately anxious that their DLA may be taken away or reduced. After Christmas, my advice surgeries were full of people who had received their complicated forms just before Christmas—what sort of present was that? They did not understand why their benefit was reviewed, especially those who had originally been told that their benefit was for life. Apparently, a benefit is not for life if BIP comes along and a decision is made to review that benefit. There was great concern, some of which was unnecessary.

I was pleased by the measures taken by the Government earlier this year to address some of the worst aspects of the benefit integrity project, but, as the report makes clear, there are still aspects that cause serious concern. Underpinning the whole report is a lack of understanding of why DLA is paid: many of those who come to my surgeries see DLA not as a benefit to help meet their care needs, but as compensation for their disability. They do not understand that, although their disability or illness has not changed, their care needs might have changed and the benefit might need to be reviewed. We need to clear up that basic confusion.

Part of the confusion surrounds the lack of medical evidence used when assessing DLA, which is currently based on self-assessment. The report, rightly, asks whether DLA should be based entirely on self-assessment, or on a medical model, or on a mixture of both. My constituents' main complaint is that, as adjudication officers are not medically trained and do not understand the nature of my constituents' disabilities, how dare they say that my constituents no longer need the higher-rate component or the middle-rate component?

The DLA headquarters are located in my constituency, so I thought that I had better go along and talk to the staff who administer the system, instead of continuing to send them letters as I have done since being elected. I have visited Warbreck house three times; my third visit was fascinating, because I discussed in detail with adjudication officers how and why they arrived at their decisions. I assure hon. Members that adjudication officers are not monsters, but people who operate the system that we set up. We have a responsibility to them to make sure that the system is one that they can efficiently and effectively administer, which is what they want to be able to do. Those who work in delivering DLA care about the people to whom they speak on the phone and about whom they read; they get to know those individuals and want to support and help them. Our responsibility is to look carefully at the report, to ensure that the Government pay attention to the serious failings it identifies and to translate that into a more efficient management system for benefits for people with disabilities.

The issue of self-assessment and the role of medical evidence are important, because those hard-working adjudication officers who are my constituents have to make extremely difficult decisions. On the one hand, they read an individual's own description of his or her condition, but, on the other, that description might not illustrate the level of care needed to support the individual's life style. Adjudication officers base

[Mrs. Joan Humble]

decisions on the paper evidence before them, but that evidence is not always sufficient. Therefore, I welcome the report's recommendation that there needs to be

"A better balance between corroborative evidence, objective functional criteria and the claimant's self-perception".

Like many disability organisations, I would not be entirely happy with a change to a fully medical model, but we need to redress the balance.

The report also recommends that we should set up a

"cross-departmental working group . . . to examine . . . assessments and service provision for disabled people across health, community care, Independent Living Fund and local authority direct payments".

Many people with disability are bewildered by the wide array of Departments and services and by the number of doors on which they have to knock to get the support that they need to be active members of our community. Some local authorities that have introduced charging policies for social services take into account the whole of DLA; some take into account only part of DLA; some do not take it into account at all; and some local authorities do not charge for social services. Some local authorities have introduced direct payment systems and others have not. Disabled people are expected to make their way through this minefield, of which DLA is just one part. One of the important issues highlighted by the report is that, as my hon. Friend the Member for Leicester, West (Ms Hewitt) said, disabled people need a simple system that they understand, and a system that can be properly administered.

We need a disability benefit system that reflects the proper status of people with disabilities. I hope that the Government will consider in detail the report's many recommendations and will respond positively.

10.19 am

Mrs. Theresa May (Maidenhead): I am grateful for the opportunity to contribute briefly to this important debate. I welcome the fact that the Select Committee on Social Security undertook its review and produced a thoughtful report on the disability living allowance. I am a former joint chairman of the all-party disablement group, and I think that the group can take some credit for having at least triggered the idea that it was important that DLA be examined. I think that it was the representations made by Lord Ashley that led the Committee to do so.

As the hon. Member for Croydon, North (Mr. Wicks) said, the investigation was carried out against a background of considerable concern among people with disabilities and disability organisations about the threats that appeared to be hanging over disability benefits under this Government at the turn of the year and in the early months of this year, and against a background of growing concern about the way in which the benefit integrity project was operating.

We have heard some telling comments this morning, especially from my hon. Friend the Member for Bournemouth, East (Mr. Atkinson). He spoke of his constituent who gave evidence to the Select Committee about the hardship caused by the way in which BIP has been operating. The project has caused real distress because people are concerned about the threat of cuts to disability benefits under this Government. Concerns remain. Although some were dealt with by the Government in their welfare reform Green Paper, they failed to address certain aspects of the problem, and people are still worried about the threat that hangs over DLA.

I shall focus on certain details in the report. I am worried that BIP continues to operate regardless of the evidence of the very real hardship that it is causing. I was disappointed that the Select Committee chose to give six months' probation to BIP and did not call for its suspension pending a full review, something for which disability organisations have been calling for some months.

I hope that the Minister will be prepared to reconsider. He has always set his face against a suspension of the project, but I hope that he will today say that he is prepared to suspend its operation pending a full review. The project has operated under this Government and they have had several opportunities to suspend it. They have considerable evidence of the damage, anxiety and distress that it is causing to people whose benefits have been cut or taken away quite erroneously, as in the example cited by my hon. Friend the Member for Bournemouth, East. I hope that the Minister will go further than the Select Committee report and say that the Government are prepared to suspend and review BIP.

The Select Committee considered how assessments were carried out for DLA. I will not say that the Select Committee appeared to dismiss self-assessment, because it agreed that such assessment should continue, but there is some concern about its references to the possibility of adapting an all-work test to some sort of all-living test. There is great anxiety about the way in which the all-work test operates, and questions remain about it in the case of incapacity benefit. Scope has already said that it is worried that such a test could be adapted as an assessment for DLA. I would caution against moving too quickly down that path. Self-assessment is important because it is the people with disabilities who know best what their needs are. It is important that self-assessment continues to be a key aspect of any assessment for DLA.

Taxation is another source of anxiety hanging over DLA. In her evidence to the Select Committee, Baroness Hollis said:

"Means testing has been ruled out . . . Taxation has not been ruled out".

That worries many people with disabilities because of what DLA was intended to be. It was intended to cover the costs that people incurred because of their disabilities. It is about empowering people with disabilities. The Government should not lose sight of the concept of empowerment when considering any changes to DLA.

I shall read out two quotations which clearly show what DLA is really about. One comes from evidence to the Select Committee given by Richard Wood on behalf of the British Council of Disabled People. He said:

"It is paid to give disabled people dignity, to allow us to live independently in the community, to allow us to be independent of other people, to make our own choices about how we choose to buy our care in, whom we would wish to pay to do that, which goods and services we need to be able to purchase to support that independence."

The second is from Scope, which said:

"The current system is consistent with the Government's commitment, as expressed in the Welfare Reform Green Paper, that disabled people should be enabled to live fulfilling lives,

with dignity. This commitment can only be achieved if disabled people own and control how their needs are met, rather than having them judged by other people who cannot have the same insight into the effects of their impairment on their daily life."

DLA is about empowering the individual. It is a recognition of the fact that it is people with disabilities who best know their own needs and how they should be met. Those two key principles underpin DLA. I should have liked a little more recognition of that in the Select Committee report and its recommendations. However, it is an important report which raises several key issues about the operation of DLA and BIP. I look forward to what I hope will be a constructive and positive response from the Minister. This is the second Adjournment debate to refer to the problems of BIP, and I hope that the Minister's reaction will be more positive this time.

10.27 am

Mr. Paul Goggins (Wythenshawe and Sale, East): I am a member of the Select Committee on Social Security, and I found the inquiry extremely important and timely in that it provided a focus for the widespread concern that is felt about the benefit integrity project.

Clearly, the inquiry was too short to be able to make detailed recommendations about the disability living allowance as a whole, but the Committee heard enough evidence to suggest that the Government should undertake an urgent review of all its aspects. That review should take account of several points made in the Committee's report and in this morning's debate. My hon. Friend the Member for Leicester, West (Ms Hewitt) spoke about the need for simplification of the benefits for disabled people. Consideration should be given to the role of self-assessment, which is desirable in itself, but no doubt leads to the benefit becoming unstable. There is also considerable evidence, which Ministers should consider, that many severely disabled people are not getting the level of help that they require.

I shall refer to three aspects of BIP which still concern me greatly. The first is the relationship between costs and savings. It was estimated that in years one and two of BIP, the costs would be £23 million and the savings, now revised down, would be £45 million. Therefore, for every £1 spent, £2 would be saved. However, the estimated figures for the first year are that £11.5 million will be spent, and that a mere £5 million will be saved. So, for every £2 spent, less than £1 would be saved. Such a financial result may strike hon. Members as hardly worth the effort of attaining it. When the result is set against the fear and upset that the benefit integrity project has undoubtedly caused, it becomes extremely difficult to justify. I think that all Committee members were struck by the evidence given by disabled people who had been disallowed their benefits.

Secondly, I am concerned about the issue of incorrectness and allegations of fraud in claims for disability living allowance. The hon. Member for Bournemouth, East (Mr. Atkinson) mentioned the Department of Social Security benefit review—on which the benefit integrity project was based—which alleged that there was 27 per cent. incorrectness, nearly half of which was attributable to fraud. It alleged that, every year, there was almost half a billion pounds of fraud in disability living allowance claims.

The implication or undercurrent of the DSS benefit review is that many disabled people are fraudsters, which I reject. Moreover, the evidence being produced by the benefit integrity project shows that such a conclusion is wrong, and that, although there is about 21 per cent. incorrectness, there is almost no fraud in DLA—which is a salutary reminder to Ministers and all other hon. Members that we have to be extremely cautious when making claims about levels of benefit fraud.

I am concerned, thirdly, about the issue of reviews and appeals. If people dispute decisions made under the benefit integrity project, they can ask for a review. Subsequently, if necessary, they can seek an appeal. The Committee's report contains the review figures for January 1998, which show that one quarter of all reviews resulted in an increased award. However, the latest figures, for April 1998—which are in the Library—show that a third of all reviewed cases received a benefit increase. Moreover, two thirds of the 61 appeals that were completed in April resulted in the restoration of or an increase in benefit. The results are a very worrying indication that the quality of the original BIP decision was extremely poor. The report makes it clear that the Committee expects there to be major improvements in the project.

Many hon. Members have asked in this debate whether BIP should have been suspended. Like my Committee colleagues, I gave serious consideration to the question, but two factors prevented me from going along with a suspension. First, the Secretary of State took action in tightening the BIP guidelines. The most severely disabled people were exempted from the project, and objective corroboration is now necessary before benefits are withdrawn. Secondly, there is no denying that Ministers have made sterling efforts in gaining the confidence of disabled people and their organisations, and in making progress on these issues.

I therefore concluded that BIP should have six months' probation, and I certainly hope, and expect, that further progress will be made in the project. Nevertheless, I have no doubt that, in the long run, the Government must consider a major overhaul of disability living allowance.

10.32 am

Miss Julie Kirkbride (Bromsgrove): I shall speak only briefly, as I know that the Minister and the shadow Minister wish to speak. I should like to pay tribute to my colleague on the Select Committee on Social Security, the hon. Member for Croydon, North (Mr. Wicks), for his excellent precis of our recommendations. I should like equally to pay tribute to my hon. Friend the Member for Bournemouth, East (Mr. Atkinson), whose constituent I well remember appearing before the Select Committee. It was quite inconceivable that her benefit should have been removed in such a fashion. I felt that she was very dignified, but certainly in need of state support, of which she was being deprived. I hope that those matters will be resolved very shortly.

I thought that the Select Committee's report was useful, as it highlighted the reasons for the need for reform of disability living allowance, albeit it did not give many suggestions on what that reform should include. I think that the resolution of two matters—one of which has been mentioned in this debate—would be helpful in reforming DLA. I should like to pay tribute to the hon. Member for Leicester, West (Ms Hewitt), who kept mentioning in Committee the first of the matters—which is that DLA forms are not helpful to people with blindness or other sensory disabilities. It would be very helpful if such people were considered when the forms are produced.

[Miss Julie Kirkbride]

The second matter, which hon. Members have mentioned in this debate, is medical assessment and the current self-assessment system. I think that, at the very least, we shall have to require the use of much more medical corroboration in deciding the cases of people seeking disability living allowance. If we were to do so, provision of DLA would gain much more public support.

The Select Committee has clearly identified the fact that the system operates very much in an ad hoc manner in determining who receives DLA and at what rate they receive it, which cannot encourage public support for the benefit, or give confidence to those who need the benefit that they will receive the amount to which they are entitled. The hon. Member for Croydon, North explained how such a situation has arisen, and also said that introduction of DLA was a great achievement of the previous Government.

The DLA programme has grown over time and been subject to changes by the courts. It is now very unclear who should be eligible to receive the benefit and how much they should receive. I very much hope that the Government properly review the benefit and make changes that will reassure everyone that it operates in a manner that hon. Members can justify, and perhaps even explain, to our constituents.

I should like to mention one other matter dealt with in our report, and mentioned in this debate by my hon. Friend the Member for Maidenhead (Mrs. May), on which I should be grateful for the Minister's comments—the spectre of taxation of disability allowance. Conservative Members would very much object to choosing such an option which, although it was mentioned in the context of a review, is in the report.

The Select Committee was told by many disability organisations that they would consider such taxation to be extremely unfair, and that the purpose of disability living allowance is not to redistribute income, but to enable people to live full lives, despite their disabilities, and to pay for the things that they require to tackle their disabilities, so that they can live their lives as best they can. Conservative Members would vehemently oppose any proposal by the Government to tax DLA.

I should be very grateful if the Minister would put the taxation issue to rest once and for all, as it—like the benefit integrity project, and other issues raised by the Government on the future of DLA—is mentioned very frequently in my postbag. I should be very grateful if, in future, I could write that the Minister has firmly ruled out taxation of disability living allowance, either now or in the future.

10.37 am

Mr. Chris Pond (Gravesham): I shall speak very briefly, because I know that we have to leave time for Front Benchers to speak. I know also that my fellow Labour members of the Select Committee would like to add to the tribute paid by the hon. Member for Maidenhead (Mrs. May) to Lord Ashley, who has worked in both Houses on disability issues and on stimulating our inquiry.

Our inquiry has shown that there are considerable difficulties with the current operation of disability living allowance, and particularly with how the benefit integrity project sought to address some of those difficulties. It is very clear that there were difficulties in some of the DLA assessments, many of which appeared to be arbitrary. Lack of take-up of the benefit also demonstrates that it is not working well. I think that all hon. Members involved in the debate have been clear about the fact that the BIP project—as initially conceived, or misconceived—made matters considerably worse.

At its conception, I described BIP as something of a Whitehall farce—which would have been comic had the project not caused such severe anxiety and hardship to so many people. I know, after talking to people with disabilities in my constituency, that the project itself was such a cause of anxiety that it could well have made their condition worse. That is why the Select Committee seriously considered calling for the suspension of BIP. However, we decided to call for BIP to be put on probation rather than suspended to see how the changes implemented by the Government were working.

A review of DLA, which is much to be welcomed, should focus on claims made in the early years of the introduction of the benefit, when there was real chaos in the way in which it was being administered and officials were clearly uncertain as to its implementation. The review should also look at the issue of life claims, which is something of a misnomer because many claims issued supposedly on a lifetime basis have to be reviewed as a result of changing circumstances.

I welcome an overall review of DLA. We need to consider seriously whether or not BIP should be suspended, and I know that the Minister will be examining that, subject to the probation that we have suggested. It is also important that we make a clear distinction between what has happened under BIP and DLA and the Government's overall approach to welfare reform, which is not about cuts in benefit to severely disabled people, but about seeking to ensure that people who have to depend on benefit have a level of income that provides them with dignity and independence, while encouraging as many as possible to work.

10.40 am

Mr. Simon Burns (West Chelmsford): First, I congratulate the Select Committee on its report on DLA and BIP as both issues have been of great concern and of a sensitive nature to the country for the past year or so. The problem arose because the Government caused people with disabilities a great deal of anxiety and fear over the future of DLA. The sole reason for that was their shoddy and piecemeal approach to reforming social security. The lack of a clear policy direction is far more damaging than having no policy at all. The rumours, the leaks, the counter-rumours and the counter-leaks with which we have all become so familiar might be the ideal way for the Government to carry out their market research and gauge public opinion, but they have to realise that such actions affect real people, and in this case they have had a serious effect.

As Margaret Pedlar of the mental health charity MIND said:

> "I cannot stress too strongly the anxiety that was caused earlier in the year by rumours over means-testing or taxation of Disability Living Allowance or its replacement by services. Nor should the importance of this benefit to people's lives be underestimated."

The Government have singularly failed to recognise the sensitivity of the subject and even now, after more than a year, there remains uncertainty as to whether or not DLA should be taxed.

The problem began last November when there was a press report that the Government were considering the taxation of DLA. The leak was neither confirmed nor denied by the Government, leaving thousands of people with disabilities unsure as to the future of their benefits. Yet rather than making their position absolutely clear, which would have prevented a great deal of the heartache, confusion and sheer panic, the Government greatly added to the uncertainty by letting it be known that they were considering cuts not only to DLA, but to the whole range of disability benefits. It was made quite clear in the report by Channel 4 in mid-December that the Government were planning wide-ranging cuts in disability benefits. Again, the Government did nothing to dispel the fears of people with disabilities for the future of their benefits. Even when the Opposition pressed them on many occasions on whether DLA would be means-tested or taxed, Ministers did nothing to clarify the position.

People with disabilities had to wait until late March this year, with the publication of the long-awaited Green Paper on welfare reform, finally to receive the assurance from the Government that DLA would not be means-tested. The question must, therefore, be asked about why the Government waited four months from the initial rumours about means-testing before ruling it out. If it was never their intention to means-test DLA, they could have ruled it out at the time and saved many people much anxiety, but the uncertainty that pervades Government policy in these matters continues.

The Government still have not made up their mind about whether DLA ought to be taxed. Only a few weeks ago, we heard from the Minister for Welfare Reform on the Dimbleby programme that the taxation of DLA was one of the options being considered. He said:

"I can't give you the answers yet—because we are having a general consultation about it."

It seems that the uncertainty will continue until the Government finally make up their mind, but it is still causing concern to many people.

The Select Committee report makes the strong recommendation that taxation of DLA should be considered only in the context of a full review of the purposes and the level of the benefit. It is worth raising here the important argument that disability benefits, of which DLA is one of the most important, serve the purpose of levelling the playing field to some extent. It is essential that any proposals to tax DLA do not erode that fundamental principle which underlies disability benefit. However, it seems that so far, the Government have done all they can to ensure that the concern and worry continue, and that is nothing compared with the damage caused by their operation of the benefit integrity project, which has quite rightly featured so significantly in our debate today and in the Select Committee report.

The detailed Select Committee report offers a full and dramatic account of how the lack of communication between incoming Ministers and the Department of Social Security resulted in the shambles that has marked the project so far. We have the extraordinary circumstance, unearthed by the Select Committee, of the Minister concerned only discovering the existence of the project on 29 May during a telephone conversation from Preston railway station. It seems extraordinary that, for 23 days after taking office, Ministers were completely oblivious to a fundamental policy that was being implemented by their Department, which already had a significant impact on the lives of so many people.

Mr. Steve Webb (Northavon): Will the hon. Gentleman give way?

Mr. Burns: No. I am very short of time.

I should like the Minister to explain something to the House, as I cannot see it anywhere in the report and I am puzzled. Certainly under the previous Government, whenever there was a Government reshuffle—and I suspect that it was also the case on 4 May 1979 when new Ministers were first appointed—Ministers were issued by their civil servants with significant briefing material on every policy for which they had direct responsibility and on the overall policies being pursued by the Department. Were Ministers at the Department of Social Security—on or shortly after 6 May—issued with detailed briefings of their ministerial responsibilities and the policies that the civil service anticipated that the incoming new Government would pursue? If they were, did the benefit integrity project in any shape or form feature in that briefing? If the answer to either of those questions is yes, how did it escape the notice of Ministers—particularly the Minister directly concerned with the policy—until 29 May? If the answer to the question is that there was no reference to the project in any briefing to new Ministers, what action have Ministers taken to reprimand civil servants who made such a significant failing, and what confidence do they have that other policies being hatched in the Department will not be enacted in a similar way, oblivious of ministerial knowledge or control? I would appreciate an answer from the Minister.

Like several hon. Members who spoke in the debate, I am perplexed and disappointed that the report has simply put BIP on probation until the end of July. In an earlier debate two or three months ago, we called on the Government to suspend the project—notwithstanding the actions taken by the Secretary of State in February to seek to improve its immediate impact—so that it could be overhauled and reviewed thoroughly without causing harm to those individuals most directly affected. We urged the Government to get it right once and for all, rather than continuing to try to sort it out piecemeal. The Select Committee has put BIP on probation until the end of July. As we shall presumably go into recess in July, when will the Select Committee study and reconsider what has occurred during that probationary period? Will nothing be done for another three or four months? If so, we shall face an on-going problem.

Time is short and I do not wish to eat into the Minister's time. We are concerned about the way in which DLA has been handled, and the report has picked up on those concerns. We are also gravely concerned about BIP and its introduction, which the report has picked up on starkly. I hope that the Minister will respond to the genuine concerns expressed by all hon. Members who have raised the issue, particularly the question of the briefing of new Ministers when Labour came to power in early May last year.

10.50 am

The Parliamentary Under-Secretary of State for Social Security (Mr. John Denham): I thank the Social Security Select Committee and my hon. Friend the Member for Croydon, North (Mr. Wicks), who introduced the debate in the absence of the Committee Chairman, the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood). We hope that he will be better soon.

The Committee's fourth report on disability living allowance is both interesting and useful. It is a substantial report which makes many detailed, and in some cases far-reaching, recommendations—all of which are being studied carefully. Many of the issues are being addressed, and I understand why the House has sought an early opportunity to discuss the report. However, it is important that the Government consider all the issues carefully, so I shall not respond fully to the report today. We shall make a formal written response within the usual time scales that apply to replies to Select Committee reports. We intend to respond by the end of July, as requested by the Committee and my hon. Friend the Member for Croydon, North.

The Select Committee report will undoubtedly feed into the debate about disability living allowance. My hon. Friend outlined—as did several other hon. Members—the Select Committee's call for a review of disability living allowance. We set the ground rules for this debate in the welfare reform Green Paper. In that paper, we set out our firm commitment to the principle of providing special allowances to help with the extra costs of disability and maintaining DLA as a non-means-tested and national benefit for those who meet the entitlement conditions. I make it clear that taxation is a matter for my right hon. Friend the Chancellor of the Exchequer, but we have no current plans to tax DLA and there was no reference to that in the Green Paper.

Mr. Nick Gibb (Bognor Regis and Littlehampton): Will the Minister give way?

Mr. Denham: I hope that the hon. Gentleman will forgive me, but I have only a limited time in which to respond to many hon. Members.

It is worth remembering the central role that DLA plays in the lives of disabled people. It has many positive aspects. It is paid to disabled people whether they are in or out of work. This year, we expect that about £5.5 billion of disability living allowance will go to help about 2 million disabled people. The Select Committee confirmed the importance of that help and those values. In considering DLA, we want to ensure that the many advantages of DLA as it stands at present are not lost in an effort to put right some of the faults.

However, as the Select Committee recognises, there is a question about whether some of those who receive DLA are entitled to it and whether others who are entitled to it are not getting the help that they need. In order to receive DLA, disabled people make a statement of their care and mobility needs, which is usually backed up by evidence from a general practitioner. Several hon. Members referred to medical evidence. In more than 40 per cent. of cases, there is either an independent medical examination or evidence from a GP.

The recent joint investigation of DLA by the DLA advisory board and the Department of Social Security suggested that there was insufficient evidence to support the benefit claim in two thirds of cases. It also found that one third of the awards made for life—which constitutes two thirds of all awards—were made to people whose conditions might have been expected to improve. My hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble) referred to life awards. That is the current term used in the legislation, but we accept that a life award does not mean an award for life. If people's conditions or needs change, their entitlement can be affected.

Many speakers, including my hon. Friends the Members for Croydon, North, for Leicester, West (Ms Hewitt) and for Blackpool, North and Fleetwood, expressed concern about the lack of clarity and robustness and the difficulty involved in understanding the criteria for current entitlement. That is why we gave an undertaking in the Green Paper to review the gateway to DLA and to set up a forum of representatives of groups of and for disabled people to help take it forward. We have now established the forum under the chairmanship of my noble Friend Baroness Hollis, and it is having its first meeting today. The forum's terms of reference are:

"To consider possible options for changes in the gateways to benefits for long-term sick and disabled people and carers, and how to ensure that help is directed to those who need it."

A wide range of organisations are represented on the forum, and we take consultation seriously. I am sure that the Select Committee's report will feed usefully into the forum's discussions in the coming weeks.

I turn now to the benefit integrity project. There have clearly been problems with BIP, many of which the Select Committee has highlighted. However, the Select Committee also accepted the need for a mechanism to ensure that current DLA recipients receive their correct entitlement. After careful consideration, the Select Committee decided not to endorse the sorts of calls that we have heard today from some hon. Members to suspend the project. For our part, we believe that BIP is necessary, but we want to ensure that the project is conducted as sensitively as possible and that the right decisions are taken.

The hon. Member for Winchester (Mr. Oaten) asked why the decision was taken to proceed with the project when Ministers became aware of it. The Department of Social Security, backed by the National Audit Office, presented to Ministers evidence of fraud amounting to nearly £500 million and we acted immediately to improve the training available for staff. Due to the nature of the benefit, it has become clear that that estimate of fraud cannot be sustained, although the project has maintained that estimate of incorrectness.

I am not convinced—I do not think that the Select Committee was either—that it would have been right to be aware of a substantial level of incorrectness in a benefit and simply to choose to do nothing about it. It is clear that we must conduct the project sensitively and make every effort to ensure that we take the correct decisions. The fact that the benefit integrity project is necessary illustrates some of the problems surrounding DLA.

BIP is backed by standard assessment and adjudication rules—they have not been changed—and the responsibility for decision making rests with the same people who have always exercised that responsibility. The usual full rights of review and appeal apply to cases reviewed under the benefit integrity project, in the same way as to any other disability living allowance claim or review. Those rules ensure that decisions relating to benefit entitlement are objective and based on evidence.

We are already working on some of the issues raised by the Select Committee. We have kept the project under review since inheriting it, and we have made changes whenever they were considered necessary. One of the most welcome changes was announced by my right hon. Friend the Secretary of State on 9 February. From that date, no benefit has been reduced or taken away solely on the basis of evidence from the claimant—we shall always ensure that there is additional evidence. Disability organisations, the Select Committee and other hon. Members have called for that change to be extended to cases decided before 9 February. We are keen to explore that proposal.

I have already informed the House that we have been trying for some time to overcome the various legal and operational difficulties that such a change would present. The number of cases affected is not the major problem: the number of cases decided before 9 February without any additional evidence and where the claimant had not already asked for a review or appeal is estimated to be fewer than 2,000. However, the process must be handled very carefully.

For instance, re-examining very many cases will not necessarily lead to benefits being increased or restored. Indeed, there is always the possibility that benefit could be reduced further. Claimants need to be fully informed about the possible outcomes of any further review, but in a way that would not dissuade them from exercising the right to have their case re-examined.

Having described some of the issues that we have had to consider, I am pleased to be able to confirm that we shall be looking again at those pre-9 February cases which were decided without additional evidence and resulted in a reduction or removal of DLA, where the claimant did not seek a review of the decision. Exact details are still being worked out, but we shall move forward as quickly as possible, in keeping with a careful and sensitive approach. I am sure that the House will welcome the announcement.

We have made a series of further changes to the benefit integrity project. We have introduced regular meetings with representatives from organisations of and for disabled people. We have agreed that certain groups of DLA recipients will not be contacted directly as part of the project. There will be further consideration of other excluded groups at a meeting towards the end of the month, as the hon. Member for Bournemouth, East (Mr. Atkinson) suggested—

Mr. Deputy Speaker: Order.

Bosnia and Herzegovina

[Relevant documents: First Report from the Defence Committee of Session 1997-98, on Peace Support Operations in Bosnia and Herzegovina (HC 403), and the Government's response thereto (HC 535).]

11 am

Mr. Bruce George (Walsall, South): It can perhaps be said that the Select Committee system goes back 500 years. Those 500 years of experience have been distilled into the miserable powers with which we are conferred—and we do not even exercise those powers. The Defence Committee, which I am privileged to chair, has had a busy 12 months. There have been 28 formal meetings, five foreign visits—to the United States, Germany, Bosnia, Bonn, for a small group of us, and NATO—15 domestic visits, including to Northern Ireland, and 23 informal briefings. I have pushed the Committee very hard. We have had a total of 72 meetings so far and there will be two more tomorrow. We have been dealing with a labyrinthine bureaucracy that makes the Ottomans seem the personification of open government—although my hon. Friend the Minister for the Armed Forces is a great exception to that scientific rule.

I am very pleased that we are debating the first of our reports on peacekeeping operations in Bosnia. The device of allowing Select Committees to be reported is a marginal addition to their limited powers. Our report was timely when it was written. It was written very soon after our return from Bosnia—perhaps hastily would be the wrong word to use—because we felt that key decisions were being made at the turn of the year on the continuation of the stabilisation force and that it was necessary very swiftly to produce a report based on our experience and observations. Today's debate is timely in that key decisions are being made in the Security Council on the continuation of SFOR. The timeliness is important; I would like to think that it was deliberate, but knowing this place, I am not entirely convinced.

The report concerns the Defence Committee's fifth visit to Bosnia—although it was the first for the present Committee members. We therefore bring quite considerable knowledge of the situation in Bosnia to the report and have a right to offer advice on what should happen, bearing in mind the appalling lessons of the past and the many mistakes that were made by Governments throughout the world, especially those in the European Union and NATO.

I very much welcome the presence of my hon. Friend the Minister for the Armed Forces. We are awaiting debates on two further reports; one—on NATO enlargement—has already been written. Government Members who are well programmed might say that the Government have a busy timetable and therefore have not been able to find time to ratify—if what we do can be dignified by the term, which, of course, it cannot—the reports. Those who are rather more adventurous might say that the lack of debate is unfortunate. I would say that it is a disgrace that the Government have not found sufficient time to debate a key issue to the future of eastern and central Europe, NATO and world security. I hope that time will be found before the recess.

The Committee is awaiting the production of our sixth report—we are not quite sure when it will occur—which is on the strategic defence review. The Committee has

[Mr. Bruce George]

been on standby for January, February, March, April, May and June. Are rumours true that we shall be on standby in July, August and even September before we have the opportunity to produce our report?

Mr. Menzies Campbell (North-East Fife): Will the Chairman of the Select Committee confirm the rumour that he intends that the Committee should sit through the month of August in order to question Ministers about the contents of the strategic defence review?

Mr. George: I have said publicly on several occasions that, if we have to suffer, then Ministers should too. It is fanciful for Ministers—and, why not, Treasury Ministers, too—to assume that they can hide somewhere in northern Italy, drinking expensive wine while we are advancing the cause of the Executive as a result of their oversight. Perhaps some package holiday back to the United Kingdom can be arranged for them.

If our Prime Minister wishes to pursue an ethical foreign policy—I can think of nothing more ethical than preventing genocide—and if he wishes to sustain the British ability to defend ourselves and to meet our treaty and alliance obligations, it is very important that our armed forces are of the right size and the present high quality, well led, well trained, well motivated, well equipped, have high morale, receive good political leadership and are not grossly overstretched. Those qualities must be maintained. Skills and morale do not descend from the sky; they have to be nurtured.

As the Secretary of State—I am pleased that he is present—Ministers and members of the Defence Committee know, we cannot accept that what we have at the moment will remain in perpetuity. The skills in our armed forces could disappear; troops could leave due to gross overstretch. Our capable forces are a precious asset that must not be squandered. I am wasting my time by talking to Defence Ministers because I share their views, but I hope that those on the other side of the road realise that, although economic policy is important, the defence of our national interest is equally, if not more, important.

Our troops are so professional. Man for man, woman for woman, pound for pound—or, if ever we were unfortunate enough to get into a common defence policy, kilo for kilo—our forces are probably the best in the world. They are doing a superb job in Bosnia. One wonders what would happen if their presence there were greatly diminished. To illustrate their sheer professionalism, I shall cite one small example. Some of us visited the King's Royal Hussars, which were then based around Mrkonjicgrad. I cannot adequately express my admiration for that half regiment; they were brilliant. The range of tasks and the versatility that they displayed were quite staggering. Given their experience in Northern Ireland, they were as good at being infantrymen and paramilitary policemen as they were at driving tanks.

I am delighted to say that, on our recent visit to Germany, we found the Royal Scots Dragoon Guards ecstatic about their new Challenger 2s—the Rolls-Royce of world tanks. I just hope that Vickers does not do the same for Challenger 2 as it did for Rolls-Royce. The tank is superb. A disastrous decision has been made. *[Interruption.]* I shall not be partisan; my friends on the Opposition Benches know what I just managed to prevent myself from saying.

The King's Royal Hussars operate and drive around in Scimitars and Warriors. They even travel on horseback. They were immensely popular locally. Their military capability was superb, and they had an amazing civil assistance programme, which earned them enormous local praise. They improved water supply, established street lighting and rebuilt roads and schools—all that with half a regiment. We can be so proud of what our young men and women are doing there, but it is important that in the strategic defence review we are careful to ensure that those assets are not dissipated.

Let us make no mistake; if any of the options that were on the table for the future of SFOR had been implemented, the consequences would have been catastrophic. One option, which was obviously not serious, was total withdrawal with no follow-on force. Some people have argued for that, and the one piece of publicity that we had following publication of our report came from Simon Jenkins, a former adviser to the Committee concerning our Falklands report. Clearly, he thinks that it is not our responsibility to stay in Bosnia, and that we should get the hell out of there.

I believe that if that line were pursued, the consequences would be disastrous. A purely deterrent force, small and based outside Bosnia, would have been nonsense; a deterrent force of 20,000 would have been inadequate. I hope that it will be announced that there will remain a force of about the present size, because I am pretty certain that if those forces were significantly diminished, the Serbs, the Croats and the Muslims would get back to basics—killing each other, dusting down their kalashnikovs and driving their tanks out of the compounds in which they are now retained. Revenge would be sought, with killings and masses of refugees—and of course, the forest fire would spread.

Will the Minister of State tell us what he intends to announce about the future level of British forces? I would like that confirmed. Can he say anything about the NATO contribution in general, what the balance between NATO and non-NATO elements will be, and what the United States commitment is? It would be helpful for that to be restated.

As we said in our report:

"We believe that the task of SFOR is not yet completed, and we support the continuing presence of a multinational force"

in Bosnia-Herzegovina. Within that, of course, Britain must continue to play its significant role.

Mr. Julian Brazier (Canterbury): I am grateful to the Chairman of the Defence Committee for giving way to me. While he is discussing the configuration of SFOR, does he agree that the only reason why we can provide such excellent troops in their present shape is that they have retained a high-intensity war-fighting capability, which can then be flexed into other shapes, whereas if we had designed our troops around a peacekeeping or gendarmerie function, they would be nothing like as good at peacekeeping?

Mr. George: That is true. The example that I gave of the King's Royal Hussars consists of guys who have been in Northern Ireland and know about low-intensity operations, but who also exercise for a major war involving their tanks, and are capable of acting as

paramilitary policemen. The training and experience within those individuals' competence covers such a range as to make them startlingly unique.

I believe that the continuation of SFOR will buy time—more time to see how the other part of the equation works—the restoration of civil society in Bosnia, and democratisation, with social and economic regeneration. That certainly needs time. I believe, as President Clinton said, that we need not a deadline, but a series of milestones. When those milestones are reached, there can be a diminution in the military presence.

I shall now make a few points about other matters, if I may, Mr. Deputy Speaker. Obviously Kosovo is in our minds. Milosevic has been described as both an arsonist and a fire fighter—the man who begins the crisis and then, it is to be hoped, comes round to put out the fire that he has started. The Balkans will remain an area of our continent beset with crises, and we must explain to our electorates why British forces are there. Their presence stems not simply from high ethical motives, but from our self-interest.

After the SDR is eventually published, I hope that our forces will not be significantly different from those that we have today. Yes, they must be geared up for the 21st century, but I hope that defence expenditure will remain at about 2.6 per cent. The last report of the previous Defence Committee, then chaired by the hon. Member for Romsey (Mr. Colvin), whom I can call my hon. Friend, said that any further cuts in defence expenditure would endanger the defence of the realm.

Mr. Michael Colvin (Romsey): May I respond to that reference to myself, and add, for the benefit of the Secretary of State, whom I am delighted to see in his place, the information that the final paragraph of that last report on the previous defence White Paper was originally very tough and said that the cuts had gone so far but must go no further—I drafted that myself—but that another five lines that went even further were then added by the hon. Member for Walsall, South (Mr. George), who is now Chairman of the Defence Committee. I warn the Secretary of State that a couple of shots have been fired across his bows, and I hope that he reads the conclusion of the report carefully.

Mr. George: I thank my hon. Friend for those helpful remarks.

I have one further point unrelated to Bosnia, although it could be connected. From the press I understand that two of the recent rioters in Marseilles were serving British military personnel, one from the Royal Air Force and one from the Army. I hope that my remarks somehow waft their way over to their commanding officers to consider when they get out of the slammer. Unfortunately, they are not on Devil's island. I can never forgive the French for abandoning that magnificent penal colony, where those guys ought to be serving a sentence of three years, not three months. I hope that those men's commanding officers will pay attention to the press reports.

Mr. John McWilliam (Blaydon): Will my hon. Friend give way?

Mr. George: Yes, but for the last time.

Mr. McWilliam: I hope that my hon. Friend realises that those men are probably in more trouble where they are now than they would be on Devil's island, where there is now a rather nice hotel.

Mr. George: Is that so? My travelling has obviously not been as extensive as that of my hon. Friend. I presume that those men's time in prison will not be such a wonderful experience.

In conclusion, the House can pay tribute to our armed forces, especially those serving in dangerous places in the world. Their presence there is important and appreciated. If the Prime Minister wishes to deploy British forces in trouble spots throughout the world, there must be a critical mass of our armed forces, and we are now at the point where that barely exists.

We have all read the press stories about the Treasury demanding our aircraft carrier programme, Eurofighter, or our Challenger 2 tanks. We have been waiting long enough for a decent tank, and it would be criminal to abandon the Challenger 2 after 70 or 80 years of waiting. If those press stories are remotely true, I think that everybody here, the full Defence Committee, and a large majority in the House of Commons will join the Secretary of State in telling the Treasury, "Hands off."

11.17 am

Mr. Menzies Campbell (North-East Fife): As the Chairman of the Select Committee, the hon. Member for Walsall, South (Mr. George), has pointed out, the report is now rather more than six months old, and proceedings this morning have been notable for two reasons. First, through the passage of time the report has become timely because SFOR's mandate expires on 21 June, so by accident, what we say today may be of rather more relevance than it might have been a few months ago.

The other notable feature is that this is, I believe, the first time in the 11 years that I have been a Member of the House that I have heard an intervention by the hon. Member for Canterbury (Mr. Brazier) in a Defence debate without the words "Territorial Army" passing his lips. I suppose that that may be because, if he catches your eye, Mr. Deputy Speaker, he intends to tackle that topic with his usual enthusiasm later.

The hon. Gentleman would, of course, be right to raise that subject in the context of Bosnia. I guess that all hon. Members, when they have visited units in the Army, have almost always met someone in the Territorial Army who has either been to Bosnia or is about to go there.

I visited the Fife and Forfar Yeomanry territorials in my constituency recently, and I met one soldier who had given up his job in civilian life to accept a six-month tour of duty in Bosnia. That is typical of the enthusiasm of many in the Territorial Army for the opportunity provided by Bosnia, and it also reflects the fact that our effectiveness there has, on many occasions, rested on the fact that we have been able to call up from the Territorial Army people of competence and ability who were easily able to fit into the regular units to which they were assigned.

Mr. Crispin Blunt (Reigate): Does the hon. and learned Gentleman think that the gentleman in question, who has given up his civilian career to go to Bosnia, will have a regiment to come back to?

Mr. Campbell: Rather interestingly, that was the question he asked me, and I was not able to give an unequivocal answer. I promised to raise the matter with the Secretary of State and the Minister for the Armed Forces. I have done so informally, and I take the

[Mr. Campbell]

opportunity to do so more formally. They will have deduced from the response from hon. Members on both sides of the House that a part of the strategic defence review which will receive as much scrutiny in the House of Commons as any will be that part which deals with the future of the Territorial Army.

I do not expect Ministers to tell us this morning what they will do with the TA—we can read about it in *The Times* every other week. Talk about open government—parts of the strategic defence review seem to be conducted in the pages of the broadsheet newspapers. We hope to have soon a White Paper which will allow us to focus on decisions, rather than responding to what often looks like well-placed speculation.

I want to concentrate briefly on what has been achieved by the NATO military presence in Bosnia under the guise of SFOR. The first and obvious thing has been stability. As a result of that stability, obstructionist police chiefs have been successfully removed, war criminals have been arrested—UK forces have participated in that—and mendacious propaganda outlets, such as television stations, have been shut down. Local armed forces have been brought firmly under control and—something that would have been inconceivable a year ago—two major elections have been held in Bosnia against a peaceful background.

I mention those matters because they were all key undertakings of the Dayton agreement. Such success as has been achieved must not be thrown away, and the achievements must be built upon. If we do not continue to do that, most observers recognise that there is still potential in the region for a resumption of the damaging and brutal fighting which precipitated the intervention of NATO some three years ago. Early withdrawal of NATO would serve only to create circumstances in which that brutality could re-emerge.

The Committee's report draws attention to the need for political reconciliation and economic reconstruction. The peace created by SFOR provides us with the opportunity to push ahead towards that reconstruction. The decision to continue the mandate is, I understand, to be predicated on the view that there is no fixed exit date, but there is to be an exit state; that is to say, at a point when civil society has been properly restored in the area, NATO forces will withdraw.

We must ensure, therefore, that our presence is designed to bring about that exit state at the earliest possible date. There is a risk—Cyprus is a clear example—of temporary postings or obligations becoming part of the status quo. To a limited extent, I accept one of the propositions contained in the article by Mr. Simon Jenkins, to which the Chairman of the Committee, the hon. Member for Walsall, South, referred; there is always a risk of deployments of this kind becoming part of the status quo. We must ensure, therefore, that during the period of deployment and the renewed mandate, we press ahead with those parts of the Dayton agreement which still require to be implemented.

The report highlights a number of key factors which need to be addressed urgently if civil society in Bosnia is to progress. For example, there is no proper definition of citizenship or passports. Discriminatory property laws block the return of displaced persons, and the concept of refugee return made up a key part of the Dayton agreement. It is well known that the police do not deal even-handedly with politically motivated crimes. There are numerous cases of wrongful arrest and abuse of persons in custody. The issue of civil policing must be dealt with quickly.

The restoration of a recognised domestic civil police will come about only by close co-operation with the international police task force. That restoration of civil policing in which all sectors of the community can have confidence will, in my judgment, make the greatest possible contribution to the restoration of long-term stability.

One senior British Army officer pointed out in a recent article:

"The restructuring of the police to the standards of western democracies is an essential step if SFOR is one day to withdraw successfully."

I understand that the UK contributes 60 officers to the IPTF. I wonder if that is an area in which we could do a little more. We have a long-established tradition of civil policing in this country, and surely it would be right to try to extend our influence in these matters in Bosnia.

The international criminal tribunal for the former Yugoslavia deals with those indicted for war crimes. Everyone accepts that that is a crucial process if the scars that the events in Bosnia have left behind are ever to be healed. It is generally accepted that the tribunal is short of funds and is unduly bureaucratic. One of the key recommendations of the report is that

"international bodies urgently re-examine the resourcing of the International Criminal Tribunal for the Former Yugoslavia."

The report ends with a recommendation that the

"mandate for the successor force to SFOR should be based on a three year plan and be fully integrated with a comprehensive strategy for civilian implementation."

As I said, the proposals now envisage an exit state rather an exit date. That is a development in thinking since December 1997 and, although I was a subscriber to the report, thinking has developed—particularly across the Atlantic in the United States—that an exit state approach is the one that we should develop rather than the fixing of an exit date. The advantage of that is that more long-term strategies will be able to be pursued in areas such as mine clearance, the arrest of war criminals, the fight against corruption and the return of refugees.

The truth is that the implementation force and SFOR succeeded far beyond the expectations of those of us who supported their deployment. If one had said on the eve of the deployment of IFOR that it would have been able to restore stability as it did as quickly and as effectively, people would have expressed a certain degree of scepticism. SFOR has managed to take that process on and has maintained stability. The task for the follow-on force is to ensure that the stability allows the growth of the essential elements of a civilian society. That is why it is timely that we should discuss this report, albeit that the debate—as it were—is six months out of date. It reminds us once again that there are unfinished tasks in Bosnia.

11.27 am

Mr. Keith Hill (Streatham): I very much welcome this debate. It is almost a year to the day since the House last debated the situation in Bosnia on an Adjournment motion

in my name. Other hon. Members took part in the debate then. Since Bosnia represents the most significant act of deployment of British troops overseas and since the situation in the Balkans continues to constitute the greatest threat to stability in Europe, it seems appropriate that the House should return to this subject—at least at a 12-month remove.

The occasion for this debate is the excellent report of the Defence Committee on peace support operations in Bosnia and Herzegovina. I congratulate the Committee on its detailed and wide-ranging report. In particular, I congratulate the Committee Chairman, my hon. Friend the Member for Walsall, South (Mr. George), who, in his speech this morning, demonstrated his outstanding expertise on defence issues—the product of many years' immersion in the matter. He is absolutely right to point out the special contribution of British forces to peace support in Bosnia and Herzegovina. For reasons with which we are all familiar, the British Army has unique experience in performing at the cusp of civilian and military operations. Like my hon. Friend and all other hon. Members, I pay tribute to the achievement and reputation of the British forces in Bosnia. I welcome the Government's constructive response to the Committee's report, about which, I dare say, we shall hear more from my hon. Friend the Minister.

The first and major recommendation of the Committee's report, which was published in December last year, was that the presence of a multinational force in Bosnia be continued. That demand was at the heart of the debate in the House 12 months ago—it was supported by all those who spoke—when it was far from certain that the SFOR mandate would be extended beyond its expiry date in June 1998.

As we now know, the NATO permanent council decided on 18 February to continue SFOR's operation at current levels until the general elections in September, with some reductions after that date if circumstances permit. I note that the council will review the situation on the ground periodically and the SFOR mission every six months, but that no precise duration has been specified in the mandate.

Earlier this year, the United Nations high representative, Carlos Westendorp, said that he thought that the SFOR follow-up force should remain in force for three more years. I also note with interest that President Clinton has said that the mission should be tied to concrete benchmarks, not to a deadline, and that it must have clear objectives that, when met, will create a self-sustaining, secure environment, which would permit troop withdrawal. I am sure that that is the right approach, to which, I hope, the British Government will lend their support. The truth is that progress on the Dayton objectives has been painfully slow over the past 12 months. However, it is equally true—and universally recognised, not least among ordinary Bosnians—that there would have been no progress at all without SFOR.

The problems are obvious: the majority of common institutions are operating inadequately; illegal structures of government persist in the federation; there is a lack of strong multi-ethnic political parties and a structured civil society; and there are no functioning public corporations. If the UN high representative had not assumed sweeping powers, there would be no common citizenship laws, no customs union and no common flag—not even common number plates on cars. Human rights violations remain endemic and comprehensive plans to facilitate the return of the refugees have not been implemented—it is estimated that 600,000 Bosnian refugees remain abroad and that more than 800,000 Bosnians remain displaced internally.

Against that depressing backdrop, it is worth recognising that important, if limited, progress has been made, notably the shift, following the elections in November last year, towards a more moderate political regime in the Republika Srpska. The new Government, headed by Milorad Dodic, are supported by both moderate Muslim and Serb deputies. They have transferred the seat of Government from Pale to Banja Luka; they have decided to abolish all the laws adopted by the previous Parliament, which was dominated by the radical nationalists under Radovan Karadzic; they have promised strict implementation of the Dayton accords; and they have offered an operational plan to encourage Muslim and Croat refugees to return. Those moves have triggered the release of international aid to Republika Srpska—further grants and credits will be released as the commitments are implemented.

We should not exaggerate the progress that has been made, but it is impossible to believe that such virtuous developments could have occurred, paving the way to greater normalisation, without the presence of SFOR. There has also been progress in Bosnia in arms control, in confidence-building and security-building measures and in restructuring and reforming the police. There has been some economic revival in the federation, to which the minorities have begun to return—to a lesser extent, they are also returning to Republika Srpska.

In last year's debate on Bosnia, I argued that only the return of the refugees—Serbs, Muslims and Croats alike—would bring long-term stability to Bosnia. I made the obvious point that refugees would not return while the indicted war criminals remained at large. This time last year, of 75 indicted war criminals in all parts of Bosnia, only nine had been arrested and only two prosecuted. That is another area in which progress has been made over the past 12 months, and in which British forces have played an important role and even forced the pace. Hon. Members will remember that, on 10 July last year, my right hon. Friend the Secretary of State announced in the House the arrest by British troops of the indicted war criminals Kovacevic and Drljaca, the latter of whom was fatally wounded during his capture. I understand that nearly 30 indicted war criminals are now in the hands of the international criminal tribunal at The Hague—a third of them are currently standing trial.

No one should underestimate the risks entailed in the pursuit of the indicted war criminals, both to the troops and of creating political instability, but the pursuit must continue—Karadzic remains a target for the international community—and must apply equally to Muslim and Croat, as well as to Serb, war criminals. Only SFOR can carry out that pursuit, which is a further reason why its mandate has rightly been extended.

Bosnia and Herzegovina represent an immense and continuing tragedy. With hindsight—which is, of course, always 20:20—it is now generally accepted that an early force projection by the west might have held the ring between the warring sides, so preventing the tragedy from unravelling. I think that that lesson has been learnt and I

[Mr. Keith Hill]

cannot commend too highly the resolute position that the British Government are adopting on the current crisis in Kosovo.

The persuasive powers of President Yeltsin have evidently not prevailed over Slobodan Milosevic. It is perfectly clear that the Serbian army and militias will remain in Kosovo, but it is intolerable that the Federal Republic of Yugoslavia should be using aircraft, heavy artillery and tanks against its own largely unarmed so-called citizens—the intention may not be ethnic cleansing, but the effects are starting to seem as if it were. If the international community has the means to stop such action, it should use them.

Stability in the Balkans would probably not be served by the secession of Kosovo from what remains of Yugoslavia, but Kosovo must subsist—

Mr. Deputy Speaker (Sir Alan Haslehurst): Order. The debate is about Bosnia and Herzegovina. Although references in parallel to Kosovo are permissible, the debate is not about Kosovo.

Mr. Hill: I fully accept your reproach, Mr. Deputy Speaker, but it is difficult to debate the situation in Bosnia, which has regional implications, without taking into account the situation in Kosovo. With your permission, I should like to outline the implications of President Milosevic's actions in Kosovo.

Mr. Deputy Speaker: Order. We are debating the Select Committee's report on Bosnia and Herzegovina. The hon. Gentleman would be out of order if he pursued his intention.

Mr. Hill: I accept, of course, your reproach, Mr. Deputy Speaker.

SFOR's record in Bosnia has been outstanding—it has held the ring. Lessons for Kosovo can certainly be learnt from the experience of the projection of international force into Bosnia, and I am sure that the British Government and the international community will bear such considerations in mind. I hope that we shall hear reassuring words about further international action in the Balkans from my hon. Friend the Minister.

11.38 am

Mr. Michael Colvin (Romsey): On behalf of the Defence Committee, I thank the hon. Member for Streatham (Mr. Hill) for taking such an interest in our report and for participating in this debate. I only wish that more hon. Members were present today, as the defence of the realm is a crucial matter. When I entered the House, probably more than a third of hon. Members had some experience of the armed forces—many compulsorily, some voluntarily. That wealth of experience is now missing, so I commend to the hon. Gentleman the parliamentary armed forces scheme, which is run by Sir Neil Thorne, a former Member of Parliament. If the hon. Gentleman takes part in future debates on defence matters, he should perhaps concentrate more on defence than on the politics in neighbouring countries—the scheme could do him a great deal of good.

May I also congratulate the hon. Member for Walsall, South (Mr. George), the Chairman of our Select Committee. If patience is a virtue, he is certainly virtuous because, as the longest-serving member, his patience has been rewarded with the chairmanship of the Committee, which has a long record of consensus—one that will be maintained, I am sure, under his chairmanship.

I shall also use this opportunity to pay tribute to previous Committee members. Our membership was thoroughly devastated at the general election and other members left for other reasons. We must all acknowledge the valuable work that previous Committees did and pay tribute to new members. If ever there was a fresh leavening of the loaf, we have had it. In particular, I pay tribute to the hon. Members for Crawley (Laura Moffatt) and for Stockton, South (Ms Taylor) for the way in which they have adapted to the work. If the armed forces can put ladies in the front line, why cannot the Defence Committee also move with the times and introduce a female element? And very useful it has been.

I was looking forward to what would have been my fifth visit to Bosnia-Herzegovina with the Defence Committee, but instead I found myself attending the assembly of the Western European Union in Paris. My Chairman will no doubt be relieved to know that the worsening situation in Bosnia-Herzegovina and neighbouring states was the principal item on our agenda and we spent some time discussing what sort of force should succeed the stabilisation force. Everyone agrees that the continuing presence of British troops in SFOR and the contribution that British officers, in particular, have made to the headquarters are key elements in the administration of the Dayton agreement. Any successor force must include the British and, of course, the Americans.

Although Dayton has imposed a durable and expensive ceasefire and warfare may have ceased, no one could say that peace has come to Bosnia-Herzegovina, where the authorities have been lamentably slow to honour their obligations under the peace agreement. How to achieve a permanent peace is beyond everyone at present and the growing tensions in Kosovo and Albania mean that the situation in the Balkans will get worse before it gets any better.

The Muslims signed the Dayton accord because they thought that NATO would intercede on their behalf and the Croats and Serbs signed it because they presumed that that would never happen. That extraordinary ambiguity is the basis of Dayton's success in maintaining the ceasefire. Now the time has come for a renewed or fresh mandate for NATO's continued presence in Bosnia-Herzegovina, which no one doubts will happen.

One welcome development has had a painful down side. The emergence of the precarious democracy in Republika Srpska has forestalled moves for a referendum on its future. The hon. Member for Streatham referred to that. We know that a majority of Serbs favour seceding from Bosnia-Herzegovina and joining up with Serbia. That too was President Milosevic's strategy and because he has so far failed to achieve the greater Serbia in that way, he has turned his unwelcome attentions to Kosovo.

Our Select Committee report makes many recommendations, but I shall touch on three that are relevant to the strategic defence review and one other. First, on strategic heavy lift, I found it particularly

embarrassing to go to Marchwood military port to see the departure of our troops and equipment to the former Yugoslavia and to realise that they had to wait for a fortnight for the arrival not of British but of American and Ukrainian ships for the heavy lift to be made.

The Government must tackle the problem of merchant naval heavy lift as part of the strategic defence review. I acknowledge that the previous Government successfully torpedoed our Merchant Navy through their fiscal policies, but if this Government do not tackle that problem, we will be in trouble. Although it can be assumed that we can hire the ships required for heavy lift on the open market, there is no guarantee that we will be able to get the crews required, so I hope that the Government will deal with that in the SDR.

On heavy lift by air, there has been a long debate and the previous Defence Committee produced a report on the subject, recommending a mixed fleet of the successor to the C130 Hercules—the C130J—and possibly the future large aircraft made by Airbus Industrie GIE. The latter is still on the drawing board and is unlikely ever to get off it. In fact, the Germans are now in discussions with the Russians and Ukrainians to develop the Antonov for heavy lift.

Also, according to frequent reports in the newspapers, it looks as though the Government will either purchase or lease the C17 from the United States. There are two versions of the C17; one military, the other civil. The Government should think carefully about the armaments on the military version. If we purchase the civil version, however, it will be completely unarmed, but some military defence will be necessary in the theatres of war in which it will be flying or it will be a sitting duck. The Government should think carefully before plumping for the civil version.

The second point is that, when the previous Government cut our armed forces by about 30 per cent., they cut defence medical services by about 40 per cent. The structure they put in place, in particular the military district hospital units, was good—they were simply undermanned. The SDR should also tackle that and consider the role that the Territorial Army could play in providing the expertise and skills required for field hospitals. If Britain were engaged in high-intensity warfare, we would not be able to set up the required number of field hospitals. Our Committee has looked into that matter and it is referred to in the report that we are debating. That is one area in which the Government must do something.

The third point on the SDR is the cost of our operations in SFOR. It is estimated that in 1997–98 the total cost to Britain will be £200 million. That is a charge that must go on the Consolidated Fund, not our hard-pressed defence budget.

One of the six common institutions established under Dayton to cover the whole of Bosnia-Herzegovina was the Standing Committee on Military Matters, which was the last of the institutions to meet—last September in Sarajevo—but which has had a crucial role to play in long-term security and stability in Bosnia-Herzegovina and in facilitating dialogue on security arrangements with the international community. Our Committee concluded:

"in order to promote greater stability, the programme should be developed away from its current bilateral status towards a NATO-based programme more fully integrated with the role of the SCMM, a role which in turn must be supported and developed into something closer to a partnership for peace."

That is an important recommendation and I would like the Minister's comments on it when he replies to the debate.

In conclusion, I shall state the obvious—but it is always something that needs to be repeated. Visiting our troops on joint operations with the forces of other nations, with which one can draw comparisons, brings a mixture of satisfaction and pride—satisfaction in seeing a job really well done and being able, as a Committee, to do something to help them and pride in confirming that our service men and women are the best in the world and the best led.

I commend our report to the House.

11.48 am

Laura Moffatt (Crawley): It is difficult to express my feelings about my visit to Bosnia and the subsequent production of our report. As the House has heard, the Defence Committee has previously visited Bosnia several times, but as a very inexperienced member of the Committee I made my first visit there under the careful supervision of our Chairman, my hon. Friend the Member for Walsall, South (Mr. George), who kept a close eye on us. New members were given a great opportunity to express themselves. I am extremely grateful for that and for the comments made by the hon. Member for Romsey (Mr. Colvin).

I have thoroughly enjoyed my time on the Defence Committee. The visit was a moving experience. It is difficult to believe that the industrial and economic base of Bosnia and Herzegovina was so badly destroyed that just 6 per cent. of it was functioning after the war—although we could see the devastating effect of that.

I want to concentrate on the medical services—an issue close to my heart. On our visit to 24 Armoured Field Ambulance, it was amazing to see the work that was done, but there are practical ways in which to do the job more efficiently. It is difficult for medical people to set up a whole new service in an area of which nearly a third has been destroyed. I was sensitive to the views of those who said that we would gradually have to reduce the service that we provide to the people of Bosnia and Herzegovina so that they can develop their own medical services, but that will be difficult; medical people naturally want to help—and I commend them for doing so sensitively.

There are practical difficulties. Previous Committees commented seriously on the ways in which operations must be conducted in the field. As a result, a new containerised operating theatre was provided—the GIAT. There are still difficulties, however, as it is cramped, and anyone taller than 6 ft would find it difficult to work there. I urge the Ministry of Defence to continue to work with experienced users of that sort of operating theatre to try to produce the best facilities. The French and Canadian facility is better than that available to our medical service personnel.

Laboratory staff in the field must work in tented accommodation. As a nurse, I could see how difficult it was to keep those areas clinically clean or sterile. Like the report, I urge that we consider containerised laboratory services so that we can ensure that areas are clean and can provide the best service.

A much more serious problem for those who work in the medical services of both the reserve and regular forces is overstretch, although that word oversimplifies what I

[Laura Moffatt]

want to say. They have to adapt from life in the United Kingdom to serve as doctors, consultants, nurses, paramedics, laboratory staff and all the others who make up a good medical service, and goodness knows the service in Bosnia and Herzegovina is good.

There is no doubt that the previous Government's medical services reorganisation was a disaster. I have heard it said that the service was just underfunded, but the reorganisation was fundamentally flawed and it is causing great difficulty for those who attempt to work in the national health service at home and those who serve abroad.

As we travelled from one base to another, we heard dissatisfaction at the way in which the service is being run. Because the SFOR operation was winding down, many consultants felt guilty about huge waiting lists at home. The NHS is a hard-pressed service in which doctors, nurses and everyone else want to do their best, and I urge a careful consideration of how we work with the NHS through the Defence Secondary Care Agency to ensure that we get the best from our serving forces. They should feel that they are contributing, not that they are letting down their colleagues at home. Some felt that by going away to serve they might cause extra difficulty at home. I hope that that has been fully considered in the strategic defence review.

I found the visit very moving and I was privileged to go to Bosnia and to contribute to the report. Everyone in the House will be full of admiration for our serving forces in Bosnia and Herzegovina. The esteem in which they are held by the people of those countries is unbelievable. If our troops do that sort of job for us by helping to create stability in the region and contributing so much to peace, it is beholden on us not to let them down.

11.55 am

Mr. Martin Bell (Tatton): I thank the hon. Member for Walsall, South (Mr. George) for his speech and praise his record as a doughty champion of our armed services. He is held in much higher esteem than most politicians by the services, and has written a seminal book on the subject.

There are, of course, no quick fixes. The Defence Committee has seen the situation on the ground. My own familiarity with it is different, and relates to earlier. There can, however, be slow fixes, and IFOR and SFOR can be regarded as a type of cast on a fracture. The cast must stay in place for a while, until the application of pressure can be eased. We shall never return to the multi-ethnic, multiracial, harmonious Bosnia of old. It is gone. If there was a time for peace with justice, that time was April 1992, and we and all the western democracies shall for ever reproach ourselves for acting so late.

What we are preventing now is the return of genocide. Every day the peace lasts, it strengthens. The conflict will not go on for ever. The situation is improving and we must thank our soldiers for that. From experience, I know that our soldiers lead the world, not only in war fighting, but in peace keeping, peace making and peace building. As I have said often before, we have the best little army in the world and I am confident that it will remain so after the strategic defence review.

Let it be said that there are costs—the casualties, the dead and the injured, especially in the early months and years of our involvement. To this day, there is the danger of a return of warfare. It is not a safe environment for anyone, including SFOR and British troops, as long as mines remain in the ground. The casualties, at a time of overstretch in our armed forces, also extend to soldiers' families. Often, especially in the early months, a battalion would return from duty in Bosnia to find that its casualties included 10 per cent. or more of its marriages. A soldier would gain a medal, but lose a family. What kind of a trade-off is that?

In one specific case, the casualties include a brave soldier of the Parachute Regiment who was arrested last October under the Official Secrets Acts. He still has not been charged, but his career and his reputation are in ruins. When the investigation is over, I shall wish to hold the Ministry of Defence police to account; nor shall my sword sleep in my hand on that point. He, too, is a casualty of our Bosnian involvement.

There is no point in living through such experiences unless we learn from them. As we contemplate a follow-on force, some serious lessons can be learned: one is that if we are going to threaten force, we must be willing to use it or our bluff will be called. Another is that whatever is done must be done within the context of international law, which, to be honest, is one of the problems in Kosovo at the moment.

We have learnt that the application of sanctions is a cruel and blunt weapon. They tend to hurt those whom they are designed to help: they reward the villains and the black marketeers and punish the little people. They did so in Iraq and it was certainly so in Serbia at the time of the Bosnian war.

The most important lesson is that there are issues of right and wrong as well as of national security. It is in the interests of our national security that we help to maintain the peace in Europe, but we must not forget the element of right and wrong, of doing what we should and believing that Bosnian lives matter. British lives have been sacrificed; if we walk away now, that will have been in vain. Sometimes it is necessary to do what is right rather than what is expedient and we must stay the course in Bosnia.

12 noon

Mr. Gordon Marsden (Blackpool, South): I, too, congratulate the Select Committee on its report. It acquired much knowledge and wisdom on a short visit.

United Kingdom involvement in SFOR is in the highest traditions of professionalism. I have seen UN peacekeeping forces at work on the Golan heights, and I have no illusions about the difficulties involved in such situations, especially when a multinational force is involved.

In Bosnia-Herzegovina, we are involved in building peace, not merely keeping it; there is a distinct difference. In that context, it is especially timely that the Select Committee highlighted the need to buttress moderate forces in the region. Sometimes that is done overtly, as the report said, as in the timely interventions to protect civil rights in the so-called battle of the buses before the elections last November, and sometimes it is done more subtly, by reminding the population of the window beyond, which involves economic reconstruction.

The King's Royal Hussars played a commendable role in re-establishing dairy farms, distributing children's magazines in Serbo-Croat and in English, and supplying

a radio service in and around the area of Sipovo. The rebuilding of civil society is a key element in the operations of any peacekeeping force.

I recently returned from a conference of young European politicians in Slovenia, where I met representatives from Sarajevo and Tuzla, who emphasised the need for support and encouragement in that rebuilding. Before the civil war, Bosnia-Herzegovina was a sophisticated, multinational, multiracial, multi-ethnic and, by and large, multi-tolerant society, especially in the urbanised areas.

SFOR, and the British troops that it contains, continues its commitment to the prosecution of war criminals. No one can be in any doubt about the logistical difficulties in apprehending those people and the practical difficulties for the tribunal in The Hague, but it is extremely important to press ahead. We should remember the post-war experience with Nazi war criminals. It is not always easy or even possible to bring such people to justice overnight, or even within two or three years, but anything that the defence force can do should receive our support and endorsement.

I am glad that the report draws attention to the continuing problems with human rights. In the traumatised situation of Bosnia-Herzegovina today, no one should expect all the functioning civil rights of a western social democracy, but we must expect certain basic decencies. One of my constituents, who served as a volunteer in the forces in Bosnia-Herzegovina, was imprisoned, initially without charge, as a result of the political situation there, and we should draw attention to such cases.

The report is a snapshot of the aftermath of the civil war, and in its estimate of the cost and its assessment of the need for an over-the-horizon presence, it underlines how wrong Bismarck was when he said that the Balkans were not worth the bones of a Pomeranian Grenadier.

We need to educate and inform the public about our involvement in the Balkans. There is an understandable temptation to give up because of the apparent incomprehensibility of the region. I recently came across a 1912 cartoon of John Bull being sucked into the whirlpool of the Balkan wars of that time. We ignored the problem then, and the result was the assassination of Franz Ferdinand at Sarajevo and the first world war. We cannot ignore it now, and that is one of the reasons why I welcome my right hon. Friend the Prime Minister's firm stance on Kosovo, and the actions of my right hon. Friend the Secretary of State for Defence.

It is important to remember that the Bosnian crisis has its origins in the situation in Kosovo. All parties are responsible for the break-up of Yugoslavia, and the lack of political leadership contributed to the situation that unravelled in Bosnia. In 1989, Slobodan Milosevic used the 600th anniversary of the battle of Kosovo—a traumatic event in Serb history—to underline Serbian demands and to attempt to remove the region's autonomy, and that event precipitated the removal of Slovenia and Croatia from the federation and resulted ultimately in the spill-over into Bosnia of the conflict between Serbia and Croatia.

Unless we understand the interconnections of the areas and the increased importance of maintaining a presence in Bosnia-Herzegovina, we shall suffer the consequences. The Serb-Croat conflict and the collapse of Yugoslavia in 1991 sucked Bosnia-Herzegovina into civil war, and Kosovo could suck in Albania and Macedonia and, eventually, Greece and Turkey.

To sustain and to build peace, as we are attempting to do in Bosnia-Herzegovina, is never an easy option, but if NATO is to retain credibility, we must all continue our efforts in that direction. The report says:

"In summary, considerations of altruism and national self-interest lead to the same conclusion in respect of our involvement in former Yugoslavia. The price of peace would be far outweighed by the costs of a resumption of war."

12.8 pm

Mr. Crispin Blunt (Reigate): When the Select Committee last visited Germany, every unit that we visited, including RAF Bruggen and 7 Armoured Brigade, told us of the difficulties of sustaining the current operational posture of our armed forces in their deployment in Bosnia, the Gulf and elsewhere.

My regiment was in Höhne but, sadly, we were not able to visit it, because the vast majority of the troops were supporting the eighth squadron tour in Bosnia. The experience of the Light Dragoons shows how our operational tour commitment, which is now indefinite, with the extension of SFOR, is beginning to undermine our military efficiency and capability.

I want to draw out one point for the Minister: the Prime Minister thinks that we can go on an adventure in Kosovo, without re-examining the state of the defence budget and thinking about the commitments that it is sustaining, but in my judgment, from what I have heard in the Defence Committee and from the feedback that I have received, the armed forces are no longer capable of sustaining another indefinite operational commitment. I hope that the Minister and his colleagues will restrain the Prime Minister from thinking that Britain can take on a neo-imperial role and commit its armed forces around the world. If the Prime Minister wanted to behave like that, there would have to be another defence review and substantially increased resources would have to be put into the defence budget.

We have learned lessons from Bosnia, but some hon. Members have drawn the wrong lessons from it in respect of Kosovo, which is a different situation. We should not get drawn in, not only for reasons of foreign policy and international law, but for reasons of practicality and the state of the defence budget.

12.10 pm

Mr. John Maples (Stratford-on-Avon): We have heard some interesting and well-informed speeches. It has been an eye-opener to hear so many speeches from Government Back Benchers calling for a proactive and obviously more expensive defence policy. Those sentiments will not have been lost on the Minister.

The Defence Committee, whose valuable work has highlighted key issues, has said that SFOR's work is incredibly valuable, and we would all agree with that. There is danger of a return to war in Bosnia, but SFOR has succeeded in maintaining an effective ceasefire since late 1995, which is a not inconsiderable achievement. There has been less progress on the political front, but we always knew that that would take time and there are signs of hope.

[Mr. John Maples]

I want to deal with the consequences of British involvement in SFOR for defence policy in terms of overstretch, and with welfare issues for British troops serving with SFOR, which emerged from the Committee's report. We are told that, under the renewed mandate, SFOR is to maintain its current strength of 34,000 until after the elections in September. That strength will then decline—it is not clear by how much, but it is clear that American participation will reduce. Is there any plan to reduce British numbers?

At paragraph 18 of the report, the Defence Committee highlights the fact that reducing numbers without reducing the role would pose dangers for troops as well as for the peace process. Does the Minister think that a reduction in numbers in September, if it takes place, would be likely to pose dangers for the British contingent or for any other parts of SFOR?

Although continued American participation seems to be secure for the immediate future, Congress is clearly unhappy for various reasons, such as the timetable and the cost. We must acknowledge the serious danger that the United States will further reduce or even eliminate the role of its ground troops in Bosnia in the foreseeable future. For many of us, a largely unwritten condition of our involvement and the involvement of many of our NATO and other partners in Bosnia has been that American troops must be on the ground with us. That must remain a fundamental precondition of our involvement. In their reply to the report, the Government agreed that American forces should continue to play a significant role,

"provided force is NATO led . . . and that other allies participate".

Does that mean American participation? For many of us, it does.

SFOR's task seems likely to take several years and could become indefinite. Lieutenant General Pike, the British deputy commander, foresees a three to five-year role for SFOR, and there is a strong possibility that American involvement will cease before its task is complete. That task seems to have become open-ended, and the danger of that happening is predictable in such operations. I hope that the Government will reflect on that when formulating their approach to other problems in the Balkans.

Our armed forces have long-term commitments in Bosnia and in Northern Ireland. No assumptions are being made in the defence review about early troop level reductions in Northern Ireland and, clearly, no such assumptions could be made about reductions in Bosnia. It is distinctly possible that the Government will decide to commit further troops to the Balkans in Macedonia and Kosovo, so the level and the extent of our overseas commitments could increase. That does not take account of a hot war breaking out, as it nearly did in the Gulf a few months ago. It seems to Conservative Members that all of that has serious implications for manpower planning in our armed forces and in the strategic defence review. We shall examine the review closely, to see how it deals with those problems.

Welfare issues were highlighted by the report. The Committee said that the biggest grumble among our troops was about telephone calls. I realise that it is difficult for a Ministry dealing with a £22 billion budget to change down into a low enough gear to deal with such simple issues, but they are often at the heart of recruitment, retention and morale. The Government should address the matter more seriously than they have: one short telephone call a week may be enough for people who do not want to talk to their parents or their children, but it is not enough for married people with husbands or wives or families.

Hon. Members should think about soldiers who are allowed one short telephone call to their families each week while away from home for six months, serving their country. Those few minutes would be totally inadequate to deal with problems in the marriage or with one of the children at school. The report called for an increase, but the Government have effectively dismissed that out of hand by saying that the current arrangements are "fair". To many of us, there is no way that they are fair. Such people are serving their country a long way from home, for months at a time. I urge the Government to think again. The cost cannot be all that great, and wonders could be done for morale, and even for recruitment.

Threats of family breakdown are a serious cause of people leaving the services and the consequent recruitment problems. A small sum spent on telephone bills might save marriages and, in the long run, recruitment costs. If the Government cannot go as far as we and the Defence Committee would like them to do, could they at least be more generous with service men and women who have wives or husbands or children at home?

A Territorial Army officer who had spent six months in Bosnia recently told me about not only the short time allowed on the telephone, but the fact that the telephone system was incredibly unreliable. People would tell their wives to be ready with the children for a call at 5 o'clock on a Friday, but the call would not happen because the system was inefficient and did not function. What is the cause of that and what is being done about it?

Overstretch is producing serious consequences. Over two years, the average British soldier can expect to spend six months in Bosnia, six months in Northern Ireland and, probably, time overseas in training. Tours last an average of six months, with some for specialists lasting up to 12 months, and, because of our commitments, the period between tours in Bosnia and in Northern Ireland is often very brief. Many of our service personnel are away from home so much that they are often unable even to take all their leave entitlement, and they get only two weeks' home leave during a six-month posting abroad. All that means that service personnel spend much less time with their families than has been the case over the past 20 or 30 years. That imposes serious problems and strains on relationships.

Those are major problems for armed forces personnel and their families, but one of the main pressures that cause people to leave the armed forces comes from their families because of long absences from home. The costs are borne by the families, and often end in divorce, but they are also borne by us as taxpayers through the need for additional recruitment. May I ask the Minister, if I could have his attention for a moment, what the Ministry is doing to address those issues? Does he foresee the problem of overstretch getting worse or better? What level of attention and importance does the Ministry give to welfare issues? It seems to Conservative Members not to be as high as it should be.

Our troops are, as always, doing a wonderful job and we can, as we always are, be justly proud of them, but extended peacekeeping missions abroad pose serious questions for defence policy. I hope that the Minister will address them. We shall examine the strategic defence review closely to see how they have been dealt with, and we expect the Government seriously to consider the welfare issues raised by the Committee and at least to make immediate changes to the cost and reliability of the telephone system.

While we are fulfilling commitments that result in extended periods away from home for our troops, we owe it to them and to their families to treat them with the utmost consideration. If we fail to do so, not only will recruitment and retention problems worsen, but we, as a nation, will fail to honour and value our armed forces in the dangerous and difficult situations in which we place them.

12.19 pm

The Minister for the Armed Forces (Dr. John Reid): I congratulate my hon. Friend the Member for Walsall, South (Mr. George) on his presentation of the Committee's report. I know how much work he and the Committee have done on this, as on a number of other issues. The presentation of his first report must be a milestone in his career.

I welcome the hon. Member for Stratford-on-Avon (Mr. Maples) to the Opposition Front Bench. I know that he has views on, and experience of, defence and the armed forces as a result of his work as a parliamentary private secretary and, subsequently, Economic Secretary to the Treasury between 1987 and 1992—the period in which the cuts in personnel that resulted in the current overstretch were initiated. I hope that his time at the Ministry of Defence will grant him a less illusory perception of the work that the armed forces actually do. I shall return to the question of overstretch later.

Almost every speaker has placed Bosnia in the context of current events, relating personnel and other problems to the terrible and dangerous events in neighbouring states. Although the problems are concentrated in Bosnia, all those hon. Members would expect me to make a brief reference to events in Kosovo. The key to resolving the situation there remains political; but, as my right hon. Friend the Secretary of State for Defence said after the NATO Defence Ministers' meeting last week, President Milosevic must understand that diplomacy to end the Kosovo violence is being backed up by the threat of force. As for further measures—some of which we were asked to rule out by the Opposition Front Bench and other Opposition Members—we will rule out, or rule in, no options at this stage. Our objective must be to put the maximum pressure on President Milosevic.

I must tell those who, unsuccessfully, urge me to lecture the Prime Minister and tell him that we ought to diminish our share in world responsibilities that I will not do that. I think that what the Prime Minister says is absolutely right.

Mr. Blunt: Will the Minister give way?

Dr. Reid: I have only nine minutes in which to reply. With all respect, I must tell the hon. Gentleman that I cannot take interventions.

The NATO Defence Ministers' meeting in Brussels last week directed NATO to conduct Monday's air exercise in Albania. I am glad to say that, far from shrinking from that, the United Kingdom was able—and pleased—to contribute six Jaguars and a Tristar to the exercise. I am sure that the House is proud that our forces took part in that international warning to President Milosevic that diplomacy would be backed by force.

In the wider context of Bosnia, let me say that the Government welcome the Committee's report and, in general, share its positive view. My right hon. Friend the Secretary of State and I have visited Bosnia on a number of occasions to engage in discussions with our commanding officers and troops. I visited our troops only a fortnight ago, and my right hon. Friend will visit them shortly. Like the Committee, I was struck by the steady improvements that had been made in the condition of the country.

The tragedy of Bosnia is obvious to anyone who goes there. It is a magnificent and beautiful country with tremendous potential, reduced to dire straits by the war. Thankfully, however, there have been steady improvements, and the restoration of normal life is inching forward. I am proud that our national contribution to SFOR continues to play a large part in the progress that has been made.

Let me tell the hon. Member for Canterbury (Mr. Brazier) that, although the smiles, diplomacy, tact, courage and endurance of our soldiers on the streets of Bosnia are important, other things are important, too. Our tanks and AS90 guns, designed for high-intensity warfare, have provided invaluable support for our peacekeepers in Bosnia, where the might of heavy metal and heavy artillery is understood and respected. I accept what the hon. Gentleman said about high-intensity capability, weaponry and training: those elements should be part of our peacekeeping missions. But success has a price. I am not referring merely to the sacrifices made by our soldiers in Bosnia, although the House will note with sadness the death on Thursday of Lance Corporal Kevin Bell in an accident in Bosnia. Our condolences go to his next of kin—and, indeed, to all who have lost their loved ones in the service of their country in Bosnia and elsewhere.

The situation on the ground has been transformed since 1995. The fighting has ended; refugee return is picking up in Republika Srpska, among other places. The United Nations High Commissioner for Refugees estimates that some 7,000 people returned to their homes in April, and almost as many in May. Of course we would all like the figures to be higher, but they are very encouraging none the less. During my recent visit, I saw for myself both the successes and the problems of refugee return—for problems remain in such areas as Drvar and Derventa. We have made it clear that all parties must live up to their Dayton obligations to accept and manage refugee returns, and that the recent violence—particularly in Drvar and Derventa—is unacceptable. Of course SFOR will do what it can to help, but the problem is essentially political. We cannot force returns at the point of a gun.

There are a number of promising developments. For instance, Bosnia now has a new flag and a national vehicle registration system, and has agreed a new national currency. Although none of those developments would have taken place without continuous pressure from the international community, they are important steps on the road to normality.

[Dr. Reid]

There are other signs of progress, some of which were mentioned by my hon. Friends the Members for Streatham (Mr. Hill), for Crawley (Laura Moffatt) and for Blackpool, South (Mr. Marsden). Above all, the House will recall the pre-eminent role that British SFOR forces have played in the detention of war crimes indictees in Bosnia. Of the nine who have been detained over the past year, five were detained as a direct result of action by British SFOR troops, and two were detained with their assistance. I am sure that the House will join me in paying tribute to the courage and professionalism of the forces involved. The United Kingdom has also been heavily involved in the important task of de-mining, which is another positive development in the sorry battlefield that has been Bosnia.

The conclusion that I draw from all those developments is that the international community, and the United Kingdom, must remain engaged in Bosnia—but not indefinitely. It is critical for the people in Bosnia, especially the political leaders, to start taking responsibility for their own future as soon as possible. We must not perpetuate a dependency culture in Bosnia.

Mr. Maples: Does the Minister agree with Lieutenant General Pike that SFOR's commitment now looks like a commitment of three to five years?

Dr. Reid: We shall take the stages in Bosnia as they come. We cannot commit ourselves 10 or even five years in advance, or make predictions. What I will say is what I said in 1994, from the Front Bench where the hon. Gentleman now sits, that we could be in for a 10-year haul in Bosnia. The hon. Gentleman's predecessors—who were sitting on Government Benches—openly mocked me. I think Opposition Members have some prescience in these matters, which may not be shared throughout the House.

We have made it plain that we are not in Bosnia indefinitely. We have said that we shall assist, but that the benchmarks will be the state of affairs rather than a timetable.

My hon. Friend the Member for Walsall, South referred to the size and shape of the force in Bosnia after 20 June. The United Nations has now extended SFOR's mandate. The United Kingdom will play its part in the successor force, and my right hon. Friend the Secretary of State will announce the precise nature of our contribution in the not too distant future.

Hon. Members have raised a number of issues. As we would expect, the hon. Member for Tatton (Mr. Bell) raised the issue of overstretch, as did several others. I know that the hon. Gentleman is very concerned about the effect on families. We are well aware of the problem. The hon. Gentleman will understand me when I say that we do not intend to take lectures on overstretch from people who were part of a Government who cut personnel by 32 per cent. and who spent £500 million only to leave us 7,500 troops short. The Labour Government, in one short year, have turned those figures round, and are now recruiting 67 per cent. more into the Army than the Conservative Government did in the previous year. We have reduced the shortfall by 1,000 in 12 months. For the first time in three decades and against a background of falling unemployment, we have increased the numbers coming into the Army.

I assure the hon. Gentleman that the strategic defence review will give this matter a high priority. We recognise the role that our soldiers have played in Bosnia.

Millennium Bug

12.30 pm

Mr. Nigel Evans (Ribble Valley): I am grateful to the Chancellor of the Duchy of Lancaster for responding to the debate. He is a senior Cabinet Minister and he, at least, recognises the importance of this issue. I am delighted that he is present to respond to the Audit Commission's report "A Stitch in Time—facing the challenge of the year 2000 date change", which was launched today. This report is an alarm bell which should shake the Government into action. It is a shocking account of the dangerous unpreparedness of local authorities, health trusts and emergency services in tackling the enormous problem of the millennium bug.

The millennium bug is a problem that any date-sensitive equipment will have when we switch from the 1900s to 2000. To save memory, many pieces of equipment use only the last two digits of the year: 1998 becomes 98, 1999 becomes 99 and 2000 becomes 00, which is exactly the same as for 1900. My credit card has already been refused by a petrol station because the two digits at the end of the expiry date are 00. I am used to my credit card being rejected for other reasons, but not for that.

We must remember that, in 2000, many people will not go back to work until 4 January, and that 2000 is a leap year. What has the Prime Minister said about the millennium bug problem? On 30 March 1998, he said:

"If we don't tackle this problem, the economy will slow as many companies divert resources to cope with computer failures and some will even go bust. So the millennium bug is a serious issue. This is one deadline that is non-negotiable. Normal processes will not meet it. This must be treated as an emergency."

Unilever has gone so far as to suggest that the millennium bug could cause a worldwide recession. Problems are already occurring. There is the famous story of the food consignments that were rejected three times because the computer kept reading the date 2000 as 1900. In 1996, a date time problem shut down two aluminium smelting plants in New Zealand. It took 1 million New Zealand dollars to open them up again.

Many people think that the millennium bug affects only their personal computers, but nothing could be further from the truth. In 1995, 200 million computers and 7,000 million pieces of equipment with date-sensitive timing or embedded systems were sold worldwide. So 7,000 million pieces were sold in one year alone, and that was three years ago. The problem does not affect just personal computers.

Page 11 of the Audit Commission's report paints a vivid picture of the day in the life of a director of finance of a local authority. His diary entry reads:

"Drove into the office to pick up some homework—chaos on the roads despite the lack of traffic—seemed to be a problem with all the traffic lights en route.

Pulled up to the car park—barrier refused to open—must be a problem with my swipe card. Left car on road.

Walked up the drive to municipal offices and noticed that a ground floor window had been smashed (why no alarm?)—make a note to speak to head of security on Tuesday when he gets back from the Bank Holiday.

Punched in the door entry code—wouldn't allow me in! Had to climb in through the broken window!!!

Lifts on my floor didn't seem to be working. They can't all be out of commission? What on earth is going on?

Still—at least our IT people made sure this Millennium Bug problem hasn't affected our main financial system."

We do not usually associate traffic lights, lifts, door entry codes, burglar alarms and barrier controls with the millennium bug. A crematorium had to spend £30,000 to replace its embedded chip. Those are all serious problems.

The British Medical Association contacted me yesterday. It is extremely concerned about the Audit Commission's report. It lists some of the problems that it foresees will occur on 1 January 2000. It includes:

"lists failing to work

infusion pumps and ventilation equipment needing resetting

freezers storing blood and IV fluids malfunctioning

radiotherapy and chemotherapy equipment unable to deliver correct dosages".

It says that GPs will also be affected by

"loss of patient records

hold ups and errors in screening programmes

delays in securing vaccines

equipment failures

disruption to call answering services."

Dr. Kenneth Robertson, chairman of the BMA's information technology committee, has warned:

"Doctors need to realise that any piece of electronic equipment more complex than a fan heater is likely to be affected by the millennium problem."

Yesterday, the chief of the health service, Sir Alan Langlands, stated rather worryingly that he "could not guarantee" that all patients would survive. He would not put a figure on the number of likely deaths. However, in the *Daily Express* yesterday a leading doctor from St. Bartholomew's hospital, who is also a computer expert, estimated that the figure could reach 1,500. We were reminded of the three-day computer breakdown in the London ambulance service in 1992, which is alleged to have resulted in 20 deaths.

The report does not seek to sensationalise. It states:

"For the national health service and local government, there are serious risks to life and health."

It further states:

"hospitals could be susceptible to a malfunction of medical equipment . . . that communications systems used by the emergency services might fail to work, increasing risks to the public. . . Traffic lights may stop working, increasing the risk of accidents".

The Audit Commission reports that, even with all those risks, less than 10 per cent. of local authorities and health trusts have contingency or appropriate plans in place. It says that half the local authorities and trusts have not prioritised what is to be done, and less than a third of local authorities and trusts have documented their strategy for dealing with the problem. The report states that only a third have undertaken a review of existing support and maintenance contracts, only a third have made specific budgetary provision and a third still have no IT inventory for the equipment or contracts.

The country is facing a serious crisis of epidemic proportions. This electronic plague will affect us all. Cap Gemini, a computer consultancy, has predicted that one in seven organisations in Europe and America will not be able to complete the necessary work on time, even if they started now. The Audit Commission report states:

"National health service trust chief executives have expressed some concern over the resources that are required to undertake a thorough testing programme. Few feel that they have the expertise or resources to test any but the simplest systems."

[Mr. Nigel Evans]

What are the Government doing? We had an indication of that from the Prime Minister 10 weeks ago in his speech on this subject. What has happened since? Not a lot, other than the passing of 70 days: we are 70 days closer to the millennium time bomb. The Prime Minister's action plan is risible. It is like sticking a band-aid over a bursting dam. It amounts to a national publicity campaign. Has it started? If so, where?

In a written question, I asked the Chancellor of the Duchy of Lancaster how much had been spent on this wonderful advertising campaign, but the question has been given to the Department of Trade and Industry to answer. Who is in control of the issue? With all the confusion of responsibility, we still have no noticeable campaign.

Mr. Brian White (Milton Keynes, North-East): Will the hon. Gentleman give way?

Mr. Evans: No. I am sorry, but I have only limited time.

There is an advice hotline for small and medium businesses. How well publicised is that? How many have used the hotline? Is the telephone number an official secret? Another of the Government's earth-shattering pledges is co-operation with the BBC on raising awareness of this issue. That has also passed me by—perhaps they are working it into an episode of EastEnders. It is depressing enough as it is, but imagine how much more depressing it would be if disasters were to befall Albert square because of the inaction on solving this problem. Even the Old Vic might have to close.

Task Force 2000 has predicted that a civil emergency can be averted only by spending £50,000 million. It estimates that £12 billion of that would be for public services. Even the Government admit that £3 billion-worth of public spending will be required.

Mr. David Atkinson (Bournemouth, East): I am grateful to my hon. Friend for drawing the attention of the House to what almost certainly will happen in less than two years' time. Is he aware that I have a Bill before the House called the Millennium Conformity Bill, which is due for Second Reading on 3 July? It would enable us to avoid many of the problems that he has highlighted. The Government have a last chance if they support the Bill and recognise that they have a responsibility to ensure that we avoid the problems to which my hon. Friend refers.

Mr. Evans: I am grateful to my hon. Friend, to whom much credit is due for raising the issue earlier than many other people. I pay tribute to his campaign. We wish his Bill well on 3 July and shall be interested in the Government's reaction.

The Prime Minister has admitted that an extra £3 billion will be necessary in the public sector before 31 December 1999. He has also admitted that there is a shortage of 50,000 people with IT skills, and especially bug skills. He has announced the training of 20,000 bug busters, but that is 30,000 people short. It is like bridge builders deciding to construct only 40 per cent. of a bridge. It is nonsense. If there is a shortage of 50,000 bug busters, we should ensure that that number is trained.

We are not working to a movable deadline and we do not have the luxury of continuing this essential work for 27 months into the millennium, because that is what a shortage of 50,000 bug busters means. The resources are a joke. Although the Prime Minister has said that an extra £3 billion will be needed in the public sector, he has announced the switching of £70 million of technology money to the bug problem. Some of that will be spent on training the 20,000 bug busters and on increasing the Action 2000 budget to £17 million. That £70 million is less than 2.5 per cent. of the money that is needed to sort out the problem. The Prime Minister stated:

"Your supply chain is only as strong as its weakest link."

There seems to be a few weak links in the Government on the problem.

Many companies are getting on with the job. United Utilities, which serves my constituency, has assured me that it will be millennium compliant by the end of this year, and Lancashire Ambulance Service NHS trust says that it will be ready by March 1999. However, the Audit Commission report clearly states that trusts and local authorities are well short of the commission's benchmarks. The report states that there is still time, but it concedes that there needs to be prioritisation. The country needs to know now the progress of each local authority and trust in tackling the millennium bug problem. The best way to do that is to publish all the information, perhaps in some sort of league table, so that people know what is going on.

In his millennium bug speech, the Prime Minister said:

"We want to encourage open scrutiny and feedback."

That must be right, but it will happen only if the public have all the facts.

Task Force 2000 refers to confused lines of responsibility. Action 2000, the Chancellor of the Duchy of Lancaster, who is taking the issue seriously, the President of the Board of Trade and committees have called for a clear line of responsibility. The Chancellor of the Duchy should take full control and should feed information straight to the Prime Minister on this issue. We are asking chief executives in industry to take control and we should be prepared to do that too. There should be a one-stop shop to tackle the millennium bug.

People have a right to know about fresh action that the Government will take in the light of today's shocking report. Excuses will no longer do. Half-measures would be an improvement on what has happened so far, but they would be totally inadequate. Enormous sums will be needed, but from where will they come? A Library paper on the millennium bug states that public bodies are receiving

"no additional funding and are expected to meet the costs of the millennium bug from existing budgets."

Does the Chancellor of the Duchy expect us to believe that that is at all possible, given all the other pressures on local authorities and health authorities? Where will they find the extra money? Will it have to be diverted from services and from care functions?

The Government seem to think more about their millennium dome than about the millennium bug. Spending large sums on the one is a folly: spending so little on the other is a disaster. The Government have a responsibility to get a grip on the problem, and the Minister must tell the country what they intend to do.

12.43 pm

The Chancellor of the Duchy of Lancaster (Dr. David Clark): I sincerely congratulate the hon. Member for Ribble Valley (Mr. Evans) on obtaining the debate and on his prescience on realising that the Audit Commission report was published today. I agree 100 per cent. that we must face the problem of the millennium bug, but there is no point in panicking. It is a problem not just for this country, but for the world. The hon. Gentleman was right to welcome the first-rate report by the Audit Commission. It is called "A Stitch in Time" and in a sense that says it all. It makes the observations to which the hon. Gentleman has alluded and it concludes:

"The problems are not insurmountable but urgent action does need to be taken."

I agree.

The report is a management paper. It is a mantra, a handbook that local authorities and the national health service can use to try to make sure that they meet the problem when it arrives. I hope that every senior manager in the NHS and in local government reads it, because it is a major step forward. The warnings are chilling and we cannot run away from them. I intend to publicise the report and to tell local authorities and NHS trusts that they must address the problem with much more urgency.

The Audit Commission report makes it clear that it is the responsibility of chief executives and senior officers in local government and NHS trusts to address the issue. Chillingly, it also says that organisations or managers may be legally liable for any injuries or losses that are caused by failures in the system. There is no hiding place for anyone who tries to run away from tackling the problem.

All hon. Members have a responsibility to make sure that their constituents, the people to whom we are responsible, have proper services on 1 January 2000. I hope that all hon. Members will contact their local health trusts, health authorities and local authorities to make sure that they are tackling the problem seriously and that they have a copy of the report. It is important for all of us to play our part.

Not surprisingly, the hon. Member for Ribble Valley alleged that the Government had been guilty of inaction. I refute that, but I do not want to be too heavy on the point because, when we took over about 13 months ago, we were 13 months further away from the problem. It is now more of a problem than it was 13 months ago. Apart from one or two honourable exceptions, a few of whom are in the Chamber, few people in the Conservative Government and only one former Minister, the hon. Member for Esher and Walton (Mr. Taylor), took much interest in the issue. When I inherited it and received from the National Audit Office in May last year the first report, which was called "Managing the Millennium Threat", I was appalled by what little had been done and immediately set about trying to tackle the issue.

What have the Government done to counter the millennium bug threat? First, we have set up two Cabinet Committees to drive forward action across the public and private sectors. Even if we are successful in tackling the problem in the public sector, that on its own is not enough because, in a complex society such as ours, the private and public sectors are interwoven to such an extent that, if one fails, both will fail. We think immediately of hospitals, which are very much in our minds. We think immediately of the emergency services and ask whether the ambulances will continue to run; that is a public service, but one usually calls for an ambulance by telephone, which calls into question one's confidence that the private telephone services can meet the need to make emergency calls. I am confident that they can, because British Telecom is ahead of the game in that respect, but it is a good example of the interrelationship between the public and the private sectors. That is why we have set up the Cabinet Committees to ensure not only that there are contingency plans for emergencies, but that across the sphere of social activity, both private and public, there is an enmeshing of action and that problems are being solved.

Dr. Michael Clark (Rayleigh): The right hon. Gentleman will recall that, when he appeared before the Select Committee on Science and Technology a few months ago, he gave the Committee a statement of confidence that all the emergency services would have their priorities right by 2000. In the intervening months, has his confidence increased or decreased?

Dr. Clark: My confidence has increased. I have had reports from the ambulance services in England, Scotland, Wales and Northern Ireland telling me that they have looked at their procedures and are continuing to do so, which has reassured me considerably.

I do not want to sound complacent, but I am much happier about central Government than about the public sector generally. I was encouraged by the official report published in May this year by the National Audit Office, which examined one of the most difficult central Government Departments—the Department of Social Security. The report's summary stated:

"The Department's approach to project management complies with the best practice recommended by CCTA."

I am not saying that we have got everything right, but we have a firmer grip on the issue where it affects central Government. That effort has been helped by my quarterly reports to the House and, even more so, by our having put on the internet and laden the Library of the House of Commons with the detailed plans, updated every three months, of every central Government Department. One of the key points in the Audit Commission report is that openness and transparency are among the cardinal weapons with which we can fight the problem, as is the extension of best practice.

In the Budget, my right hon. Friend the Chancellor of the Exchequer announced an extra £100 million for high-technology skills. As the hon. Member for Ribble Valley acknowledges, £30 million of that is designated for use in training the 20,000 bug busters—the hon. Gentleman may deride that number, but that is 20,000 more than were planned by the previous Government. I emphasise that, when we took over, the cupboard was almost bare of ways to tackle the problem. We have also increased the Action 2000 budget to £17 million.

The last time I spoke on this subject in the House was 10 days ago, when I presented the information I had gathered in the most recent quarterly review of progress. I lay great store in reporting to the House of Commons, because it is one way in which we can monitor the progress achieved and decide whether we need to change direction or the speed with which we work. Since 8 June, I have written to all Ministers setting out the problems

[Dr. Clark]

revealed by the most recent survey in respect of their Department and reminding them that there is no room for complacency. I have stressed again the problem of embedded chips and asked all Departments and agencies to continue to press suppliers for information about product compliance, because that is a serious issue.

I took up an assertion made during my last statement to the House, which was that even Microsoft's Windows 95 was not compliant. We are seeking greater clarification, but the answer I received was that it depends on how the system was established: if it was set up with two digits, as opposed to four digits, it is not compliant. I am pursuing the matter with Microsoft, but it is an example of how hon. Members have helped us in our efforts to tackle the problem.

I am also following up individual cases of slippage and insufficient testing strategies. We are monitoring closely what Departments are doing in respect of risk assessment and business continuity. In addition, I am encouraging the wider public sector to make information about their year 2000 programmes available in the same way that I have made available central Government information.

Mr. White: On the question of risk assessment, does the Minister accept that many public services will be unable to do everything and that what is important is that they do the things that matter, while remaining aware of what they have left undone? What is critical is that they get high-risk systems and embedded chips sorted out.

Dr. Clark: My hon. Friend is absolutely right. "A Stitch in Time" makes the point clearly that the real issue is not the technical aspects of the problem, but the breadth of the problem. Everyone who is informed on this subject agrees that we will not be able to do everything that can be done, which is why we need to set priorities. That is another message from the document, which gives me another opportunity to extol its virtues—it is full of good common sense.

All of us in the House have to use our influence and authority. A lot of responsibility is being delegated and a lot of power is being handed down to the working level, but it would be a great step forward if we could have the same openness in the wider public sector that we have in respect of central Government Departments. I would encourage hon. Members to urge the wider public sector to be more open and to give us more information.

Mr. Evans: To return to my earlier point, will the Chancellor publish the full details which have been accumulated? Will he tell my constituents where their local authorities and health trusts will find the extra money necessary to bring them up to the level at which they can test and, if necessary, repair any damage that may be done to their equipment?

Dr. Clark: We have already put on the internet and in the Library all the information that we have received from the wider public sector. I am not yet satisfied that I have enough information, but the hon. Gentleman should appreciate that this is our first run. When we had a go at central Government Departments, they knew how to respond to our efforts and each survey brought us more of the sort of information that we needed. I hope to make that sort of progress in the wider public sector.

On finance, we, like the previous Government, made it clear to health authorities, local authorities and all public sector bodies that the problem had to be addressed. We assured them that the problem existed and insisted that they made sure that their budgets took account of it, so there is no reason why extra money should be needed. We estimate the central Government costs at about £402 million. We have received conflicting figures for the national health service: the latest figure, quoted in "A Stitch in Time", is sightly more than £300 million, but I believe that future estimates will be higher. All the evidence from the private sector is that there will be a gradual, not dramatic, increase.

I have commissioned an infrastructure risk assessment to try to develop our understanding of the risks and vulnerabilities inherent in systems throughout the public and private sectors. I accept that there are gaps in the information that has been provided. We are trying to close those gaps and will continue to do so. I am pleased that we are making progress across the field and that we are working with our fellow Governments in Europe and throughout the world.

We tend to think of this as a domestic problem, but it clearly is not. That is why the Prime Minister raised the issue with the European Union, with the G8 and at the European-Asian conference. It is also why it was raised at the Council of Ministers meeting that I attended about three weeks ago. It was raised by another Government who asked for an exchange of information and best practice among European Governments, and I was asked to take the lead in that. I have sent the information that we have to the respective Ministers to make sure that not only are we doing all that we can to get it right but that other countries are doing the same.

I join the hon. Member for Ribble Valley in complimenting the Audit Commission's document, which is first rate. The warnings are there for the chief executives. The responsibility is theirs. We shall keep the pressure on them, but, at the end of the day, they have to be in charge.

Rare Plants

1 pm

Mr. Tam Dalyell (Linlithgow): One in eight of the world's plants are facing extinction. That is the conclusion of the World Conservation Union's red list. The list is a first attempt on a global scale to identify all threatened plants. Thirty-three thousand species, representing 12.5 per cent. of the world's known higher plants, are at risk of extinction. Many are of great horticultural beauty, some are medicinal, many are trees, and others are relatives of crop plants that could be of great importance for the sustenance of those crops in the future.

I am not critical of the Department of the Environment, Transport and the Regions. On the contrary, I have been impressed by the seriousness of its parliamentary answers and by what it has done to date. I understand from non-Government sources that the British delegation to the Bratislava conference of parties to the convention on biological diversity did well, as Britain did with its chairmanship of the CITES—the Convention on International Trade in Endangered Species—standing committee.

Like hundreds of thousands of other people, I am concerned about species' disappearance. Judging from the reaction of the British press to the publication of the red list, it seems that many of their readers share those concerns. We therefore owe a debt to Dr. Mark Collins of the conservation unit in Cambridge, to Dr. Kerry Walter and David Ingram and others at the botanical gardens in Edinburgh, and, indeed, to the distinguished staff at Kew for what they have done. The red list is produced in Britain. It is done through a global network of experts, but Britain can take some pride in the fact that it was mostly organised by scientists here.

We should not simply wring our hands. This is a public issue. It is also a window of opportunity, and the purpose of this debate is simply to ask how we can mobilise resources. I have three points to make of which it was sensible to give notice. First, what is happening at home under the biodiversity action plan in the United Kingdom? In particular, what is happening in respect of the Darwin initiative? There is no point in going into detail about any of the 19 species such as the Lundy cabbage, but we should ask what is being done for the relatively few species listed as being at risk in the UK.

Secondly, what is happening Europewide? The Uppsala conference agreed on the need to identify and protect plant sites. Thirdly, in the developing world, the loss of resources is often the indirect, but sometimes the direct, cause of poverty. Let me give just one example. One in three of the dipterocarp trees under threat in south-east Asia underpin the forest economies. A lack of action will simply add to the poverty, as well as damage the environment.

I know that the Government have much to say, so I will sit down at this stage, because it is more important that we hear what they have to say than that I take my full 15 minutes.

1.5 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Nick Raynsford): I am grateful to my hon. Friend the Member for Linlithgow (Mr. Dalyell) for raising this important issue. I thank him for his kind remarks about the work of our Department.

The conservation of plants is sometimes overshadowed by concerns about animal species—the so-called "charismatic mega fauna" such as elephants, tigers and whales. As an illustration of that, we currently have five red lists of threatened animal species, but have only just got the first red list of threatened plants. That is despite the fact that more than two thirds of the 35,000 species in which trade is monitored and regulated by CITES—the United Nations Convention on International Trade in Endangered Species—are plants. I am therefore very glad to have the opportunity today warmly to support the sentiments expressed by my hon. Friend about the importance of plant conservation, and to outline some of the practical steps which the Government are taking to tackle this essential task.

Like my hon. Friend, I hope that today's debate will stimulate interest in this issue, and help to ensure that the red list receives the recognition and wide attention that it deserves. I very much appreciate my hon. Friend's kind remarks acknowledging the efforts that the Government have been making in this direction.

As my hon. Friend has said, the list is a Herculean undertaking, which has taken 15 years to complete. I pay tribute to the efforts of the many botanical and conservation scientists who have devoted so much of their time and expertise to this impressive co-operative effort, which was literally worldwide. The picture that it paints is, as my hon. Friend said, a worrying one, with one in eight of the world's plants threatened with extinction.

The red list is, of course, not an end in itself, but a catalyst. What is important now is what the countries whose species it lists and what the international community generally do with it. The list identifies the species under threat. It aims to

"serve as a stimulus and a challenge to botanists and conservationists around the world to contribute to knowledge on plants and the threats to them, and to promote increased conservation action."

We need now to think carefully about how the red list can best be translated into co-ordinated practical action.

My hon. Friend raised three particular issues. The first was what we are doing domestically. The red list includes 19 species which are found in the United Kingdom, including the Lundy cabbage, which he mentioned, and the English sandwort. I am happy to be able to tell my hon. Friend that species action plans are currently being prepared for 14 of these species, with the aim of ensuring that these precious parts of our natural heritage continue to exist and to flourish in the UK. Of the other five species, we shall, in close consultation with our scientific advisers—the Joint Nature Conservation Committee—be monitoring the English sandwort and the Welsh groundsel.

There are doubts about the taxonomic classification of one of the other UK species, the Little Robin. The Aran mountain ash is a new addition to the red data list, and the Jersey pink is found only on Jersey, which is not covered by the UK biodiversity action plan.

To conserve plants effectively, it is vital to ensure also that the habitats that support them are properly looked after. In the United Kingdom, a large proportion—some three quarters—of our protected network of almost 4,000 sites of special scientific interest support significant communities of plants and have been given SSSI status wholly or partly because of their botanical interest. Moreover, there is in the UK a wide range of other

[Mr. Nick Raynsford]

initiatives that make an invaluable contribution to plant conservation. The initiatives include English Nature's species recovery programmes and the wide-ranging conservation activities undertaken by the voluntary sector, including bodies such as Plantlife and the Botanical Society of the British Isles.

Mr. Dalyell: I thank my hon. Friend for replying to this debate—the subject is not his direct responsibility in the Department—and I quite understand why the Under-Secretary of State, my hon. Friend the Member for Wallasey (Angela Eagle), has to be abroad today. However, he is responsible for urban areas. There is an argument for at least considering whether more SSSIs—very small ones—could be established in certain urban areas and in certain circumstances, even in inner cities. Is that being thought about in the Department?

Mr. Raynsford: My hon. Friend raises a very interesting point, about which, in its broader terms, we are much exercised in the Department. Rightly, as part of the Government's planning policies, there is increased emphasis on ensuring that, wherever possible, new housing development in particular is concentrated in urban areas, to relieve pressure on the countryside and to contribute towards regeneration of our cities. However, we are equally concerned that such development should not be at the expense of the quality of the urban environment, and certainly should not involve development of sites that are essential to the maintenance of green spaces, wildlife and playing fields in urban areas.

I cannot answer my hon. Friend's specific question on whether further consideration is being given to designation of more SSSIs in urban areas, for the reason that he has explained to the House—in this debate, I am standing in for my hon. Friend the Under-Secretary of State, who is abroad today on presidency business. However, I shall raise the matter with her, and ask her to write to my hon. Friend with an answer to his question.

As I said, significant numbers of communities of plants have been given SSSI status wholly or partly because of their botanical interest, and English Nature's species recovery programme and the conservation activities undertaken by the voluntary bodies that I mentioned are very important in conserving flora.

We are concerned also about what the red list reveals about the conservation status of some plant species found in the United Kingdom's dependent territories. About four in 10 of the plant species found on St. Helena, for example, are at risk. We are considering the advice of our statutory advisers—the Joint Nature Conservation Committee—on the findings of the red list, and will ensure that it is drawn to the attention of the Government of any UK dependent territory concerned, so that we can assist them in considering the action that should be taken to deal with the threat to their plants.

Mr. Dalyell: It so happens that I have a constituent who has been involved in St. Helena. Representations have been made to the authorities there to be a bit more careful than they have been in recent history about their unique flora.

Mr. Raynsford: I undertake to bring that point to the attention of my hon. Friend the Under-Secretary of State, and to ask her to bear in mind the importance of ensuring that the attention of the authorities in St. Helena—in exactly the same way as the attention of other dependent territories—is drawn to the important issue of preserving rare plant species that may be unique to a particular dependent territory.

The second matter dealt with by my hon. Friend was about what we are doing at the European level. The habitats and species directive lists a large number of plants of Community interest, the conservation status of which requires establishment of special areas of conservation. We and other member states are currently drawing up lists of candidate sites, which, in the UK's case, will be notified shortly to the Commission. The Commission will then assess the overall picture with a view to ensuring that the EU network of sites provides an adequate network of protected areas for the species and habitats listed in the directive.

Thirdly, my hon. Friend mentioned the wider international context, and asked what the UK is doing not only to preserve rare plants but to assist in measures designed to sustain communities that live, often on very limited means, in areas containing some of those rare plants.

The UK has played a leading part in the efforts being made by the Convention on International Trade in Endangered Species to conserve plant species. The CITES scientific committee is currently reviewing the most significant trade plant species to ensure that harvesting from the wild is sustainable. The convention's standing committee recently endorsed a 900 per cent. increase, to £100,137—admittedly from a relatively low base of £10,246—in resources devoted to that process, which is known as the significant trade programme. A United Kingdom representative, from the Royal Botanic Gardens, has been appointed as co-ordinator of the CITES significant trade programme for plants.

The programme's work involves a review of the data on international trade in the species concerned; an analysis of the level of trade in wild and artificially propagated plants; an assessment of the conservation status of the species concerned; and a series of recommendations setting out the action necessary to ensure that trade is sustainable. The United Kingdom has also provided the vice-chairperson of the CITES nomenclature committee, which comprises a group of international experts and has been working on production of standard CITES references for plants.

Through the Royal Botanic Gardens, the United Kingdom has also been particularly involved in preparation of checklists for orchids, bulbs and cacti. The UK has also been closely involved in the work of the carnivorous plant specialist group of the species survival commission of the International Union for the Conservation of Nature. The group has been reviewing the conservation status of carnivorous plants, and developing a carnivorous plant action plan.

I am grateful for my hon. Friend's kind remarks about our role in the biodiversity convention. Biodiversity has been one of the key issues under our EU presidency. The EU biodiversity strategy has been adopted by the Council, and is a good example of how a region can work to integrate biodiversity into all areas. At the Bratislava conference, we led as presidency a successful EU participation that helped to shape many final outcomes.

Useful progress was made on assessment and monitoring of biodiversity. There was for the first time a constructive debate on the third objective of the convention—the sharing of benefits from the use of genetic resources.

We also support developing countries' efforts to implement the convention. My hon. Friend mentioned the Darwin initiative, which he will know is funded by my Department. The initiative supports collaboration between UK biodiversity institutions and developing country partners, to help the latter implement the convention. In six years, the initiative has funded 172 projects, involving more than 70 British institutions and with links to more than 70 countries.

The initiative's projects so far have involved not only the major British biodiversity institutions—such as the natural history museum and the Royal Botanic Gardens, Kew—but many universities, research institutes and other educational bodies. The projects include one to develop management plans for three protected areas of the Andaman Islands, whose rainforests and mangroves are of global significance because of their high diversity and uniqueness.

Mr. Dalyell: It is impossible to exaggerate the problems of protecting the mangroves. If the mangroves go, so will the sea walls, and that could have terrible effects on the countries concerned, let alone the flora and fauna.

Mr. Raynsford: My hon. Friend makes a valid point about the interrelationship between programmes for the protection of flora and the sustainability of the local environment, and that is very much at the heart of the Government's philosophy. The rainforests and mangroves are of global significance because of their high diversity and uniqueness, and, as my hon. Friend rightly said, they contribute to the sustainability and the safety of the Andaman Islands.

Another project being undertaken under the Darwin initiative by the Royal Botanic Gardens will aim to conserve ethnobotanical information and seeds from medicinal plants growing in arid and semi-arid areas of Tunisia and assess their economic potential. It will involve training students from different research institutes and universities in Tunisia in horticultural, conservation and phytochemical techniques. I should add, tongue in cheek, that we might even offer a little assistance on football techniques. This week, it is impossible to avoid such a reference.

Mr. Dalyell: My hon. Friend referred to football, so may I turn to Brazil, where I first became deeply interested in problems of ethnodiversity because of Dr. Darrell Posey, now at Oxford? What are we doing in respect of the links that Kew has with the Amazon, as I understand that they need further modest funding?

Mr. Raynsford: My hon. Friend will appreciate that, as I do not normally cover such matters, I shall have to seek advice. However, I undertake to write to him about the steps being taken to assist in Brazil.

I fully understand my hon. Friend's concern about the link between poverty and the conservation of biodiversity. Biodiversity is particularly important for the alleviation of poverty, because it contributes to stable ecosystems and provides more options for poor people whose livelihoods are often directly based on natural resources. Biodiversity produces species and varieties which can adapt to different circumstances, such as some varieties of crop that are drought or pest-resistant.

It is important to see people as part of the solution, not the problem. In many areas, the diverse range of species has been protected and developed by local people. One thinks, for example, of indigenous crop varieties. However, in certain circumstances, meeting immediate needs may drive people to resource depletion. The Government are working to prevent that, through projects that tackle poverty and biodiversity together.

Our key aims are to improve poor people's livelihoods through sustainable use and conservation of biodiversity; to protect those livelihoods by preventing biodiversity loss which can increase vulnerability and have disproportionate effects on the poor, and to provide alternatives for people who would otherwise be forced to over-exploit biological resources. In practice, it means supporting projects that stimulate the sustainable use and management of resources. The Government have supported a number of projects, including the Mount Cameroon project, which, by involving local expertise as well as the Government and industry, has produced practical systems for the sustainable harvesting of non-timber forest products. We have also funded the World Wide Fund for Nature "People and Plants" project, which seeks to resolve conflicts between the conservation and over-exploitation of plant resources, and to enhance their value to local people.

Projects can also help to conserve genetic resources that are important for the future. For example, a project in east Africa helped to increase bean production by improving disease management while maintaining local bean varieties. Finally, they can promote benefit sharing by funding botanic gardens and similar institutions in developed and developing countries, and defining a common policy for the fair exchange of genetic resources.

Mr. Dalyell: May I put in a plea for a little more money to be made available to welcome incoming students to the Royal Botanic Gardens in Edinburgh, Kew and other institutions? The most cost-effective way that we can help some countries is by enabling their students to come here to be trained.

Mr. Raynsford: I undertake to make sure that my hon. Friend's comments are passed on to the Under-Secretary of State, my hon. Friend the Member for Wallasey (Angela Eagle), and to the Department for International Development, as they both have a direct interest in the matter. We have been seeking through a variety of ways to help that interrelationship, and encourage the development of local capacity. In Kenya, for example, we have strengthened the capacity to support sustainable management of plant biodiversity through assistance to the national museum of Kenya. We have also supported a plant conservation and propagation unit to ensure preservation of indigenous crop species.

To come back to where we started today's debate, the IUCN's work in producing its red lists is of crucial importance to international efforts to conserve wildlife species. In recognition of this, my Department, jointly with Scottish Natural Heritage and the Royal

[Mr. Raynsford]

Botanic Gardens, has recently provided a funding package of £125,000 to assist in the setting up of an IUCN species conservation centre in Cambridge. The centre will include a scientist who will be responsible for organising the red list programme, including liaising with scientific experts worldwide, organising workshops, and assisting with database management.

Mr. Dalyell: Does that mean that it will be updated?

Mr. Raynsford: The whole purpose is that the red list should not be static, but constantly evolving in response to known information which has to be gleaned from all over the world. It was a Herculean task to establish the red list in the first place, and it is vital that it is kept up to date and linkages maintained to ensure that.

Finally, I am delighted to be able to announce today that my Department will be providing a contribution of £10,000 to a succulent plants project being undertaken by the world conservation monitoring centre in Cambridge. It involves a review of the conservation status and international conservation measures for succulent plants, which will build on the work done by the WCMC and others for the red data book. The survey will look at succulent plants which are threatened with extinction in the wild, and will provide the basis for an assessment of additional CITES measures necessary to protect these species.

Mr. Dalyell: I am extremely pleased—as many who work in the field will be—with the serious and constructive nature of my hon. Friend's response. Successive British Governments—this is not a party matter—and civil servants should be applauded for their serious work that has set an example in the European Community. Perhaps such work will increase British influence in the Community, and I wish the civil servants, scientists and politicians involved well.

Mr. Raynsford: I am grateful to my hon. Friend for those remarks, which I entirely endorse. I shall ensure that they are conveyed to all responsible. As he rightly emphasises, it is not a party matter, but an example of government at its best, taking a lead and setting an example in the various agencies through which we can exercise influence in Europe and in the wider international context.

I hope that I have been able to reassure my hon. Friend that the Government fully share his concern about the threat facing many of our plant species. We have been and will continue to be fully and actively involved in national, European and international efforts to conserve this vital component of our planet's natural resources.

Food Safety Act

1.29 pm

Mr. Paul Tyler (North Cornwall): I am delighted to have the opportunity to initiate this debate, but I am disappointed that it is necessary. Unusually, not one but two Ministers are on the Treasury Bench this afternoon. I appreciate their attendance and I hope that the debate will help them and the House generally.

I believe that the enforcement procedure under the Food Safety Act 1990 is not working as well as it should. Hon. Members will know that the Government's White Paper on the Food Standards Agency was published in January. Consultation has proceeded since then and legislation will follow in due course. As food spokesman for the Liberal Democrats, I am delighted to support that initiative and look forward to the discussions that will take place in the House. However, at present there is a hiatus, and I believe that the current regime is patently inadequate and lacks equity. It could be argued that we would not be contemplating major legislation if the present situation were wholly satisfactory.

In the interim period, the Food Safety Act 1990 clearly involves a huge amount of red tape. There are unnecessary deaths on the one hand and the closure of flourishing businesses on the other. I am convinced—I know that hon. Members on both sides of the House agree—that we are not finding the right solutions to current problems. To a large extent, it is a question of enforcement rather than the statute itself. It is my belief—I hope that Ministers share it—that it is essential to learn the lessons of the past and the present in order to ensure that the Food Standards Agency focuses on the prevention of public health problems and scares and does not act solely as a firefighter, responding after incidents occur.

I found an extremely useful source of information for this debate, which also gave a general analysis of the inadequacies of bureaucracy. It is a book by Christopher Booker and Dr. Richard North, both of whom have studied issues of this sort for many years, which was published in 1995. I refer right hon. and hon. Members to the book, which is entitled, "The Mad Officials—how the bureaucrats are strangling Britain". It has the added merit, when it comes to bedtime reading, of containing illustrations by the inimitable Willie Rushton, and I strongly recommend it to Ministers. It is a classic and is extremely helpful in identifying some of the problems with which I hope that they are concerned. It certainly identifies the web of red tape with which I have no doubt that their red boxes are filled every night. The book states:

> "One of the more unpleasant by-products of the Environmental Health Officer's 'hygiene blitz' was how local papers could be drawn into publicising their activities in a way which might do immense damage to particular businesses—often as it turned out, without justification."

Today, I shall refer to the case of Duckett's cheese. I have been in close contact with the right hon. Member for Wells (Mr. Heathcoat-Amory), whom I am delighted to see in the Chamber—I hope that he will seek to catch your eye, Mr. Deputy Speaker, and contribute to the debate—and the hon. Member for East Surrey (Mr. Ainsworth), who is not able to be here but who has been most helpful in marshalling the argument. I think that I speak for us all when I stress that we do not seek

to minimise the need to protect public health or deal with food poisoning incidents. However, the case of Duckett's cheese shows that the "hygiene police"—as I call them—must be sure that their facts are accurate because their actions result in individual businesses being submerged by the tide of safety procedures and destroyed overnight.

In this case, Duckett's cheese of Somerset was supplied to a processing company called Eastside Cheese Company in Tandridge, Surrey, which is run by Mr. James Aldridge. Mr. Aldridge processes specialist cheese for a limited market and obtains a substantial quantity of cheese from Mr. Christopher Duckett of Wedmore in Somerset, in the right hon. Gentleman's constituency. On 4 and 8 May, supplies of Wedmore and Tornegus cheeses, made by Mr. Duckett, were sent to the Public Health Laboratory Service for sampling. Mr. Aldridge was told that the samples proved to be entirely negative so far as E. coli 0157 was concerned—he has never received any results to the contrary, so he must assume that that result stands. However, when one consumer of the cheese was found by a Bristol hospital to have an illness apparently caused by E. coli 0157 bacteria, the position changed abruptly.

On 8 May, a category A food hazard warning was issued by the Department of Health. Local authorities were required to ensure that all stocks of cheese originating from Duckett were held by wholesalers and retailers and were required to obtain samples of such cheeses in their areas for testing by the PHLS. No results have been supplied on the total number of samples tested or on any positive outcomes. Mr. Aldridge had voluntarily retained his stock at that stage, but he was told unofficially that he should threaten to sell some cheese in order to invoke section 9 of the Food Safety Act 1990. This he did so that he could be compensated.

The original detention order made by Tandridge council on 19 May under section 9 of the Act put a stop to all sales of Duckett's cheese from Mr. Aldridge's premises, where it is sent for smoking and maturing. That occurred despite the fact that samples showed no contamination by E. coli. The environmental health officers sampled only three batches, and it is against the law to ask for cheese to be condemned unless every batch has been sampled. Mr. Aldridge commissioned an independent analysis of his entire stock, which produced 100 per cent. negative results. However, the following day, the Minister for Public Health signed the emergency control order to come into effect on 21 May 1998 under section 13 of the Food Safety Act 1990. That effectively put both Duckett's and Mr. Aldridge out of business. Meanwhile, the one alleged sufferer of E. coli in Somerset has fully recovered.

Lest it be thought that I am somehow contributing to a right-wing plot, I shall quote from the *New Statesman*, which is the bible of new Labour. On 29 May 1998, it picked up on a crucial point and said:

"The Department of Health's 20 May press release makes a cryptic bullet point remark dismissing the milk. 'No screening of raw milk and no HACCP in operation. Hence lack of confidence . . . & What? The Duckett's milk is screened by Milk Marque, which has stringent procedures, and the Ducketts were operating under HACCP, a fancy acronym for a hygiene regime. They couldn't have been in business if they weren't. After the recent scare, theirs is probably the cleanest dairy in the land."

At a meeting with Mr. Aldridge, his solicitor and Dr. Richard North on 5 June, an official apparently admitted that, when the order was issued under section 13 of the Food Safety Act, there was no public health risk. Under section 4(2) of the Act, the "Minister" who signed the order had to be either the Minister of Agriculture, Fisheries and Food or the Secretary of State for Health. No junior Minister can sign that order. The order should have been signed by the right hon. Member for Holborn and St. Pancras (Mr. Dobson), as the Secretary of State for Health, or by the Minister of Agriculture, Fisheries and Food. The legality of the order is therefore rightly questioned. This matter may be the subject of a judicial review, so obviously I cannot go any further into the legal position. The Act is quite clear, however, and there are concerns that the Department of Health has acted illegally.

In the meantime, the cost to the taxpayer continues to mount. Mr. Aldridge, together with the wholesalers and retailers whom he supplies, will have to be compensated for loss of business. Mr. Aldridge's business, which was recently valued at £200,000, is now worth nothing. Costs therefore include £100,000 for the cheeses, £200,000 for business, as well as possible claim for compensation by numerous others, and an estimated legal bill of another £200,000 to £500,000 so far.

Effectively, Ministers and their accomplices have reversed the burden of proof. Of course, this is not the only time that that has happened. Cheese makers are being asked the impossible. They cannot prove that food is always fit; they can say only that they have been unable to detect any strain of E. coli.

There is also the question of natural justice. It cannot be right that authorities take away a person's business for no good reason and without compensation. By inserting Duckett's cheese by name as unfit in the emergency control order, the Department of Health was able to remove the company's right to compensation. That is nifty work, but it is not to the credit of Her Majesty's Government.

This and many other cases show that the nanny state did not begin on 2 May 1997. The legislation to which I am referring was passed in 1990. Indeed, it could be said that, if ever there were a nanny Government, they were the Government of Nanny Thatcher, who always knew best. Significantly, the Booker-North book was published after 15 years of Conservative government. Indeed, it contains the very sad but similar saga of a cheese maker in Pembrokeshire in 1993. Fortunately, although the connotations were similar, the consequences were not nearly as financially calamitous.

If we are to have a Food Standards Agency, let us for goodness' sake ensure the necessary expertise and experience behind it so that it can work efficiently and with equity. It must not be dominated by the food faddists at the Department of Health. It must be accountable to an independent Select Committee along the lines of the Public Accounts Committee.

It is remarkable that, so far, so many such incidents have been targeted on small producers. It seems incredible that shortfalls and failures never occur in larger manufacturers or processing plants. In 1997, there were 1,087 cases of E. coli. Fourteen businesses are in jeopardy over the one case to which I am referring. Simple arithmetic tells us that 15,218 businesses a year could be affected. If we are to go down the route of over-zealous, over-bureaucratic inspection by people who lack experience and expertise, there could be a problem of adequate food supply.

[Mr. Paul Tyler]

I have three specific questions for the Minister on this latest bitter experience. First, is she satisfied that the procedure initiated in the Duckett case—for the first time in eight years, as the Government have admitted—is really appropriate? Secondly, given that farmers are compensated for BSE and tuberculosis breakdowns in cattle, how can she justify the unsatisfactory compensation arrangements for food? Is there one law for cows and quite another for their products? Thirdly, how can we ensure that the mistakes of the recent past—inadequately trained, inadequately resourced and inadequately experienced sledgehammers trying to crack small-scale nuts—are not perpetuated in the new Food Standards Agency regime?

I return to the *New Statesman*, which puts words in Ministers' mouths—but perfectly justifiably. It said:

"We are not only destroying a classic English cheese—we are bragging about it."

The previous debate concerned endangered species. At the end of it, the Minister referred at some length to a particular succulent endangered species that he sought to protect. I suggest that, in debating local and regional specialist foods, we are on the same subject.

1.44 pm

Mr. David Heathcoat-Amory (Wells): I am grateful to the hon. Member for North Cornwall (Mr. Tyler) for allowing me to contribute briefly to the debate.

Mr. Deputy Speaker (Mr. Michael Lord): Order. I assume that the right hon. Gentleman has the Minister's permission to make his remarks.

Mr. Heathcoat-Amory: I have been in contact with the hon. Member for North Cornwall. I apologise for not specifically requesting—

The Minister for Public Health (Ms Tessa Jowell): I am content for the right hon. Gentleman to intervene.

Mr. Heathcoat-Amory: I am grateful to the Minister, who knows my interest in this subject.

Mr. Duckett is my constituent. I have known him for 15 years. He is a highly respected Somerset farmer and fully responsible for the safety of the food that he produces. He is aware of the dangers of food poisoning and wishes to co-operate with the authorities in every way. He was therefore shocked, as I was, by the unprecedented issuing of the emergency control order; it was the first ever issued under the Food Safety Act 1990. It was issued when Mr. Duckett was already fully complying with the requests and instructions of local environmental health officers.

We are not talking about an epidemic. There was a single reported case of food poisoning connected with the cheese: in a 12-year-old boy, who happily made a full recovery. All the stocks of the cheese were stalled and other sensible measures were already in place. I join the hon. Member for North Cornwall in asking the Minister to justify her Department's use of the emergency order, given that the detention of food notices issued by local authorities were apparently already working with the full co-operation of Mr. Duckett and his customers.

I understand that compensation might be payable under local authority orders if batches of the cheese are subsequently found not to be contaminated and could be released to customers. Will Mr. Duckett be eligible for any compensation that may be made payable as a result of the order to which he and his customers are subject?

Lastly, and in a way most importantly, Mr. Duckett has had his livelihood wiped out. He has no income, even though the cows from which he obtains the milk and his premises have been declared safe. Although the contamination was never adequately explained, all possible measures have been taken. Effectively, he has been ruined. When will the emergency order be lifted? Apparently, local environmental health officers are content. When will the Minister's Department be content, so that my constituent can get back to earning his living?

1.47 pm

The Minister for Public Health (Ms Tessa Jowell): I congratulate the hon. Member for North Cornwall (Mr. Tyler) on securing the debate. I welcome the opportunity to deal with the questions that have been raised, as an important part of the Government's wider health policy.

Food poisoning causes illness in increasing numbers of people every year. In 1997, there were more than 100,000 notifications, and many more go unreported. That is why food safety controls must be in place at every stage of the food chain—from plough to plate. Food businesses, too, must adopt preventive measures against the contamination of food. Any case of E. coli must be dealt with, with the utmost care.

In response to the right hon. Member for Wells (Mr. Heathcoat-Amory), I would argue that we have not so far seen any further cases of E. coli as a result of the outbreak to which we are referring precisely because of the preventive action that was taken.

The risks of infection have recently been demonstrated all too tragically by the emergence of new strains of the bacterium E. coli. We know that children, elderly people and other vulnerable groups are especially susceptible to that, and that some develop what is known as HUS—a severe kidney problem, now believed to be the commonest cause of acute renal failure in children in the United Kingdom. I am sure that I do not have to remind the House that the 1996 outbreak of E. coli 0157 food poisoning in Lanarkshire claimed the lives of 21 people. This is not a matter that we can treat lightly.

The Government's approach to the implementation of legislation in such circumstances is that sensible, risk-related action is the most effective. That includes a wide range of measures, including education for small businesses that helps them to comply with the law. We are encouraging local authorities to adopt the enforcement concordat, which reflects precisely the principles that I believe to be important for good enforcement—those of openness, consistency and a proportionate approach to problems.

Those principles will also apply to the actions of the Food Standards Agency. Everything that the agency does will be geared to improving food safety and protecting public health by arrangements at both national and local

level, and by encouraging individuals, through better public education, to take what responsibility they can for improving their health.

As a result of our wider approach, formal enforcement measures, such as improvement notices or emergency prohibition notices, are used relatively infrequently. In 1996, one third of a million food establishments were visited, but only just over 100 prohibition orders were issued. Local action is the first port of call, but for serious or widespread problems it may need to be complemented by Government action.

That is why I recently signed the order under section 13 of the Food Safety Act 1990, the focus of today's discussion. That section empowers the Secretary of State to make an emergency control order to prohibit commercial operations with respect to food, if he is satisfied that the carrying out of those commercial operations

"involves or may involve imminent risk of injury to health".

Of course we recognise that an emergency control order issued under section 13 may have a major impact on food businesses affected by it—a matter that we do not regard lightly. That is why the decision to sign such an order is a difficult one. Parliament clearly included that provision in the Food Safety Act for the purpose of protecting public health. The key principle underpinning any such action by the Government is that we must be satisfied that any commercial operation in respect of the food in question

"involves or may involve imminent risk of injury to health".

A judgment has to be made as to the risks. That is not always easy, but I believe that our response in the case in question was proportionate to those risks. There is no doubt that, whatever decision we take—to act or not to act—will be the subject of scrutiny, debate and controversy, both politically and in the country at large. If we opt to make an emergency control order, those affected by it have, rightly, the right of every citizen to subject that decision to legal test under the process of judicial review.

The hon. Member for North Cornwall will understand that, because the order is now the subject of legal action, my comments must be limited. None the less, it is important to place on the record the sequence of events leading to the making of the order.

A 12-year-old boy developed not a minor tummy upset but renal failure, was put on dialysis and was found to have an E. coli 0157 infection. Investigations showed that he had eaten cheese containing E. coli 0157. Other cheeses from the same producer were also found to be contaminated. Altogether, 10 samples out of 200 were found to contain E. coli 0157. I understand that full details of all the samples taken by the Department were provided to Mr. Aldridge and his advisers at a meeting on 5 June. Cheeses containing the organism had been produced on several different days and were found in several different outlets.

Food hazard warnings were issued advising local authorities of the action that they should take to ensure that none of that cheese reached the public. Despite action at local level, it subsequently became apparent that potentially contaminated cheese was still available at retail outlets. Furthermore, there were also signs that voluntary agreements not to release the cheeses were breaking down.

I was therefore satisfied that commercial operations in respect of those cheeses involved, or may have involved, an imminent risk of injury to health, and that the emergency control order was the most appropriate way of dealing with the situation. A widely distributed food had been found to be contaminated with E. coli 0157, an organism likely to cause serious illness or even death.

A further difficulty, as always in dealing with cases of pathogen contamination, was that microbiological testing could not provide a guarantee that any batch was safe, as organisms in food are not uniformly distributed. Infection by E. coli 0157—one of the most dangerous strains of E. coli, and the one implicated in that case—can occur as a result of ingesting a very small number of organisms. Eating those cheeses was thus akin to playing Russian roulette; some of them were contaminated, but it was not clear which.

The order has promoted swift, firm and consistent action across the country, and by complementing local action with a national measure, has aimed to ensure that the necessary controls are effectively implemented. As a result, no one else has been put at risk, and so far we can say that the possibility of an outbreak such as the one in Lanarkshire has been avoided.

Mr. Tyler: Will the Minister give way?

Ms Jowell: I should like to make a little more progress; then I will.

I remind the House of the fundamental reason for the provision of the powers in the Food Safety Act—to protect the public and to save lives. Let us not be in any doubt about that priority. We always use those powers proportionately, and not, as those who in many cases irresponsibly parody such action would say, as part of an anti-business crusade.

Mr. Tyler: If the Minister cannot deal with the question of compensation here and now, will she please consider carefully the way in which the use of that particular procedure and that particular order would seem to have foreclosed the issue and precluded adequate compensation? That is a major issue, as things stand.

Ms Jowell: I can answer that question in the context of the law, which is that the cheese producer in this case accepted that the food was unfit by surrendering it. I should like to make it clear that the producer has co-operated at every stage with the efforts made to contain the risks posed by the outbreak. The provisions of section 9 of the Food Safety Act mean that compensation is an issue only if the owner of the food challenges the basis for action.

We have always aimed to use the powers proportionately. Looking to the future, as the right hon. Member for Wells invited us to do, I make it clear to the House that we are working closely with the Specialist Cheesemakers Association to help to get the cheese producer back into production. I should also like to inform the House that the child who was so ill as a result of the E. coli incident is, we understand, recovering.

[Ms Jowell]

When we are satisfied that it is safe to do so, we shall lift the section 13 order, and the cheese producer will be able to continue production of his cheese. I am determined that, when we reach that point, we shall lift the order with the same alacrity with which we introduced it. It is easy to dismiss the significance of one case. We have not had an epidemic—but that is because we took the right proportionate action for the sake of public health.

It being Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Sitting suspended, pursuant to Standing Order No. 10 (Wednesday sittings), till half-past Two o'clock.

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Western Education and Library Board

2. **Mr. William Ross** (East Londonderry): What monitoring is being carried out by her Department to determine the impact of measures put in place by the Western education and library board to reduce the debt arising from the overspend by that board. [44741]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Tony Worthington): The Department is monitoring the action taken by the board to ensure that it complies with the approved spending plans. The phased repayment of the advance to the Western education and library board to meet its over-commitment in 1997-98 reduced its block grant for 1998-99 by 0.39 per cent. My Department has been in very close touch with the Western board since the discovery of the very substantial overspend. There have also been investigations by Coopers and Lybrand into the effectiveness of the revised financial control systems that have been put in place. We shall keep in close touch.

Mr. Ross: Is the Minister aware that the clawback being applied across educational establishments in the Western education and library board area involves Limavady college of further education, which was receiving only 87 per cent. of the average funding when the overspend occurred? Given that the funding is still below the average level, the clawback is bound to have a severe effect on that college and others. Is that not adding insult to injury? Will the Minister do something to relieve the situation which one can see developing day by day?

Mr. Worthington: We are doing all we can to limit the impact of the overspend by the Western education and library board. Obviously, I cannot redirect resources from other parts of Northern Ireland or from other boards that did not incur the overspend. The repayment has been phased over four years, which means that the cut this year is of the order of 0.39 per cent. I am willing to meet the hon. Gentleman to discuss the college of further education and Limavady grammar school.

New Northern Ireland Assembly

3. **Ms Beverley Hughes** (Stretford and Urmston): If she will make a statement on arrangements for the first meeting of the Northern Ireland assembly. [44742]

9. **Ms Gisela Stuart** (Birmingham, Edgbaston): If she will make a statement on the arrangements for the first meeting of the Northern Ireland assembly. [44748]

The Minister of State, Northern Ireland Office (Mr. Paul Murphy): Following the outcome of the election on 25 June, and having identified and appointed an initial Presiding Officer, my right hon. Friend the Secretary of State hopes to be able to notify Members that the first sitting of the shadow assembly will take place in the week beginning 29 June at Castle buildings, Belfast and, from September, at Parliament buildings. Upon full transfer of power, the assembly will determine its own meeting place. I will write to all political parties later this week regarding the business of that first meeting.

Ms Hughes: I thank my hon. Friend for his informative answer. In the light of the large majority of women voters who supported the agreement and of the role of women generally in bringing us to this point in Northern Ireland, does he hope, as I do, that many more women will take part in the decision-making process by being elected to the Northern Ireland assembly?

Mr. Murphy: Yes, of course I do. I entirely agree that the assembly elections will provide an excellent and unprecedented opportunity to involve more women in public life in Northern Ireland. Women from all parties played a highly significant role in the talks process. We understand from polling that 75 per cent. of women in Northern Ireland—Catholic and Protestant—voted for the agreement in the referendum. I am pleased to inform the House that just under 50 women from a total of around 300 candidates are standing for next week's assembly elections.

Ms Stuart: The first meeting of the assembly will be a tremendous historic event and a great new beginning for the people of Northern Ireland. Will my hon. Friend assure me that the main objective of the assembly will be to achieve greater integration between all sections of the community and between all ages, and that, in that integration process, particular attention will be paid to the young people of Northern Ireland?

Mr. Murphy: The House will agree that the turnout at the referendum was the highest that we could have hoped for—indeed, it was the highest for many decades. Many young people voted for the agreement on the basis that it would provide an opportunity for further integration of all communities and of people of all ages in Northern Ireland. I am pleased to say that, once it has been elected next week, the assembly will give another unprecedented opportunity for that to occur. The way in which voting will take place in the assembly is unique, and will offer an opportunity to bind together those people who, for many centuries, have been bitterly divided.

Mr. Michael Colvin (Romsey): I think that it is true to say that, if I had been in prison for two years or more, I would have been barred from standing for election to the House of Commons. I accept the Government's policy on prisoner release, but will the Minister think most carefully about who should be barred from sitting in the assembly at Stormont? It may not augur well for the assembly's future if elected representatives have to sit in the Chamber facing those who are guilty of terrorist offences.

Mr. Murphy: It was not the Government who decided these matters, but the agreement, which was forged by all the representatives of political parties in Northern Ireland. Nothing in the agreement says that ex-prisoners cannot be members of the assembly, just as there are no such rules in the House of Commons.

Mr. Andrew MacKay (Bracknell): If a Sunday newspaper article is to be believed, at the first meeting

of the assembly, Sinn Fein-IRA elected Members will be accompanied by armed bodyguards, whose weapons will have been issued as personal protection by the Secretary of State. Can the Minister confirm whether that is true?

Mr. Murphy: As far as I am aware, it is untrue.

Mr. MacKay: I am grateful to the Minister for that response. Does he agree that there is no room for private armies in a free, open and democratic society, and that, if politicians in Northern Ireland or elsewhere felt that they needed protection, they would have only to contact our security services to receive the best protection in the world?

Mr. Murphy: Yes, of course they would—I think that everyone accepts that. I think that everyone also accepts that the agreement was based on the understanding that violence would no longer be part of a democratic society in Northern Ireland—to that extent, I agree with the hon. Gentleman.

Victims of Violence

4. **Mrs. Joan Humble** (Blackpool, North and Fleetwood): What steps are being taken to help the victims of violence in Northern Ireland. [44743]

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): Sir Kenneth Bloomfield, the Northern Ireland victims commissioner, published his report "We Will Remember Them" on 13 May 1998—his recommendations have been widely welcomed. As Minister with responsibility for victims, I am developing proposals to provide greater recognition for, and assistance to, the victims of 30 years of violence in Northern Ireland. I hope to make further announcements soon on taking forward the recommendations.

Mrs. Humble: Given the recent proposals on the release of prisoners and the impact that that will have on victims and their families, does my hon. Friend have plans in the immediate future to develop help and support for those victims, who have suffered dreadfully because of the violence in Northern Ireland?

Mr. Ingram: I thank my hon. Friend for that question. Later this evening, we shall continue consideration in Committee of the Northern Ireland (Sentences) Bill, which deals with the early release of prisoners provided that certain conditions are met—I shall be moving an amendment on that issue.

We believe that if victims so choose, they should have some knowledge of the possible release of the people who may have perpetrated acts of violence or other crimes against them. Of course, the problem is much more complicated and difficult than that, but we hope that the legislation will take account of all the complexities involved.

Mr. Andrew Robathan (Blaby): I am glad that the hon. Gentleman is the Minister with responsibility for victims and that he is looking into the interests of victims. Does he believe that it will help victims of violence when they know that the people who murdered their husbands, recently kneecapped their sons, intimidated their families and destroyed their businesses, or whatever it might have been, are still at large—in fact, have been released from prison—and still have the capability to perpetrate those crimes? They still have their weapons and explosives and, as yet, there has been no commitment to decommissioning from any major terrorist organisation.

Mr. Ingram: I am sure that the hon. Gentleman is only too well aware that 71 per cent. of the people of Northern Ireland voted, overwhelmingly, for the agreement. If it can be allowed to be fully implemented, hopefully we shall be able to avoid the grief and pain that have sat upon the people of Northern Ireland for the past 30 years. It is better that we begin to look forward, as well as dealing with the issues relating to victims that we have to deal with and for which I now have responsibility.

Mr. Eddie McGrady (South Down): Does the Minister agree that personal victims of violence must be the first priority? However, will he also join me in condemning the sectarian arson attacks last Monday in Downpatrick, my home town, which obviously had a sectarian intent? Does he share my concern that part of the attack involved an explosive device, which had the attributes of paramilitary involvement? Furthermore, I urge him to ensure that the three businesses involved—both Catholic and Protestant—which were put out of business and the ancient and honourable cricket club, which was completely destroyed, get immediate and urgent aid from the Northern Ireland Office and the Northern Ireland agencies in general.

Mr. Ingram: Of course, we all condemn unreservedly any sectarian, paramilitary or terrorist attacks. Within the present climate in Northern Ireland, there is no cause for them to continue and we call on everyone associated with those groups not only to give up their weapons, but to stop carrying out those acts. There are procedures for compensation, and I am sure that the businesses that have suffered will be aware of them and will apply in due course. Their applications will, as usual, be considered sympathetically.

Mr. James Gray (North Wiltshire): Further to the answer given to my hon. Friend the Member for Blaby (Mr. Robathan), does the Minister agree that there must be a firm and unbreakable linkage between the release of prisoners and the decommissioning of weapons?

Mr. Ingram: Of course there is, not only in the agreement, but in the Northern Ireland (Sentences) Bill, which we considered on Monday and will be considering later today and tomorrow.

Civic Forum

5. **Maria Eagle** (Liverpool, Garston): What role the new civic forum will play in Northern Ireland following the referendum result on 22 May. [44744]

The Secretary of State for Northern Ireland (Marjorie Mowlam): As the agreement states, the civic forum will be a consultative and advisory body on social, economic and cultural issues for the Northern Ireland

assembly. It will have no formal powers, but will aim to influence decision making by promoting and encouraging informed debate.

Maria Eagle: Is my right hon. Friend aware of the fact that only nine women were elected to the old Stormont Parliament in 50 years, and that was in a House of 78? Does she agree that, if we are to have peace in Northern Ireland, it is vital that women participate more fully in public life there? Given that only 16 per cent. of candidates for the assembly are women, does she agree that the civic forum will at least provide a stepping stone for women to become much more actively involved in public life in the Province?

Marjorie Mowlam: Yes, I do. As we know, many more women are involved in the voluntary sector in Northern Ireland than in the political process, although there are small numbers of women in most of the parties and I hope that their voices will be heard in the assembly. It is up to the people of Northern Ireland in the upcoming elections to see whether they can make that happen with the 50 women who are standing. I hope that the forum will be a voice for women and for the old and young—in fact for people throughout Northern Ireland—so that we can continue to build a sense of community and working together as the months and years go by.

Rev. Martin Smyth (Belfast, South): Although I welcome the possibility of a civic forum, how will it be selected, bearing in mind the fact that European partnership schemes have often failed to deliver what they were set up to do because of the pressures on the business community and others? Those meant that business people could not attend sufficiently often and that other community representatives who were full-timers, could dominate community aspects.

Marjorie Mowlam: The hon. Gentleman will know that some district partnerships have been very successful, and others less so. Where Churches, business, trade unions and the voluntary sector have worked together, they have helped to build and to further a sense of community. I do not know how the members of the civic forum will be elected. We have consulted widely, have talked to people and have had submissions from some parties. Ultimately, the decision will be up to the First Minister and the Deputy First Minister in the assembly, but we will do all we can to put forward constructive and positive options and to facilitate decision making.

Mr. Roger Stott (Wigan): My right hon. Friend is replying to a question from my hon. Friend the Member for Liverpool, Garston (Maria Eagle) about the civic forum. I am a member of the British-Irish interparliamentary body, a forum set up a number of years ago. How does my right hon. Friend see our future role, as British parliamentarians and Members of the Dail Eireann try to foster good relationships between the House of Commons and the Dail and to move the peace process forward?

Marjorie Mowlam: I would not be so presumptuous as to tell members of the British-Irish interparliamentary body what their role should be. I am sure that it will continue to be a positive one, which will be enhanced by working alongside the British-Irish council to further relationships among these islands.

Northern Ireland Agreement

6. **Mr. Andrew George** (St. Ives): What representations she has received on the Northern Ireland agreement from individuals and organisations in *(a)* mainland Britain, *(b)* Crown dependent territories and *(c)* Eire. [44745]

The Secretary of State for Northern Ireland (Marjorie Mowlam): I have received a range of representations—mostly supportive of the agreement—wishing the people of Northern Ireland a better future built on the foundations of peace and reconciliation laid by the agreement, and free from the division and misery that marked the previous decades.

Mr. George: I thank the Secretary of State. The agreement says:

"A British-Irish Council will be established . . . to promote a harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands."

As I come from Cornwall, a part of these islands that has its own distinct identity, culture and language, I offer my congratulations to the Secretary of State on the progress made towards the essential British-Irish council. If she wishes—rightly—to ensure that the council reflects

"the totality of relationships among the peoples of these islands",

will she ensure that minority ethnic groups are included on that council to contribute to the celebration of diversity within our nation?

Marjorie Mowlam: I thank the hon. Gentleman. There is no doubt that when the body is set up, it will deal with questions of commonality across different regions in these islands on health, education and transport, which clearly cross the whole of the islands. I am sure that the hon. Gentleman's specific interest in the south-west can be fully taken into account.

Mr. Gareth R. Thomas (Harrow, West): Does my right hon. Friend agree that one of the best ways in which to secure support for the Northern Ireland agreement would be to make sure that the House continued with its policy of bipartisanship? Does she also agree that the shadow Secretary of State, who could not be bothered to be in the United Kingdom when the agreement was being negotiated, should at least be able to stop yet another petty internal split in the shadow Cabinet from leading the Conservative party down the dangerous road of possibly breaching that policy?

Marjorie Mowlam: My hon. Friend makes his point strongly. For my part, I should be very disappointed if the bipartisan approach that has served both sides of the House—Government and Opposition—so well were to come to an end. I sincerely hope that it does not, but that is not totally up to me.

Mr. Jeffrey Donaldson (Lagan Valley): The Secretary of State will be aware of special provisions in the agreement to allow British citizens living in Northern

Ireland to carry Irish passports. Has she received any representations from persons living in the Irish Republic who want to carry British passports, and will the Government consider granting those who live in the Irish Republic and consider themselves British the right to those passports, to provide equality under the terms of the agreement?

Marjorie Mowlam: I agree that equality under the terms of the agreement is a positive end to aim for. I have received no such applications, but if I did, I would certainly consult the Home Office, which would have a direct interest.

Kate Hoey (Vauxhall): Given that the agreement mentioned parity of esteem and equality, has my right hon. Friend received any representations, or does she have any views, on the recent decision of the Gaelic Athletic Association to refuse membership to anyone who has been a member of the security forces? Does she agree that that is a reprehensible step and shows that some people are still not prepared to make that extra effort to bring about peace and reconciliation in Northern Ireland?

Marjorie Mowlam: I would like everyone to make that extra effort. As my hon. Friend well knows, the GAA said that it was willing to move, but only if there was clear movement to introduce change in the Royal Ulster Constabulary. As usual in Northern Ireland, we have to wait for someone to take the first step. I hope for changes in a number of dimensions, and I agree that it would be good for people to spend more of their leisure time together, but that will be up to the members of the GAA, who will have heard what my hon. Friend said.

Mr. James Cran (Beverley and Holderness): Will the Secretary of State confirm that she has received representations to the effect that, of those elected to the Northern Ireland assembly, only those who have renounced violence and fully committed themselves to co-operation with the decommissioning commission will be appointed as Ministers? Does she agree that, if that does not happen, Ministers will exercise executive power with one hand while retaining the means of violence with the other?

Marjorie Mowlam: As the hon. Gentleman will be aware, Ministers will have to sign a pledge of office, committing them to complete and unequivocal ceasefires and to peaceful, non-violent options. Co-operation with the independent commission is one of four stringent factors that my right hon. Friend the Prime Minister outlined in May. These are written into the Northern Ireland (Elections) Bill.

Parades

7. **Helen Jones** (Warrington, North): What steps are being taken to reduce tensions over parades in Northern Ireland. [44746]

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): The Public Processions (Northern Ireland) Act 1998 established an independent body, the Parades Commission, with the statutory responsibility of encouraging and facilitating local accommodation on contentious parades. I welcome the acceptance by the loyal orders of the commission's determination to reroute the tour of the north parade, scheduled for this Friday. Given that acceptance, there can be no excuse whatever for any outbreak of violence this weekend or thereafter.

Helen Jones: Will my hon. Friend join me in congratulating the Parades Commission on its work so far and on its decisions which, as the whole House will agree, have been both transparent and fair? Will he do all that he can to ensure that all those involved in parades, both marchers and protesters, reach an accommodation and accept the commission's decisions, so that in future, we may avoid the disorder that has occurred so often in Northern Ireland?

Mr. Ingram: My hon. Friend makes her point very well. We should always recognise how difficult a task the commission faces. We congratulate it on its efforts to date and wish it well in its future determinations. We all recognise the full impact of any outbreak of violence such as we have witnessed in previous years and of the battle of the marching season, which damages not only the economic health and future well-being of Northern Ireland, but the psychological and physical health of everyone who lives there.

Mr. Phil Willis (Harrogate and Knaresborough): In a television interview on 7 April, the transcript of which is fully available, the Chief Constable of the RUC made it clear that, even if the Parades Commission decided against the Orange Order marching down the Garvaghy road, he would allow the march to go through if the Orange Order then amassed the number of people that it had in previous years to force that march through. In that case, what future would the commission have, especially on the sensitive Ormeau road and Drumcree parades?

Mr. Ingram: The Chief Constable does not have the power to overturn the legal determination of the commission, but the police have the power to take whatever action is necessary on the day to preserve life and property. Its determination would still stand, on the basis of its best endeavours to resolve issues in respect of the parade or march that it was considering.

Mr. Jeremy Corbyn (Islington, North): Further to the previous question, if the Parades Commission decided that the Drumcree march should not return to Portadown along the Garvaghy road, but by some different route, would the RUC enforce that decision and ensure that peace reigned throughout the area during that weekend?

Mr. Ingram: The best thing that all of us can do is hope that there is no repetition of what has happened in previous years, whether the march is allowed to go ahead or not. The commission has a very difficult job to do, and it is not for me or for my right hon. Friend the Secretary of State to prejudge what it will do in respect of any application for the march at Drumcree. The matter rests with the commission, and other powers rest with the Chief Constable to deal with public disorder on the day, should it arise.

Mr. William Thompson (West Tyrone): Does the Minister agree that the best single action that could be

taken to reduce tension over parades in Northern Ireland would be for the concerned residents group on the Garvaghy road to withdraw its opposition to the march? Will he acknowledge the march's importance to members of the Unionist community? To them, it shows tolerance of their rights and their culture.

Mr. Ingram: I would not want to be accused of lecturing the hon. Gentleman, but the best help that he could give would be to come round behind the Good Friday agreement and give every support to what the vast majority of the people of Northern Ireland expressed through the ballot box on 22 May. Clearly, we recognise the rights of those who want to march, and the legal rights of those who may want to protest against that. I hope that things can be done peacefully, through reconciliation, with both sides talking to the Parades Commission to find the best answers, in respect of not only the Drumcree parade, but subsequent parades over the coming months.

Economic Package

8. **Mr. Ross Cranston** (Dudley, North): What progress is being made on the economic package for Northern Ireland announced in May. [44747]

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): An implementation plan has been drawn up and action is being taken on the Chancellor's package. An interdepartmental group has been set up to oversee progress. My right hon. Friend the Secretary of State and I will closely monitor the implementation of the package. The initiative has been widely welcomed in Northern Ireland as making a significant contribution to enterprise and investment.

Mr. Cranston: I welcome the fact that my right hon. Friends the Secretary of State and the Chancellor will be visiting north America to encourage inward investment, but I believe that small and medium-sized businesses are the bedrock of the community, not only economically, but socially. Does my hon. Friend agree that the provisions in the Finance Bill on capital allowances are especially valuable?

Mr. Ingram: I welcome the Finance Bill, and I also welcome what the Chancellor announced specifically for Northern Ireland—a unique package of 100 per cent. first-year capital allowances for investment by small and medium-sized firms in plant and machinery. That will give a cash flow boost of £100 million over the next four years, which follows the reduction of small companies corporation tax from 23 per cent. to 20 per cent. in the previous Budget. All of that will help to stimulate a key sector of the Northern Ireland economy.

Mr. Andrew Lansley (South Cambridgeshire): Given the level of wages in Northern Ireland, in relative terms, what estimate has the Minister made of the number of jobs that would be lost there after the imposition of a minimum wage of £3.60 an hour? Does he support the Chancellor of the Exchequer's wish for a lower rate to be applied to young people in Northern Ireland?

Mr. Ingram: As the Minister responsible for the economy in Northern Ireland, I have made representations to my right hon. Friend the Chancellor of the Exchequer. I am sure that he has taken due note of them.

We have a particular set of circumstances in Northern Ireland. We are trying to change the whole shape and structure of the Northern Ireland economy, which for the past 30 years has suffered from the troubles that we all know about. We want to make it a high-wage, highly skilled and high value-added economy. That is what we are driving for, and that is what my right hon. Friend the Chancellor will achieve through the measures in his last two Budgets—and, I am sure, in future Budgets as well.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [44770] **Mr. Norman Baker** (Lewes): If he will list his official engagements for Wednesday 17 June.

The Prime Minister (Mr. Tony Blair): This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

Mr. Baker: May I draw the Prime Minister's attention to a press release that was issued by the Labour party just before the last election, on the subject of the privatisation of air traffic control? According to the press release, the privatisation is an

"own goal and shows how out of touch the government is."

It commands no public support, and will

"undermine public confidence in Air Traffic Control".

Does the Prime Minister now agree with himself? Does he not think it rather dangerous to perform U-turns with aeroplanes?

The Prime Minister: No. As we made clear before the election, we are prepared to do anything necessary, both for public finances and to ensure that we secure the right investment in air traffic control. The public-private partnership that we have announced means that 49 per cent.—a golden share—stays with the Government. It will secure the investment that we need, and will give us a new regulatory body to improve air safety. I take it from the fact that the hon. Gentleman is now opposing the measure that that is another spending commitment on behalf of the Liberal Democrats.

Q2. [44771] **Mr. Jim Murphy** (Eastwood): Will my right hon. Friend join me in congratulating the many thousands of Scotland supporters who enjoyed themselves so peacefully in France? Does he recognise that the vast majority of England supporters are also peaceable, and a credit to the nation and their team? Will he, however, lead the House in condemning the mindless minority of English hooligans who have terrorised the people and the city of Marseille, and will he give a commitment that action will be taken as a matter of urgency? England prides itself on the claim that it is the home of football, but, if such scenes are repeated, it will unfortunately be renowned as the home of football hooliganism.

The Prime Minister: I entirely agree. I congratulate the Scottish fans on the way in which they have behaved

throughout the World cup—and, as my hon. Friend rightly says, the vast majority of English fans have behaved extremely well. We condemn, without reservation or qualification, the mindless minority who do nothing but bring disgrace on themselves and the name of our country abroad, and we have already introduced a huge package of measures in an attempt to stop such things happening. There was merely a trickle of restriction orders when we first came to power; there are now more than 70. We have put together probably the biggest package of measures for co-operation between the French and the British police that has ever been known.

Let me say this to my hon. Friend and to others. The problem is that, although we can stop known hooligans, if they are known, the vast majority of those who have been picked up by the French police have no record of football hooliganism that would appear on criminal records—or even on our database, which is the most extensive in the world. However, we will consider whatever other measures we can take, so that that small minority is eliminated from watching football throughout the world.

Mr. William Hague (Richmond, Yorks): I support the Prime Minister's sentiments. He clearly shares the anger that so many of us felt when pride in the victory of the England football team was coupled with shame at the behaviour of hooligans. We are tabling amendments to the Crime and Disorder Bill, which will be debated next week, to place new restrictions on thugs travelling to overseas football matches, and to make them pay compensation for the damage that they cause. Can we expect the Government's support for those amendments?

The Prime Minister: We shall certainly consider any amendments, and if they would improve the situation we would be very happy to accept them. In debates on the legislation, Conservative Front-Bench Members have tried to water down, rather than strengthen, the anti-social behaviour orders. If sensible amendments could make a difference, we shall support them. However, we must also consider ways of ensuring that restriction orders—the powers that already exist—are used more comprehensively. In particular, we must try to deal with the problem of intelligence on football hooligans, which is not as great as we need it to be, even though we have the most extensive database in the world. As I said to my hon. Friend the Member for Eastwood (Mr. Murphy), we can stop football hooligans only if they are known.

Mr. Hague: I agree entirely with what the Prime Minister said about the need for intelligence, although when he talked about the Opposition Front Bench—[*Laughter.*] He will find a good deal more intelligence among Opposition Members than he will among those sitting around him. When the Prime Minister referred to Opposition Front-Bench Members, he was mixing one set of amendments with another. Does he accept that there is a strong case for such measures? The view of this country from overseas is severely affected by these incidents. While he is quite right to talk about improved co-ordination, it is important to do everything we can to toughen up the legislation.

The Prime Minister: There is no point having a prolonged debate on this matter, but the right hon. Gentleman's Front-Bench spokesman described the proposals as dangerously unworkable. We are perfectly happy to examine any amendments that are tabled. We must also consider the restriction orders and the basis of co-operation with other police services. We should also encourage employers to take strong action against people who are convicted of football hooligan offences abroad. I hope that strong action is taken against convicted football hooligans who are employed by the public service or by the armed forces.

We can take all the measures we like—we should take whatever measures are necessary—but we must be quite clear where the responsibility for such violence lies. It lies with those individuals who do not represent the best either of Britain, of England or of English soccer.

Ms Rosie Winterton (Doncaster, Central): Is the Prime Minister aware that the Yorkshire and Humberside region has been the first to set up a regional chamber in anticipation of the establishment of regional development agencies next year? Does he agree that regional government for England would be a further step towards the Labour Government's objective of giving more power to people in the regions to take decisions over their own lives?

The Prime Minister: Regional development agencies will act as important co-ordinating bodies for attracting inward investment and for improving the circumstances of local economies. Having championed subsidiarity in Europe, we should champion it at home as well.

Mr. Paddy Ashdown (Yeovil): In the Budget, did the Chancellor really intend to penalise retiring small business men and women while creating a huge tax loophole worth perhaps hundreds of millions of pounds to some of the richest in the land, including some partners of certain merchant banks?

The Prime Minister: I do not accept that the Chancellor has done that.

Mr. Ashdown: Has the Prime Minister seen the very clear report today, which says that the Chancellor has done exactly that? Has he read the report in the *Financial Times*, which says that the Chancellor has, indeed, done exactly that? The report in the *Financial Times* concedes the case, because one of the right hon. Gentleman's Ministers has apparently said, "Yes, we've got it right, and this proves that we need to get it—we've got it wrong, and this proves that we need to get it right."[*Laughter.*] I shall say that again, in case it is misunderstood. The Minister said, "We've got it wrong, and this proves that we need to get it right." Surely there cannot be any benefit in the Government creating large tax loopholes for the very rich while telling teachers and nurses that they must have pay rises less than the rate of inflation. The Prime Minister has said that hard choices must be made. This is an easy one: spend more money on providing decent public services for the many, and less on large tax breaks for the few.

The Prime Minister: I am afraid that that is nonsense. The 10 per cent. capital gains rate is designed to encourage long-term investment, and we believe that it will do so. As for the cost measure and the implication

that we could pass this money on to other people, that is simply not the case. I believe that the vast majority of people support this measure, because it will encourage long-term investment in business and industry. I am surprised that the right hon. Gentleman is against it.

Dr. Tony Wright (Cannock Chase): As one who had the good fortune to be at Wembley in 1966 on that glorious day when England won the World cup, may I congratulate the Prime Minister on his role in securing an honour for Geoff Hurst? However, it has created the expectation that every English footballer who scores a hat trick in a World cup final will receive a similar honour. Could my right hon. Friend send an urgent message to France saying that that expectation will be fully realised?

The Prime Minister: I think that the wisest course is probably to wait until the hat trick has been scored.

Q3. [44773] **Mr. John Butterfill** (Bournemouth, West): The Prime Minister will be aware that his Foreign Secretary has refused to release to the Select Committee copies of the telegrams that were sent to the Foreign Office by our high commissioner in Sierra Leone. Is that because copies were forwarded to No. 10 Downing street?

The Prime Minister: No. My right hon. Friend has made it quite clear that that must await the outcome of the Legg inquiry when we will deal with it in accordance with the normal rules of the Pergau inquiry that took place earlier. I am sorry that Conservative Members, despite their best interests, still cannot manage to get anybody in the outside world interested in what has been a ridiculous Opposition caper from beginning to end.

Q4. [44774] **Mr. Peter L. Pike** (Burnley): My right hon. Friend will know that Lucas in my constituency proposes to make redundant next month 70 workers who make compressed natural gas bottles for vehicles. Does my right hon. Friend agree that this country needs to do more to encourage the use of environmentally positive fuels, such as compressed natural gas, for road vehicles of all types? Does he agree that such a policy would be good for jobs and the environment?

The Prime Minister: It would and, of course, we have taken a series of measures, particularly in the foresight vehicle link programme, and in his Budget the Chancellor took measures to promote vehicles that use more environmentally friendly fuel. In the end, of course, businesses have to be run as such and I greatly sympathise with the plight of my hon. Friend's constituents. I know that he recently met my hon. Friend the Minister for Science, Energy and Industry to discuss whatever help we can give.

Q5. [44775] **Mr. David Ruffley** (Bury St. Edmunds): Can the Prime Minister confirm the independent figures that have been produced by the House of Commons Library which show that after his first year in office the average family is £1,000 a year worse off as a result of tax and mortgage rate increases?

The Prime Minister: No, I do not confirm that. From memory, the House of Commons note upon which the Opposition rely states that it all depends on the assumptions that are fed in by those who are asking for the information. The £1,000 includes, for example, rises in excise duty, five sixths of which were introduced by the previous Government. We all remember who put up taxes by over £1,000 a year. It was the Conservative party in direct breach of its election promises.

Q6. [44776] **Yvette Cooper** (Pontefract and castleford): Is my right hon. Friend aware that the conviction rate for rape is a shocking 9 per cent.? Is he also aware of a new locally-driven West Yorkshire initiative that is trying to tackle the problem by providing specialist training for prosecuting barristers? Can he assure the House that Ministers will take a direct interest in that programme as it develops, and that if it is successful, they will encourage the Crown Prosecution Service to adopt the programme throughout the country?

The Prime Minister: An interim report was published by the Home Office in December. The final findings will not be available until early next year. My right hon. Friend the Home Secretary is already taking action. He has announced a series of proposals to improve the way that rape victims are treated by the criminal justice system. They include special measures to make the process of giving evidence less intimidating, a ban on defendants personally cross-examining the victim and powers to enable the court to clear the public gallery when a victim is giving evidence. In the light of the final report to be published early next year, we shall decide what other measures we need to take.

Mr. William Hague (Richmond, Yorks): On a day of disturbing economic statistics for wages and jobs, will the Prime Minister make it clear that he will not give in to the President of the Board of Trade, many of his Back Benchers and the Trades Union Congress when they call for the implementation unamended of the Low Pay Commission's recommendations?

The Prime Minister: We shall make our conclusions on the Low Pay Commission known when it is right to announce them. The continued Conservative opposition to a minimum wage shows how totally wedded they are to— *[Interruption.]* It is over here that we want to see them. These are the people who oppose any minimum wage at any level. These are the people who are happy that hundreds of thousands of people are paid less than £3 or less than £2.50 an hour. These are the people who believe that a strong economy can be built on sweatshop wages, but people on this side of the House do not.

Mr. Hague: It is a good job the Prime Minister is not on "Just a Minute", because we have heard deviation, hesitation and repetition, all in one answer. Are not three things now clear? Today's figures show a rapid rise in wage inflation and the first signs of an increase in unemployment. The introduction now of the Low Pay Commission's recommendations is likely to make both problems worse. Is it not essential that, if he cannot abandon those proposals for a minimum wage, he should at least water them down, as the Chancellor wants him to do?

The Prime Minister: I totally disagree. Employment in the past year, under this Government, is up more

than 400,000; unemployment is down 270,000; youth unemployment is down 60,000; and we have 30,000 already on the new deal, which is another policy opposed by the Conservative party. Perhaps when the right hon. Gentleman gets to his feet now, he will tell us whether he intends to repeal the minimum wage legislation if elected, or keep it.

Mr. Hague: The Prime Minister wants me to tell him our policy in future years when he will not tell us his policy today. Is it not extraordinarily complacent of him to dismiss the concerns about unemployment that inevitably arise from today's figures? Is it not incredibly arrogant of him to say that he will not water down the recommendations, when every newspaper has been briefed that that is what the Chancellor wants to do? How is it that every newspaper in the land can be told what the Chancellor thinks about this, but the Prime Minister does not have the courage to tell his own Back Benchers in the House of Commons? Is it not true that he and the Chancellor have decided that the minimum wage has got to be watered down? Let us hear from him frankly, now, at the Dispatch Box, that that has got to happen.

The Prime Minister: What is absolutely clear is that, as ever, the right hon. Gentleman and his colleagues believe that the answer to the problems of the economy is low wages. We do not believe that; we support a minimum wage and we shall introduce it. I do not know anybody who believes that it is the low-paid who have responsibility for any difficulties that there are. The responsibility lies with us to ensure that we have a proper, strong economic policy, in which we take the right measures for monetary and financial stability. Let us be clear on one thing: the Conservatives have opposed every interest rate rise since the election and every measure to cut the Budget deficit. If we carried on with the policies that the right hon. Gentleman wants, rather than with our policies, we would end up in the boom and bust that we had under the Conservatives, with interest rates at 15 per cent. for a year, record repossessions, record bankruptcies and record recession. That was his Government's record, but it is not going to be ours.

Mr. Hague: If there is no difficulty about a minimum wage, why is the Prime Minister finding it so difficult to reach a decision on it? He attacks the previous Government, but does he not recall that he inherited the best economic situation of any new Government? He inherited low inflation, low taxes, low interest rates and falling unemployment, but now we see taxes up, inflation up, mortgage rates up and unemployment heading that way. Does he still think that things could only get better?

The Prime Minister: I suspect that for the 400,000 extra people in work since the last election things are better. I shall tell the right hon. Gentleman how else they have got better. We are going to avoid the economic crisis into which the previous Government plunged us in the late 1980s and early 1990s. Let us remember what we inherited—we inherited record borrowing and a doubled national debt. We, not the Tory Government, put those things right. It is we who have put the financial deficit in order. The Tory party, when in power, ran a deficit on the current account of £12 billion every year. We are going to run current account surpluses. We are going to get down the national debt that it doubled. We are going to avoid boom and bust and put our economy on a stable footing, which the Tories never did.

Ms Sandra Osborne (Ayr): Does the Prime Minister agree that National Air Traffic Services has a record of safety and efficiency which is second to none? Will he consider that commercial interests could jeopardise that record, and will he give a categorical assurance that the new Scottish centre at Prestwick will go ahead as planned, no matter which option is chosen for the future structure of NATS?

The Prime Minister: Yes. I understand that contract negotiations for a new air traffic control centre at Prestwick to replace the existing centre are under way between National Air Traffic Services and Sky Solutions, the preferred bidder. That will continue to be the case. Of course, as a result of the proposals that we are putting forward for air traffic control, an extra £1 billion will be invested in it, which is the best news for the service and for jobs that there could possibly be.

Q7. [44777] **Mr. Dominic Grieve** (Beaconsfield): On 6 May, the Prime Minister told the House with reference to the Northern Ireland agreement:

"It is essential that organisations that want to benefit from the early release of prisoners should give up violence. Decommissioning is part of that".

Does the Prime Minister stand by that statement? If so, could he explain to me, so that I understand, why that requirement is not provided for as a prerequisite in the Northern Ireland (Sentences) Bill which is currently before the House? Is not there a danger that those who affirmed the agreement and voted yes will consider that they did so under a false prospectus?

The Prime Minister: There is no reason to do that at all. I shall deal with the hon. Gentleman's point in a little detail because it is important.

On 6 May, I did indeed say that, and I stick by it 100 per cent. Indeed, I went on to say:

"It is not just a question of decommissioning, but a question of making sure, as the agreement says, that there is a complete and unequivocal ceasefire."—[*Official Report*, 6 May 1998; Vol. 311, c. 711.]

I also quoted the speech of the former Prime Minister, the right hon. Member for Huntingdon (Mr. Major), who said:

"When sensitive matters such as prisoner release on licence are discussed—for which, as the Government has made clear, there is no general amnesty—the independent Commission, and the Secretary of State, are bound to have regard as to whether decommissioning has taken place."

[Interruption.] The shadow Secretary of State for Northern Ireland can make his remarks later if he wishes.

I then went to Northern Ireland the next week and said in my Balmoral speech, which set out precisely what we were going to do:

"In clarifying whether the terms and spirit of the Agreement are being met and whether violence has genuinely been given up for good, there are a range of factors to take into account."

One of those was

"full co-operation with the Independent Commission on decommissioning, to implement the provisions of the Agreement."

That is precisely what we have now put in the Bill which states:

"the Secretary of State shall in particular take into account"—

it then lists various items—

"co-operating fully with any Commission of the kind referred to in section 7 of the Northern Ireland Arms Decommissioning Act 1997."

In other words, that is precisely what we said we would do. We have put it in the legislation in order to make it quite clear that although, as I said, we cannot alter the agreement or insert new legislative preconditions, decommissioning is an essential part of the package. Those parts of the package in respect of decommissioning have to be obeyed, as everything else. That is what we said before the referendum; it is what we are saying now, and it is in the legislation.

I have to say to the shadow Secretary of State for Northern Ireland that we supported the previous Government through thick and thin on this. We shall look very, very carefully at any amendments that are tabled, but they cannot rewrite the agreement. Decommissioning remains an essential part of the agreement, and our legislation is fully consistent with what we established before the referendum.

Q8. [44778] **Mr. Keith Vaz** (Leicester, East): The Prime Minister will recall that, in his speech last October in Brighton, he said that it was worth reminding ourselves of how much negative discrimination there really is. Given that statement, and the fact that he has now signed the Commission for Racial Equality's leadership challenge, will he tell the House precisely what action he will take to ensure that black and Asian people are fully represented in the highest levels of the civil service and in Government appointments to quangos?

The Prime Minister: As my hon. Friend may know, there are a series of Government programmes to promote people from ethnic minority backgrounds coming into the public service, and the Government are currently working with the Windsor fellowship and other community organisations to ensure that black and Asian people are encouraged to apply for careers in the public sector. We are also fully committed to the Commission for Racial Equality's leadership challenge, which seeks to promote equal opportunity policies in public and private organisations.

It is also appropriate that we are celebrating the 50th anniversary of the arrival, at Tilbury docks, on 22 June 1948, of the SS Windrush. I believe that those people and their descendants have made a great contribution to a Britain that is proud of being a multicultural, multiracial society.

Mr. Jonathan Sayeed (Mid-Bedfordshire): How can the Prime Minister justify spending annually over £1 million of taxpayers' money to fund employment of Labour party spin doctors at No. 10 Downing street?

The Prime Minister: We follow precisely the same rules that have been applied by other Governments and in exactly the same way. The fact that we do so rather better than the previous Government is a reflection on them rather than us.

Q9. [44779] **Mr. Malcolm Chisholm** (Edinburgh, North and Leith): This week, I received an answer from the Scottish Office stating that more than twice as many women between the ages of 35 and 54 die from breast cancer than from any other single cause. What action are the Government taking to tackle that greatest single cause of premature death? Will the Prime Minister tell us also whether further care will be given to older women by extension of routine screening beyond the age of 65?

The Prime Minister: First, I pay tribute to the work done by my hon. Friend on the issue. We have put in place a series of proposals that will mean that—by April 1999, for breast cancer, and by 2000 for other cancers—there will be a maximum two-week waiting time to see a specialist after an urgent GP referral. Implementing that proposal is being funded specifically out of the money that was raised by getting rid of the internal market that did so much damage to the national health service. Women over 65 are not routinely invited for screening, although they are entitled on request to a free three-yearly scan. It is important that that entitlement should be more widely known and taken up. We are currently looking at ways in which we can improve the publicity given to it.

Mr. Paul Keetch (Hereford): Is the Prime Minister aware that it is now almost 12 months since two British aid workers—Camilla Carr and Jon James—were taken hostage in Chechnya? Does he realise that, last week, an Inter-Parliamentary Union delegation from the House raised the matter with the Russian Deputy Foreign Minister and received an assurance from the Russian Government that they will do everything that they can to ensure the hostages' early release? Bearing in mind the fact that their families are keen to raise the profile of the hostage issue in Britain, will the Prime Minister say that he, like me, will maintain his personal interest in the issue and do everything that he can to ensure that Camilla and Jon are returned home safely?

The Prime Minister: I certainly shall. As the hon. Gentleman probably knows, I have raised the issue myself a number of times with President Yeltsin, who has indicated that he gives his full support to efforts to find and free the hostages. Tomorrow, the Home Secretary will see the Russian Minister for the Interior. We are deeply concerned about the hostages—we have been deeply concerned about them all the time that they have been in captivity. We shall continue to do everything that we possibly can to locate, to find and to free them.

Q10. [44780] **Ms Oona King** (Bethnal Green and Bow): Is my right hon. Friend aware that, according to the Jarman index, I represent the most deprived area in Britain? Is he also aware that Tower Hamlets suffers from the greatest overcrowding in housing in Britain—in fact, 10 times the national average? Will he join me in congratulating the council on reducing the housing waiting list by 10 per cent. over the past year? Will he give us further assurances that more money will be made available for housing in the poorest areas of Britain?

The Prime Minister: I can give my hon. Friend that assurance. The capital receipts initiative has already put

some £50 million into London authorities. The figure will increase to almost £170 million this year. Obviously, that will make a difference to housing waiting lists, as will the inner cities initiative which attempts to deal with some of the worst housing estates. Perhaps most important, however, is the fact that, under the new deal, large numbers of people who are long-term unemployed, lone parents or young people who have been unemployed for a significant period of time can get help to get a job. Getting a job and earning a decent standard of living is one of the most important factors in providing better housing.

European Council (Cardiff)

3.30 pm

The Prime Minister (Mr. Tony Blair): With permission, Madam Speaker, I shall make a statement about the meeting of the European Council which I chaired in Cardiff on 15 and 16 June. My right hon. Friends the Foreign Secretary and the Chancellor of the Exchequer and my hon. Friends the Minister of State, Foreign and Commonwealth Office, the Member for Newcastle upon Tyne, North (Mr. Henderson), and the Economic Secretary to the Treasury were also present. I have placed a copy of the conclusions in the Library.

I should begin by thanking the city council and the people of Cardiff for their warm welcome and hospitality. I congratulate them whole-heartedly on the arrangements for the summit, which were universally admired. Cardiff itself looked marvellous and did great credit to Wales and this country.

The European Council had four main themes: economic reform and employment, enlargement and the necessary accompanying policy reforms, the future development of the EU and foreign policy issues, notably Kosovo. We also discussed a range of other questions which touch the lives of ordinary people: the environment, crime and drugs and the millennium bug. The Finance Ministers issued a statement on the world economy, a copy of which is attached to the conclusions.

We had an important and valuable debate on the economic reform programme needed in Europe if the single currency is to succeed. There were four aspects to that. The first was employment. At Luxembourg last November, the European Council agreed a set of employment guidelines aimed at promoting a skilled, trained and adaptable work force and flexible labour markets responsive to economic change. Under the United Kingdom presidency, all 15 member states have submitted national action plans putting the guidelines into effect. We agreed at Cardiff that the next steps were concrete measures on lifelong learning, with a particular emphasis on older workers, strengthening equal opportunities, promoting new ways of organising work, revising tax and benefits systems to improve incentives to work and developing a culture of entrepreneurship. The need now is to implement the national plans. The guidelines themselves will be revised in December.

Secondly, the European Council endorsed broad economic guidelines to co-ordinate national economic policies. They incorporate commitments on macro-economic stability and structural reforms of the labour, product and capital markets—essential if member states are to promote growth and employment and remain competitive in the face of globalisation. The guidelines also emphasise the need for reform to remove regulatory burdens on businesses. We established a process to exchange best practice and monitor progress to ensure that those commitments are lived up to.

Thirdly, good progress has been made on strengthening the single market during the past six months, for example through agreements on telecoms and gas liberalisation injecting genuine competition into those markets. The European Council agreed that the Commission should work on an extended scoreboard containing indicators of effective market integration and price differentials, as a tool for benchmarking progress in creating a genuine single market. The existing scoreboard has already helped implementation of single market measures by member states to improve from 73 to 82 per cent. in the past six months. We invited the Commission to table an action plan to improve the single market in financial services, and emphasised the need to promote competition and reduce distortions such as state aids. These are important commitments. Perfecting the single European market is vital for trade and investment.

The fourth area was the need to promote competitiveness and entrepreneurship. We were all fully agreed on the vital role of small companies in creating new jobs and wealth, and on the need for action to produce the best possible environment to encourage entrepreneurs. That means, in particular, increasing access to capital and cutting unnecessary regulation. Action in those areas was agreed.

Fundamental economic reform is essential if member states are to be able to compete and create jobs in the global marketplace, and is therefore particularly essential for monetary union. The measures agreed at Cardiff represent a new strategy to achieve that. I draw the House's attention to two points: the degree to which the strategy reflects British thinking about competitiveness and the direction of reform, and the unanimity across Europe that this is the right way forward.

The second major theme was enlargement and the policy reform needed for that. Enlargement negotiations and the accession process were successfully launched in March. The Commission also tabled then a package of proposals on the reform of EU policies and their financing—the so-called Agenda 2000. The proposals would, for example, reform the common agricultural policy and save the consumer at least £1 billion a year in lower prices. The European Council agreed a deadline of March 1999 for reaching agreement on the package, with final adoption before the European Parliament elections next June.

A crucial part of the negotiations will concern the EU's future financing. There has been a good deal of press speculation about the position of the German and other Governments over their net contributions to the budget. No doubt member states will continue to make their case for change in one direction or another. For our part, I made it clear that I will maintain the United Kingdom budget rebate, which cannot be changed without the agreement of the Government and the House.

As part of our enlargement debate, we discussed Turkey. The UK presidency has worked hard to restore positive EU-Turkey relations following the downturn at the end of 1997. The Cardiff conclusions re-emphasised that Turkey's candidature to join the EU must be treated on the same basis as those of other candidate countries, and endorsed a new strategy towards Turkey. The Commission has now said that it will come forward with proposals for financing to overcome the existing impasse in that area. It is too soon to say definitively, but I believe that that will help to put this important relationship back on the rails and provide a basis for future progress.

On the foreign policy side, we issued a strong declaration on Kosovo, condemning the use of indiscriminate violence by the Federal Republic of Yugoslavia and Serbian security forces. If President Milosevic does not take steps to comply with our demands

[The Prime Minister]

on dialogue, refugees, international monitoring and an end to violence, he should be in no doubt about our united resolve. We wait to see whether his discussions with President Yeltsin yesterday may lead to the necessary changes on the ground. Meanwhile, NATO planning and UN Security Council consultation will continue.

We also discussed our serious concern about the middle east peace process, where the EU remains supportive of US efforts. We called on India and Pakistan to take early steps to adhere to the international non-proliferation regime. We expressed support for Indonesia—provided a credible economic reform programme is followed—and underlined the need for an acceptable solution to the problems of East Timor, including the early release of political prisoners. The European Council gave its support to the Northern Ireland peace agreement, and agreed that the EU should continue its active role in promoting peace and prosperity there.

We also discussed the environment and crime and drugs. We agreed on the need to implement the Amsterdam treaty provisions on integrating environmental protection into EU policies. My right hon. Friend the Deputy Prime Minister began this process during the UK presidency by bringing the work of the Transport and Environment Councils together and ensuring that the next three presidencies are committed to an agreed programme. I am also delighted that, one hour ago, the Environment Council in Luxembourg concluded the European Union's burden-sharing arrangements to implement the legal obligation agreed at Kyoto for greenhouse gas emissions. That is an important step towards a cleaner world.

In Cardiff, we welcomed the excellent progress made in implementing the action plan on organised crime. We endorsed the key elements of the EU drugs strategy for the period 2000-04 and asked the Council and Commission to develop a comprehensive plan for action.

Heads of Government also had a wide-ranging discussion on the future development of the EU. We face big challenges: the introduction of the euro, enlargement, tackling unemployment and social exclusion, combating organised crime and giving the Union an effective voice in the world. There was agreement among EU leaders that, if the Union is to meet those challenges in a way that has the confidence of our citizens, it must ensure that people feel less remote from its political processes and institutions, and that they can support European solutions to shared problems without fear of losing their national identity. That means increasing the democratic legitimacy of the European political process and making a reality of subsidiarity—being ready to co-operate where that is the right way of resolving common problems, while reassuring our peoples that Europe will not encroach on national or regional freedom of action in areas where the state or, indeed, local authorities can best take responsibility.

There was widespread acceptance that the solutions do not simply lie in more centralised decision making, and that we need to find a more effective relationship between Europe's institutions and our national Governments and Parliaments. We now have to take those principles and make them the centrepiece of future European reform. The informal Heads of Government meeting in Austria in October will begin that process.

We have also agreed that, once the Amsterdam treaty is ratified, we will move on to the institutional issues not resolved at Amsterdam—notably, the size of the Commission and vote reweighting. We also asked the Commission and the Council to pursue work on improving their efficiency and organisation and to report on progress during the next presidency.

I was delighted to welcome Nelson Mandela to Cardiff, joining my European colleagues in paying tribute to his extraordinary leadership in South Africa, and taking the opportunity to discuss with him the prospects for completion of an EU-South Africa co-operation agreement. We are agreed on completing the negotiations by the early autumn. I understand that only 1 per cent. of the issues remain to be resolved.

I believe that the Cardiff European Council marked a solid step forward towards a more effective and better accepted European Union. We agreed, without rows or drama, on a series of substantive points to equip our countries and peoples better for the future. At the start of the UK presidency, I outlined five objectives: building support for a third way in Europe—economic reform, combining economic dynamism with social justice; launching monetary union; getting enlargement off to a good start; taking forward common action on crime, drugs and the environment; and demonstrating that Europe could be a force for good in its relations with the outside world.

Those objectives have been met. As important as anything else, for Britain, after years of negative and destructive posturing that isolated Britain in Europe but did not advance our interests, we have re-established strong, positive relations with our European Union partners. Those relations, not before time, are transformed and for the better. That is good for Britain, for Europe and for Britain in Europe. Cardiff was the proof of that.

Mr. William Hague (Richmond, Yorks): I shall begin by agreeing with the Prime Minister on one thing: congratulating the city and the people of Cardiff on hosting the summit, fully justifying the decision taken on the matter by the previous Government and proposed by me as Secretary of State for Wales.

The Prime Minister's statement brings to an end a British presidency of disappointment, missed opportunities and poor diplomacy. Indeed, the presidency was recently censured by the European Parliament for reinforcing the image of a bureaucratic, rather than a people's Europe.

We welcome the progress on implementing the overdue single market directives in national laws, and the reaffirmation of the European Union's commitment to the World Trade Organisation. On Kosovo, we welcome the moves to ensure that the Serbian Government understand that political progress is the only long-term solution to the problem, and that that means that the province's autonomy must be reinstated and the civil rights of ethnic Albanians fully respected.

Progress in those areas cannot disguise what is absolutely clear from the European Council's conclusions: little or no progress has been made on the central objectives that the Prime Minister himself set for the British presidency of the EU. Does he remember saying, when he launched the British presidency at Waterloo station, that one of the top priorities was to get

negotiations on EU enlargement off to a "flying start"? Does he share my disappointment that, six months later, that looks further away than ever? Is he aware that the Finnish Prime Minister has said publicly that enlargement is

"looking more problematic than it did a year ago"?

Does he agree with today's editorial in the *Financial Times*, which sums up a widely held view at home and abroad:

"The most dispiriting aspect of the summit . . . was its failure to inject momentum into the reforms—financial, agricultural, and institutional—essential to proceed with enlargement to the east"?

Does the Prime Minister also remember saying at Waterloo station that he would tackle

"the cost and waste of the CAP",

which

"continue to grow year by year"?

Will he now concede that, six months later, we are no nearer fundamental reform of the common agricultural policy? The first meeting on the Agenda 2000 negotiations on CAP reform all but collapsed, and member states have so far failed to find a common position on which to begin negotiations. For all the right hon. Gentleman's fine words, at the end of the British presidency we are left with the cost and waste of the CAP continuing to "grow year by year".

As for the reform of structural funds and of the internal institutions of the EU—both essential prerequisites to enlargement—the Prime Minister has admitted today that those have been left to the Austrian presidency later this year.

On reducing Europe's crippling levels of unemployment—another of his original Waterloo objectives—does the right hon. Gentleman agree with a view widely held across Europe that the momentum created by the Luxembourg summit on jobs in November has been all but lost over the past six months? After all the talk, talk, talk about tackling unemployment, the British presidency has achieved nothing of substance. All that the Prime Minister has been able to promise in his statement is that unemployment is yet another issue to be given greater urgency at the European Council in Vienna under the Austrian presidency.

Then there was the environment, which the Prime Minister described as a theme of his presidency. Has he seen the comments by Friends of the Earth, which condemned the Cardiff summit as

"not much greener than a multi-storey car park"?

Let us hope that this afternoon's agreement has led to some improvement on that.

Another of the objectives that the right hon. Gentleman set himself six months ago was to smooth Europe's relations with the outside world. Does he share our disappointment that his presidency presided over the collapse of the EU's new transatlantic marketplace initiative, which would have taken us a long way towards creating a transatlantic free trade area, with all the benefits to businesses and jobs that that would have brought?

As for the failure to conclude a trade deal with South Africa—a deal that was supposed to be the highlight of the Cardiff Council—does the Prime Minister agree with Glenys Kinnock—[*Laughter.*]—who said:

"I don't know how the EU leaders can look Mandela in the face?"

The right hon. Gentleman may laugh at that. I do not want to embarrass Glenys Kinnock—he might tell her to get off the gravy train—but that is what she said.

In the light of the utter shambles surrounding the Brussels summit on a single currency, which the Prime Minister himself chaired, and for which I suspect his presidency will be remembered, does he regret saying at Waterloo station:

"dealing with whatever is on the agenda with dispatch and efficiency is the hallmark of an effective presidency"?

Does the right hon. Gentleman remember coming to the House after the Brussels summit and saying—not that anyone believed him at the time—that all the issues on the launch of a single currency had been "resolved satisfactorily"? Yet now we hear him on the "Today" programme saying that that summit was a "mess". It is a pity that he did not have the straightforwardness to say so here in the House of Commons at the time.

Six months ago, the Prime Minister set clear objectives for the British presidency, leading up to the Cardiff summit—objectives on enlargement, on CAP reform, on employment, on external relations and on the environment. He said that the presidency would be

"a test for Britain to show that we can and do offer strong leadership in Europe".

Six months later, is it not clear that the Government have failed that test? Is it not clear to everyone that the Prime Minister is no closer to achieving his objectives than he was at the beginning of the year?

Can the right hon. Gentleman confirm that a huge number of things have been left to the Austrian presidency to take forward? On CAP reform, on enlargement and on recovering momentum on unemployment, all that the Cardiff Council could say was that those subjects would be dealt with in Vienna. No wonder the British presidency has been an object of derision across the continent.

Has the Prime Minister seen *Le Point* magazine, which said:

"the British Presidency of the European Union is, at the moment, one of the most timid and poor in recent years"?

I am surprised that the Chancellor has not read what has been said about himself and the Foreign Secretary recently. Did the Prime Minister read the Austrian newspaper *Der Standard* two days ago, when it summed up the Prime Minister's performance as:

"A lion at the start. A lamb at the finish"?

Is the Prime Minister aware that, when I was in Cardiff on Sunday, one European leader told me that, during the British presidency, he had had his photograph taken more often than ever before, but had never been asked to reach a substantive decision? When the right hon. Gentleman looks back on the past six months, does he not see that he has left only one real and worthwhile legacy to his successor? Referring to the Brussels summit of last month, the Austrian Chancellor says that he has

"now learnt how not to organise a summit".

The Prime Minister always wanted to be a president. What a shame that, when he was one, he made a mess of it.

The Prime Minister: Some of us recall the previous Conservative Government. Some of us recall the beef war, and the shambles that occurred every time they went anywhere near Europe. I can tell the Leader of the

[The Prime Minister]

Opposition that the overwhelming feeling—not just in the rest of the continent but, I suspect, in this country—is, "Thank heavens that Conservative Government have gone."

If the Leader of the Opposition wants some quotations, I should point out that the German newspapers in the past few days have said:

"The Labour Prime Minister can pride himself on the fact that Britain has presided over two truly historic steps forward towards European unity during the British EU Presidency: the founding of monetary union and the launch of enlargement."

From Spain, we hear:

"The British Presidency can be judged . . . as competent and professional."

From Sweden:

"The most important change in the British Presidency this time round has been the will and ambition to actually achieve something positive and not to only delay and criticise."

From France:

"In Cardiff, the Europe of nations is scoring points over the supporters of federalism."

From Portugal:

"Germany and France are now more in agreement with Britain's economic positions: greater flexibility, greater competitiveness, less centralisation."

Mr. Dennis Skinner (Bolsover): What about the *Daily Express*?

The Prime Minister: I would quote the *Daily Express* if I knew what was in it. If it is on my side in this matter, that is very helpful. Whatever it is, I will pray that in aid as well. *[Interruption.]* The story probably is not true—at least I hope that it is not.

Quite the most bizarre experience in Cardiff was to be preceded there by the Leader of the Opposition running around, holding press conferences and saying what a disaster everything was about Cardiff and the British presidency. I just point out—seriously—that, if a Labour Opposition had ever behaved like that on the eve of a Tory presidency, those self-same newspapers that support the right hon. Gentleman at the moment would have accused us of being unpatriotic. The fact is that no one paid the slightest attention to him at Cardiff, or anywhere else—but that is more a reflection on the right hon. Gentleman than anything else.

The fact is that we achieved all that we said we would do as a UK presidency. We did launch monetary union, and we did get enlargement off to a flying start. It is bizarre for the right hon. Gentleman to say that nothing happened on enlargement—we launched the enlargement process. The accession partnership is now under way, and we have agreed a timetable for all the reforms to be put in place for Agenda 2000 by March 1999.

As for the common agricultural policy, as a result of the conclusions of the Agriculture Council—chaired by Britain—there is already agreement to reduce prices to consumers by more than £1 billion a year, rising to £2.5 billion later.

The right hon. Gentleman said that we achieved nothing on jobs and unemployment, but we have achieved an enormous amount. The agreements that have been made not just at the beginning of our presidency but at Cardiff represent—as he will see, if he reads the conclusions—probably the most radical change in direction for Europe for many, many years, and very good, too. They represent action by Government which is far more effective than some of the more bureaucratic regulations pursued in the past.

The right hon. Gentleman went on to say that we had failed on the environment—literally just hours after we scored a significant victory. We have implemented the Kyoto package and, under the brilliant chairmanship of my right hon. Friend the Deputy Prime Minister, we have got Europe to agree on how to implement it. That is a considerable step forward.

The right hon. Gentleman had a collection of criticisms from a Finnish newspaper, Friends of the Earth and Glenys Kinnock. On the EU-South Africa matter, we would have liked an agreement in place by Cardiff. However, it was not as a result of the UK that agreement was not reached. We have now agreed that we shall conclude the negotiations by the early autumn, and only about 1 per cent. of the matters are still outstanding—a considerable step forward.

It was extraordinary for the right hon. Gentleman to say that Europe's relations with the outside world have been adversely affected. The EU-US summit got us a way around the extraterritorial sanctions of the US—something that people in the EU have been trying to do for years. We managed to achieve that. On Kosovo, the EU has not been the problem. If there are problems, they lie outside the EU. For the first time in ages, we managed to get a common position established quickly.

As for the Brussels summit, as I have always said, the negotiation was very difficult, but the result was right. If we had followed the advice that the right hon. Gentleman was urging on me—he would have blocked the Dutch candidate—we would have ended up with the financial markets opening on the Monday without any candidate, or any candidate anyone had heard of, to head the European central bank. I assure the right hon. Gentleman that that would have been a complete disaster, both for Britain and for Europe.

If the right hon. Gentleman looks more closely at these things, he will see that, as I said, one of the most important aspects of the British presidency has been the establishment of good, solid relations between Britain and the rest of Europe. His problem—although I am not sure what position he really takes—is that many in his party are opposed to everything to do with Europe. They do not want the euro or anything in Europe to succeed—they are opposed to it and do not like it. That is why they and a few of their friends in the press have to go around saying that Britain can never get on with Europe—they do not want Britain ever to have a positive relationship with Europe. We have tried to establish good relations with the rest of Europe precisely to get rid of such attitudes. I suggest that, rather than attack us, the right hon. Gentleman should sort out his party, unite it and give it a sensible position to defend.

Mr. Paddy Ashdown (Yeovil): In overall tone and initial intention, much in the British presidency over the past six months—culminating, of course, in Cardiff—can, we believe, be welcomed. It has been a pleasure to have a British Government who have taken a more constructive

attitude, which has won Britain new chances. The Government's agenda—reform of the CAP and the common fisheries policy, cost cutting, institutional reform and jobs—has been right. Measured against the initial hype, however, the outcome has been more disappointing than we should have liked. The Government can reasonably claim to have made a start, but not to have made much progress.

I want to touch on three areas. The first is institutional. Does the Prime Minister agree—there was a hint of it in his statement—that the time has come for a much clearer definition of those powers that will be held at the centre of the European institutions and of those that must ultimately remain with the nation state?

Secondly, on Kosovo, we welcome the steps, small as they are, that have been taken as a result of the Milosevic-Yeltsin meeting, but does the Prime Minister agree that, unless President Milosevic is prepared, whatever he may have signed up to in Moscow, to silence the use of heavy weapons against his civilian population—which is a clear infringement of civil liberties and destabilises the Balkans extremely dangerously—NATO may have to do that for him?

Finally, the Prime Minister quoted with approval the comments of a German newspaper that there had been an historic achievement on monetary union. Does he find anything odd in the fact that monetary union had only a bit part in the concluding paragraph of his statement? Monetary union was one of the most historic achievements of the presidency, but Britain presided over it rather than took part in it. The previous Government's failure—and, I am bound to say, the timidity of this Government—on monetary union means that Britain is outside Euro X exactly when the provisions for external trade, in which Britain has a greater stake than any other European nation, are being drawn up.

As I have said before, the Prime Minister will have to grasp this nettle, and he will have to do so sooner rather than later. If he followed, as we recommend, a declaratory policy saying, "We will join," set a target date, held a referendum on the principle before the next election and took the decision afterwards at a time of the Government's choosing, the pound would go down, interest rates would go down, investment would come to Britain rather than be at risk of going elsewhere, and Britain would be able to capitalise on the Government's fresh and new tone, so that our influence in Europe would increase incredibly, giving us a better deal for the future. Why can the right hon. Gentleman not see that?

The Prime Minister: First, the two biggest steps that Europe has taken in the past few years have been enlargement and monetary union, which were both launched under the UK presidency, so it is odd to say that we have not made progress—we have made considerable progress. I could have quoted from other foreign newspapers, as the coverage has been extremely positive. The Conservative party and some of its supporters in the newspapers always want to pretend that Britain cannot get on with Europe—they can never have a good news story about Europe; it is a sort of suppressed thing. Anyway, we did extremely well on that.

The most important thing about the institutional changes is that the new debate which we have launched from Cardiff will not be limited to subsidiarity, but will deal with the areas in which Europe should co-operate and work more closely together, for example, crime, drugs, foreign policy, completion of the single market and economic co-operation, and those in which it can plainly do less from the centre and where we need decentralisation. That is a big debate and it is now under way. If it is properly fashioned and formulated, we can play a significant part in it.

As for what the right hon. Gentleman said about Kosovo, I agree entirely. NATO may still have to do that and, obviously, we have to build the maximum amount of support for it. However, what is heartening from the European Union perspective is that we got a common position together quickly, which has been promulgated. There is no difficulty within the European Union about taking action, including military action.

As for monetary union, of course, if we are not a part of it, we will have less influence over it—that is a statement of the obvious. It is the price that we pay if we are outside. However, we have to take the decision on monetary union on the ground of our national economic interest. That is what we have said all the way through. We have laid down the conditions clearly. I have said that I want the euro to succeed and that it is an important step for stability in Europe. We have to be sure that our national economic conditions are correct. At present, there is not sustainable convergence between ourselves and other economies and, if we joined without that, the result would be bad for Britain. We have set the right principles and I believe that we have set the right course. We are making preparations for our industry to be able to use the euro—to deal in it, in any event.

The different relations that we have in Europe are an important facet of this country's better standing in the world. Also, we have nailed one other myth, which is that Britain has to choose between a relationship with the United States and a relationship with the European Union. We are stronger in the US if we are stronger in Europe, and we are stronger in Europe if our relationship with the US is maintained.

Several hon. Members *rose*—

Madam Speaker: Order. I wonder if we could make a little progress now. The statement has taken nearly half an hour and only two right hon. Members have been able to ask questions.

Mr. Giles Radice (North Durham): Does the Prime Minister agree that the constructive British presidency has helped to reconcile the United Kingdom to its continental partners and the British people to membership of the European Union? The presidency has also seen the beginning of enlargement with the countries of central and eastern Europe and of economic and monetary union, which is a historic event indeed. Is it not the case, however, that, if the United Kingdom is to keep up its European momentum, the sooner we join the European currency, the better?

The Prime Minister: I do not think that there is any point in repeating what I have said on that. We have put our position very clearly and that is the position to which we will hold, but I thank my hon. Friend for his kind comments on our presidency.

Sir Teddy Taylor (Rochford and Southend, East): Would the Prime Minister accept that many of us regard

[Sir Teddy Taylor]

the presidency as a pathetic flop? We are well aware that the previous Government, and indeed this one, have tried hard, but the problem is that the European Union is not the sort of structure that is amenable to reforms.

On agriculture, does it not worry the Prime Minister, first, that every day since he came to office, £635,000—a lot of money—has been spent on destroying food and, secondly, that the most that he could achieve next year would be lower prices in exchange for higher subsidies? Will this Government—and, indeed, all Governments—not accept that there will never be a way of reforming that policy unless they take the responsibility back to member states?

The Prime Minister: Let me first say where I agree with the hon. Gentleman. I agree that the common agricultural policy requires fundamental reform.

Sir Teddy Taylor: But we will never get it.

The Prime Minister: We will get it. People say that Europe never reforms itself, but it constantly reforms and changes—the very process of enlargement is a massive reform in Europe, as is the single market. It is not correct to say that Europe never reforms. In the end, the hon. Gentleman takes the position—it is a perfectly honourable position—that Britain would be better out of Europe altogether. That is his view and I totally understand it. My own judgment is that that would be disastrous for Britain, in terms of jobs, investment and our standing in the world. In the end, the hon. Gentleman and the Conservative party must be careful not to leave themselves hoping the whole time that Europe will fail, because only failure will justify their position. It would be better to recognise that any serious Government will keep Britain in the European Union, and that we should try to make it work.

Mr. Tam Dalyell (Linlithgow): May I press the Prime Minister on military action in Kosovo? In the absence of ground troops, including heavy armour, what will air strikes achieve? What is the common position on the delicate question of the further fragmentation of Yugoslavia? Do we have an undertaking that no military action will be taken without the agreement of both the Russians and the United Nations?

The Prime Minister: Of course we are working hard to get United Nations support for the action that we seek to take. It would not be wise for me—vis-a-vis President Milosevic—to speculate on what efficacy there may be in various military options. I assure my hon. Friend that the options are under consideration in NATO and that we are in consultation with our allies.

As for the break-up of the federal republic, if my hon. Friend is referring to the idea of independence for Kosovo, I will say that we have made it clear that that is not our aim or our desire. We support the idea of autonomy within the Federal Republic of Yugoslavia, but securing the independence of Kosovo is not our objective. Our objective is to ensure that the aggression and brutality happening in Kosovo should cease.

Mr. Crispin Blunt (Reigate): Will the Prime Minister explain why the European Union feels it necessary to have a position on the merits or otherwise of Kosovan independence? With his apparent enthusiasm for the use of armed force around the world, will the Prime Minister bear in mind the almost unanimous feedback that the Select Committee on Defence received from the Royal Air Force in Germany and the British Army of the Rhine on our recent visit there, which was that overstretch on indefinite operations means that the armed forces frankly cannot sustain another indefinite operational commitment without severe damage to our military capability? Will he bear in mind the fact that we have been in Cyprus for 34 years, in the Gulf for eight and in Bosnia for six, before he takes steps to deploy armed service men on yet another operational commitment that has no end in sight?

The Prime Minister: I am sure that the hon. Gentleman and his colleagues on the Defence Committee are aware that we inherited a situation in which defence forces had been cut by 30 per cent. under the previous Government. What is important is that the strategic defence review is conducted not as a cost-cutting exercise, but as a genuine exercise in how to equip our forces for the modern world. When the review is published, the hon. Gentleman will find that it does precisely that. We hope to avoid the mistakes made by the Government that he supported.

The hon. Gentleman asked why it is necessary for the European Union to have a position. By implication, he suggests that we should not consider any action at all in Kosovo.

Mr. Blunt: No.

The Prime Minister: Forgive me; I misunderstood that part of the hon. Gentleman's question.

It is important that the European Union should take a position because the strategic interests of the EU are engaged. There is already serious disorder, and if it becomes even more serious and the region is destabilised, it will spread into Albania and Macedonia. What could happen in the whole Balkan region is perfectly clear, and we have learnt enough from our history to realise that we have to take action. We had similar debates at the time of Bosnia, when many Conservative Members said, "Why bother?" If we had not bothered, we would face a catastrophe in that part of the world. We face the same choices again, and we shall try to ensure that whatever military action we take is swift and effective.

Mr. Kevin McNamara (Hull, North): To save time, I associate myself with the remarks of my hon. Friend the Member for North Durham (Mr. Radice) about the role of my right hon. Friend the Prime Minister. I also support the Prime Minister's attitude towards Britain's joining the European single currency very quickly.

Many people are anxious about Turkey joining the European Union, especially when we consider its record on human rights, its banning of political parties and the treatment of its Kurds. Considering its current actions, one wonders whether it merits consideration for membership. It seems to have refused to attend to even the most basic human rights policies.

The Prime Minister: I thank my hon. Friend for his kind comments. It is clear that the Copenhagen criteria

would apply to Turkey, as to any candidate country. As my right hon. Friend the Foreign Secretary said, human rights workers in Turkey want it to be part of the European Union. We must make it clear that we can discriminate neither in favour of nor against Turkey. It must be judged by precisely the same standards as everyone else. We also need to find a way of unblocking the financing strategy for the customs union, which is an obligation into which the European Union entered.

We made progress on Turkey at the Cardiff summit, and I hope that we can get a more positive response from Turkey as a result of the significant moves that we have made to help it.

Mr. Ian Taylor (Esher and Walton): If anything, I should like the Prime Minister to have made more progress on the two key elements for the presidency: economic and monetary union and enlargement of the European Union. It is in the national interest for both to be successful. Will the Prime Minister draw certain conclusions, because the Chancellor's recent statement did not give clear evidence on how the convergence between our economy and those on the continent can take place, but it cannot simply happen by accident? The fiscal relaxation will clearly cause monetary tightening.

We must ensure that enlargement takes place, but will the Prime Minister explain to the House and to the British people that it is not a cost-free exercise? Economically, it will have considerable repercussions for the wealthier nations of the existing European Union, and there will be some tough institutional challenges that he will have to explain.

The Prime Minister: I do not accept that the fiscal relaxation of which the hon. Gentleman speaks has occurred. In fact, the fiscal tightening that was built into the Budget will apply for the next three years. Most people think that it was a tough settlement, and the debt to gross domestic product ratio is due to come down from the 45 per cent. which we inherited to 38 per cent. As I said at Question Time, current surpluses will run in every single year of the Labour Government. There has had to be monetary tightening because of the inflation that has come back into the system. We produced a pretty big fiscal tightening when we came to office, in the face of opposition from the Conservative party.

Mr. Taylor: We must watch the figures carefully.

The Prime Minister: Yes, I agree.

There will be no easy ride, and that is why we have not yet been able to reach an agreement, but it is important that we have now agreed a timetable. There will be changes to the common agricultural policy and the structural and cohesion funds, but it is not all one way and there will be great benefits from enlargement, in terms of both trade and an enhanced role for the former communist states of eastern Europe. We must have the courage to go ahead with enlargement and complete it in the German presidency. We made good progress in our presidency, and it was never envisaged that we would complete the process.

Dr. Phyllis Starkey (Milton Keynes, South-West): In the context of improving democratic accountability in the European Community, does my right hon. Friend welcome today's report from the Select Committee on Modernisation of the House of Commons on scrutiny of European business, and in particular the extension of the powers of the Scrutiny Committee to scrutinise more effectively EC legislation and the proposals under pillars 2 and 3 of the Maastricht treaty?

The Prime Minister: Yes, we support that strongly. The better the scrutiny of European legislation and actions by national Parliaments, the easier it is to move Europe closer to people.

Mr. Christopher Gill (Ludlow): May I ask the Prime Minister whether his experiences during the British presidency have helped him to understand that the European Union is not a democracy, but a collective? Does he recognise that a collective can operate only in its own interests and, by definition, cannot act in the separate interests of its component parts? Does that not explain why he has so abjectly failed to deliver any satisfaction on or resolution of the problems afflicting the British agriculture and fishing industries, which will most likely be bankrupt before the Community is able to change its ways?

The Prime Minister: Actually, we have achieved considerable progress on bovine spongiform encephalopathy, and we have had the ban lifted in Northern Ireland—the European Commission at least has agreed the date-based scheme, although there is still some way to go. At Amsterdam, we concluded a good agreement in respect of fishing, which, again, is progress.

I simply disagree with the hon. Gentleman, almost philosophically, that collectives can never operate in the interests of the individual parts. Britain is part of the European Union, not for reasons of Europe, but because it is in Britain's interest to be part of it. Of course that means that we pool sovereignty to an extent, as we do in the North Atlantic Treaty Organisation for defence reasons, and of course that means that we do not always get our way on everything—that is in the nature of collective arrangements—but, taken all in all, Britain's membership of the EU has been positive and good.

The hon. Gentleman should look back over 50 or more years of arrangements that we have had with the rest of Europe, and he should consider how the EU has developed—it has developed in a way that is positive for this country and for the whole of Europe. I am afraid that we just disagree.

Mrs. Louise Ellman (Liverpool, Riverside): Did discussions at Cardiff include consideration of the significant contribution that EU structural funds have made to regional competitiveness in the United Kingdom through, for example, support for businesses, training, regeneration and initiatives such as the Merseyside special investment fund? Has he considered how regions of this country might have more authority in their dealings with Europe and in the administration of structural funding, to ensure that full benefit goes to them and that they achieve maximum competitiveness?

The Prime Minister: We certainly discussed the importance of structural funds, which are obviously very important in areas such as Merseyside. We believe that

[The Prime Minister]

the new development agencies will help to co-ordinate European money in respect of the various regions of the country. There will have to be changes in structural funds, but areas of the United Kingdom, such as Merseyside, will still have a good claim.

Mr. Ieuan Wyn Jones (Ynys Môn): May I echo the Prime Minister's congratulations to the people of Cardiff on a successful Council and the excellent arrangements? The Council certainly raised the profile of Cardiff as our capital city and of Wales as a nation.

As the Prime Minister knows, the presidency conclusions refer to the reform of structural funds, and progress was noted. Does he realise that parts of Wales, especially west Wales and the valleys, will qualify for objective 1 status for the first time when the reforms are taking place? Will he give a commitment that the Government will support that application?

The Prime Minister: We will certainly do our best for those areas of Wales. I cannot give a guarantee on what the outcome will be, but we shall make the case strongly. In relation to Cardiff, I agree with the hon. Gentleman entirely.

Mr. Robert N. Wareing (Liverpool, West Derby): Will my right hon. Friend tell us a little more about the problem of Turkey? He has referred to its human rights record: is it being made clear that there is no way in which it could be accepted into the European Union for as long as it illegally occupies northern Cyprus? Is it being made clear to Cyprus that its application for membership of the EU will not in any way be vetoed by Turkey? Can we encourage Cyprus in that it will not be too long, even if the occupation continues, before it is properly a member of the EU?

The Prime Minister: It is, of course, not a precondition for accession by Cyprus that there is a settlement of the division there. It is, however, only right and honest to point out to people that it will be far easier for the accession negotiations to proceed smoothly if there is a settlement, and I believe that better relations with Turkey are an important part of achieving that.

We have made it clear that there should be no discrimination in favour of Turkey, which would have to abide by the same rules as every other country, but it is important to make it clear to Turkey that we are not discriminating against her either. We should in particular make it clear that the European Commission has now said that it is minded to introduce a strategy to unblock financing. That would be a big step forward, and I hope that there is a good response from Turkey.

Sir Peter Tapsell (Louth and Horncastle): Does the Prime Minister recall that, during the European summit, he held a press conference at which he expressed the belief that the establishment of a single European currency would help to protect Europe from an Asian-style economic and financial crisis? I believe that that is the exact opposite of the truth.

Will the Prime Minister reflect on the fact that, if we leave out Japan, which has a different set of problems from the rest of Asia, the prime cause of the Asian financial and economic crisis was the fact that the countries involved had been on quasi-fixed exchange rates, operating theoretically through a basket of currencies, but actually dominated by a single currency—in their case, the United States dollar? I believe that those fixed exchange rates brought about the crisis, following tremendous tensions that eventually proved to be insupportable and unsustainable. I fear that similar considerations will in due course hit the euro, and will cause havoc in the economies of continental Europe.

The Prime Minister: I certainly recognise the hon. Gentleman's expertise in these matters, but I think that the Asian crisis was caused by, as much as anything else, the lack of transparency and accountability in those countries' financial systems. There was also an absence of political reform in certain systems, which meant that people were not confident that the economic information and data that they were receiving were correct.

As for monetary union, I said that it would be a force for stability provided two things happened. First, a strong financial monetary policy must be pursued by the European Union as a whole—by the central bank. Secondly, monetary union must be combined with a programme of economic reform—structural reform in Europe. I think that, if Europe does both those things—if it runs a tight and disciplined macro-economic policy, and pursues measures to encourage micro-economic dynamism—the EU and monetary union will succeed; but, obviously, debates on this matter will continue.

Several hon. Members *rose—*

Madam Speaker: Order. I can now call only Members who will ask brief questions, because I am not prepared to keep the Prime Minister at the Dispatch Box after 4.30 pm. There are eight minutes to go.

Mr. Richard Burden (Birmingham, Northfield): I welcome my right hon. Friend's statement, and the progress that has been made.

May I refer my right hon. Friend to what he said about the middle east peace process? Does he agree that it is a matter of great concern that tension is increasing in the region, and that the situation is not helped by the recent intransigent attitude of the Israeli Government? There have been provocative actions—for instance, the military parades that took place on the 30th anniversary of the occupation of east Jerusalem.

Will my right hon. Friend join me in welcoming the good work done by our consulate in that part of the world in monitoring the human rights position, while also saying that there is a role for the European Union? If Israel wishes to proceed with new and deeper association agreements with the EU, there is a human rights dimension, which the EU would expect Israel to abide by like any other country.

The Prime Minister: I am certainly happy to congratulate the consulate on its work. As for the peace process, I believe that the United States proposals are the right basis for a settlement, and I hope they will succeed.

The EU has a role to play, particularly in regard to interim economic issues. If it can play a helpful role in any other context, it should do so, on the basis of the US proposals.

Dr. Julian Lewis (New Forest, East): I shall be as brief as possible. Was the Prime Minister made aware in

Cardiff of the result of the Gallup poll published yesterday, showing that 65 per cent. of the British people oppose entry into EMU, only 33 per cent. support it and 2 per cent. are undecided? Does that not give him pause for thought when he pats himself on the back and congratulates himself on being in time with the process of European unification? He is certainly not in tune with the British people on this issue.

The Prime Minister: I believe that our position on monetary union is right. The hon. Gentleman takes the view—as do a large number of Conservatives—that it should be ruled out in any circumstances. That may be public opinion, but we have to decide what we believe is the right position and then argue for it. He and most of his party are opposed to monetary union on any terms. I think that the British people will take a more pragmatic view and will decide what is in their national economic interest. That is the position that we have adopted. Whether it is supported or not, it is, in my view, the right position.

Mr. David Kidney (Stafford): The Prime Minister has reminded us that one of the priorities of the United Kingdom presidency was to encourage the European Union to create a more highly skilled work force and a more flexible labour market. Does he agree with me that those reforms are essential for the successful launch of a single currency, and that it is in Britain's interest that the currency is successful, whether we are in it or not? Will he confirm that the United Kingdom will continue to push for those reforms long after we give up the presidency of the European Union, so as to achieve a strong euro in the European Union and in the world?

The Prime Minister: I agree with that entirely. With the measures that have been agreed at Luxembourg and at Cardiff to promote a skilled, adaptable and flexible work force, we are investing in our people, but not burdening business with too much regulation. That is undoubtedly the right way forward. My hon. Friend is right to say that the euro matters to us whether we are inside it or not. Its success is in our national interest.

Miss Anne McIntosh (Vale of York): The people's Europe was the theme of the British presidency at the beginning of the six months. Was that discussed at Cardiff? Does the Prime Minister realise that the people's Parliament in Europe is the European Parliament? Is this not a most extraordinary week in which to launch an attack on that institution, given that he is due to visit it tomorrow and to present the conclusions of the Cardiff Council?

The Prime Minister: I can never work out where the Tory party is coming from nowadays. We discussed the people's Europe: that was the purpose of the political discussion that we had on the first day. I yield to no one in my affection for the European Parliament. Indeed, I shall be addressing it tomorrow, so it is just as well that that is the case.

As many Heads of Government said, it is important that any abuses are rooted out. I am sure that the hon. Lady would agree with that. The President of the European Parliament made a clear statement on behalf of Members of the European Parliament, saying that he fully accepted and agreed with that approach. That was a responsible attitude to take.

Mr. Dale Campbell-Savours (Workington): It is inevitable that one of the consequences of enlargement will be a reduction in the availability of structural funding, because more countries will be sharing the pool of resources. Is it not about time that national Governments joined together to work out a new regime to substitute domestic public expenditure for some of the programmes that at the moment are covered by European structural funding, or many parts of the United Kingdom and other European Union countries will suddenly lose money? Surely we should work out a new framework to enable national Governments to allocate these resources.

The Prime Minister: It is too early to say what the outcome of the negotiations will be. It is difficult to say whether national programmes will have to replace any European programmes that go as a result of the changes. We must ensure that, if any changes are made, the various regions of Britain are properly looked after, but we have a long way to go before the negotiations are over.

Mr. Graham Brady (Altrincham and Sale, West): Much of British manufacturing industry is already in recession, particularly in the north of England, where the Prime Minister and I represent constituencies. Does he accept that hon. Members on both sides of the House are concerned about the wisdom of the Government's current approach of dividing fiscal and monetary policy? Does he believe that it is viable to conduct a European monetary policy without having a co-ordinated European fiscal policy?

The Prime Minister: The European Union has made it clear that it does not think that the EU should try to set tax rates for all its members. The hon. Gentleman asked about manufacturing. Of course, because of the strength of the pound, manufacturing faces problems in our areas and elsewhere, although the latest figures show a small rise in manufacturing output and employment. The worst thing that could happen to manufacturing is boom and bust, and I make no apology for repeating that. The worst setting for British industry would be a return to the days of spurts of growth followed by deep recessions. Unfortunately, that is what happened under the previous Government, and we must try to end that once and for all.

Mr. Bowen Wells (Hertford and Stortford): Does the Prime Minister remember that, at the beginning of his presidency, one of his priorities was the agreement of the negotiating mandate for the European Union for the replacement of Lomé and, with it, the banana protocol? Why has he not been able to find an agreement on that matter?

The Prime Minister: Fortunately, I am well briefed by the Foreign Secretary and am able to tell the hon. Gentleman that on Monday the General Affairs Council will discuss both those matters. We have made progress, but whether we will be able to reach completion will have to wait until Monday's outcome. No doubt, after that,

[The Prime Minister]

my right hon. Friend the Foreign Secretary can write to the hon. Gentleman telling him precisely what has been agreed.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale) *rose—*

Madam Speaker: To show what a softy I am, I call Mr. Alasdair Morgan.

Mr. Morgan: The presidency conclusion document calls on Indonesia to respect human rights and fundamental freedoms in East Timor. Can the Prime Minister say unambiguously whether those freedoms extend to the right to self-determination for East Timor?

The Prime Minister: That is not part of the presidency conclusions. However, we made it clear that we wish the process of negotiation between the Indonesian authorities and people in East Timor to carry on. The hon. Gentleman will know that the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Leeds, Central (Mr. Fatchett), recently visited Indonesia and met some of the East Timorese dissidents who have been detained. The European presidency conclusions contained a strong statement urging the release of political detainees in East Timor and elsewhere. It also urged on the Indonesian Government fundamental economic and political reform. I think that that is as far as it was right for us to go.

Points of Order

4.33 pm

Mr. Joe Ashton (Bassetlaw): On a point of order, Madam Speaker. I am glad that you have allowed me to raise this matter. Tomorrow morning, the Business Committee will sit to timetable part of the Crime and Disorder Bill on the age of consent. That is unique in that a Back Bencher's new clause is being given Government time. I understand that about three hours will be allocated.

Some amendments have been tabled about the age of consent, because many of us feel that a straight yes or no is not entirely appropriate. I need not go into details now, but some people think that, in view of the Utting report on child abuse, there is a case for saying that the age should be levelled at 18 just for children in care. At the end of the three hours, if that is the time that the Business Committee allocates, there will be time for only one vote and amendments, such as the ones that I have mentioned, cannot be voted on. That makes it easy for hon. Members who support one side or the other to keep talking to prevent a vote at the end of the allocated time.

On a Government Bill, timetabling can be agreed between the two sides as a sort of mutual guillotine, and that has been acceptable only since the general election: it was one of the recommendations of the Select Committee on Modernisation of the House of Commons, of which I was a member. However, if one Back Bencher's new clause is timetabled, surely it discriminates in favour of that Back Bencher if another Back Bencher's amendment or new clause cannot be voted on. Before the Business Committee sits and the motion goes on the Order Paper to be set in tablets of stone, I suggest that the Business Committee should make sure in some way that there is enough time for other amendments and new clauses to be called, even if that has to be stated on the Order Paper. In other words, it would be unfair to discriminate in favour of one Back Bencher and against another. As that is a precedent, I ask you to rule on it.

Mr. Robert Sheldon (Ashton-under-Lyne): Further to that point of order, Madam Speaker. The problem is that, when the guillotine falls, amendments that have been selected by you cannot be voted on, which differs from what happened the past. Outstanding amendments that have been selected may not be debated, but they ought to be voted on. We had that situation last week, when, even though a large number of Members wanted to vote on it, the subject of tuition fees could not be voted on, because there had been no debate on it. Although the amendment had been selected by you, the matter could not be voted on. The situation highlighted by my hon. Friend the Member for Bassetlaw (Mr. Ashton) is relevant to next week's debate.

Mr. Crispin Blunt (Reigate): Further to that point of order, Madam Speaker. There are amendments tabled in my name and that of my hon. Friend the Member for Beckenham (Mrs. Lait). I bow to the expertise in House matters of the right hon. Member for Ashton-under-Lyne (Mr. Sheldon) and the hon. Member for Bassetlaw (Mr. Ashton), but I emphasise that you are being invited to rule on a most important issue. It is important that Members should have the chance to have more than a yes or no vote on the issue.

Madam Speaker: I have the impression that I am being lobbied by Back Benchers. The Business

Committee meets tomorrow. I listened with great interest and seriousness to what the hon. Member for Bassetlaw (Mr. Ashton) said, but I cannot give a ruling, because the matter is primarily one for the Business Committee. However, I shall consider what the hon. Gentleman said and see whether I can be of any help. I understand his point and recognise its importance.

Disposal and Re-use of White Goods

4.36 pm

Dr. Alan Whitehead (Southampton, Test): I beg to move,

That leave be given to bring in a Bill to mitigate the environmental problems of disposal of white goods by means of a point-of-sale deposit system to encourage re-use or responsible disposal; and for connected purposes.

The House might be curious about what white goods are. "White goods" is a generic term for large electrical appliances which covers refrigerators, freezers, cookers, washing machines, driers and dishwashers. Such items are a great boon to households when they work, but a great curse when they do not and subsequently prove not to be repairable. Although most machines end up being recycled to the extent that they eventually arrive at the scrap metal dealers, they often get there by complicated routes and create substantial environmental damage in the process.

We know that more than 1 million refrigerators, almost 2 million washing machines and 500,000 dishwashers are purchased each year. Estimates vary about the quantity of such machines that are discarded each year, but about 200,000 to 300,000 tonnes of scrap engines, casing and coolants is a fair estimate. Many machines are disposed of responsibly, with about 50 per cent. of all purchases of new machines offering an opportunity to exchange the old one with the retailer. From direct investigation, I know that such returns are dealt with responsibly, but by no means everyone exchanges the old machine and, in any case, many people either buy their machines from dealers who do not offer that service, or buy second-hand.

Many end-of-life machines are at large and they are easy to spot: they are in people's garages, on wasteland or on roadside verges. They pose a danger to children who play in them and almost always require collection at a later date, often by the local authority at public expense. The result in respect of fridges and freezers is that most of the coolant chlorofluorocarbons they contain will disappear into the atmosphere. A parliamentary written reply which I received estimated that 300 tonnes or two thirds of the total CFCs in redundant machines enter the atmosphere each year, which contributes to the problem of ozone depletion. The good news is that CFCs are being replaced in newer fridges by hydrofluorocarbons, which do not deplete the ozone layer. The bad news is that HFCs are something like 12 times as potent a greenhouse gas as carbon dioxide. Another recent parliamentary answer said that HFCs will account for 1 per cent. of the UK's greenhouse gas emissions by 2010, but some people suggest the figure is substantially higher. If we are to make progress on our emission targets, we need to take such figures very seriously.

Even if we were able to persuade people not to leave their white goods on verges but to dispose of them responsibly, we as a nation would still be missing an opportunity to save resources by reusing parts of redundant white goods or repairing those goods for further use. In Liverpool, there is an excellent organisation called CREATE which does just that. It takes in redundant machines—in many cases from companies such as Dixons which operate a take-back policy—and either repairs them or cannibalises them for parts. Only then is the residue scrapped after the safe drainage of CFCs or HFCs.

[Dr. Alan Whitehead]

Although CREATE estimates that about 25 per cent. of machines are potentially reusable when people put them out for council collection, by the time anyone can get to them at the council tip, only 3 per cent. are still recoverable. In other words, a string of CREATEs around the country could make an enormous difference to the recovery of machines which people want to dispose of, but which still work or are repairable. CREATE is a superb organisation. Another organisation—RESPOND in London—is now following in its wake, but we must be realistic and acknowledge that such organisations are only scratching the surface.

All this is happening against the background of the development of a proposed European directive on waste electrical and electronic equipment—known in Euro-speak by its acronym WEEE. This directive, which is certainly on its way, will require each nation to establish effective schemes to deal with the problem—for example, perhaps by involving producers in schemes to dispose of their machines when they are finished with.

The likely effect is that producers will increase the price of machines to take the directive into account, but it is unclear exactly how it will work. Will purchasers have to bring a used machine to the shop before they can buy a new one? If a Zanussi fridge is found in a lay-by, will Zanussi or its agents be required to come and get it? Above all, the directive does not seem to contain any mechanism to persuade the public to take part in responsible disposal and reuse.

The Bill offers a way out by giving the product a separate value once its use for its original purpose is over. In that way, the value always goes with the machine, whoever owns it, and the incentive to redeem that value is constant. The Bill proposes that retailers of white goods should be required to lay a deposit on new appliances at the point of sale. This would be at a level to be agreed, but it would typically amount to about 10 per cent. of the purchase price—let us say about £20 to £30.

The purchaser would be issued with a deposit note which would effectively act as a logbook for the life of the appliance. Should the machine be sold on by the original purchaser in full working order, the logbook would of course go with it. At the end of the machine's life, it could be encashed on presentation when the machine is collected for scrap by a local authority or given for parts recovery to a voluntary organisation or business.

The value of the deposit would be substantial enough to encourage encashment by the consumer and would clearly increase as an incentive as the capital value of the product decreased. The retailer of the white goods would have the responsibility of issuing the logbook and collecting the deposits, which could be passed on with the minimum of bureaucracy to a central agency, perhaps set up on a similar basis to Entrust, the agency that administers the distribution of landfill levy grants. Existing organisations such as Waste Watch could, I believe, perform this function relatively easily.

The central agency would be responsible for reimbursing the agencies paying out on redeemed logbooks and for assisting the establishment of bodies able to receive end-of-life white goods for refurbishment, cannibalisation or disposal. The financing of the system should be feasible at zero cost to the Exchequer, as the time lag between receipt of deposits and their eventual redemption allows income to be obtained from investment. Furthermore, not every logbook for every machine will finally be redeemed.

The system should therefore allow for the financing of a handling charge to retailers, the administration of the agency responsible for operating the scheme, and for considerable underwriting of organisations such as CREATE which could establish end-of-use bodies in the way I described.

I hope that hon. Members will appreciate the very real benefits that the scheme would produce, which I can summarise. First, the scheme would introduce an incentive to counter dumping or storage. Whenever possible, goods or parts of goods that can be recycled would be recycled. Secondly, the scheme would establish an incentive to encourage disposal of white goods through agencies that will undertake to reuse them or to dispose of them in an environmentally friendly manner. Thirdly, the scheme would establish—through purchase of the products themselves—a source of support for organisations undertaking recycling of white goods. Fourthly, the negative environmental impact of the release of CFCs or HFCs from refrigerants would be greatly reduced. Lastly, the scheme would ensure that a substantial element of bulk in the waste stream is diverted, rather than subsequently recovered after disposal.

Some people have said that implementing the proposals in my Bill could be inflationary. However, we have to remember that the EU directive will come, and that manufacturers inevitably will put up their prices to cope with it. We should bear in mind also the fact that there is a better way of dealing with the matter—and I think that my Bill offers it.

I therefore hope that the House will agree to give my Bill a Second Reading.

Question put and agreed to.

Bill ordered to be brought in by Dr. Alan Whitehead, Mr. Martin Linton, Ms Margaret Moran, Miss Melanie Johnson, Dr. Phyllis Starkey, Mr. Andrew Reed, Mr. Martin Salter, Mr. Tom Brake, Mrs. Louise Ellman, Mr. Mark Oaten and Mr. Stephen Hesford.

DISPOSAL AND RE-USE OF WHITE GOODS

Dr. Alan Whitehead accordingly presented a Bill to mitigate the environmental problems of disposal of white goods by means of a point-of-sale deposit system to encourage re-use or responsible disposal; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 3 July, and to be printed [Bill 205].

Orders of the Day

Human Rights Bill *[Lords]*

[2ND ALLOTTED DAY]

Considered in Committee [Progress, 3 June].

[SIR ALAN HASELHURST *in the Chair*]

Clause 5

RIGHT OF CROWN TO INTERVENE

4.46 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): I beg to move amendment No. 120, in page 3, leave out lines 33 and 34 and insert—

'(a) a Minister of the Crown (or a person nominated by him);

(b) a member of the Scottish Executive,'.

The Chairman of Ways and Means (Sir Alan Haselhurst): With this, it will be convenient to discuss the following amendments: No. 19, in page 3, line 33, leave out from 'Crown' to end of line 34.

No. 20, in page 3, line 34, at end insert

'or

(c) any other public authority which can show that it would be affected by such a declaration of incompatibility.'.

Government amendments Nos. 121 to 124.

Mr. O'Brien: In moving Government amendment 120, it may be convenient if I also speak to the amendments grouped with it, starting with Opposition amendments Nos. 19 and 20. However, it may be helpful if I first explained the intention behind clause 5.

The purpose of clause 5 is to give the Crown the right to intervene in proceedings in which the court is considering whether to make a declaration of incompatibility. The need for the Crown to be given that right flows from the importance of such a declaration. It is right that the Government—who answer for the United Kingdom in proceedings at Strasbourg and will have responsibility for considering whether to propose to Parliament the amendment of legislation in respect of which the declaration is made—should have the opportunity to make any relevant arguments to the court before it decides whether to make a declaration. The need for the Government to be able to make such arguments is the reason why clause 5(1) entitles the Crown to be given notice of such a case, and why paragraph (a) of clause 5(2) entitles a Minister to be joined as a party to the proceedings.

Paragraph (b) of clause 5(2), which amendment No. 19 seeks to remove, currently permits

"a person nominated by a Minister of the Crown"

to be joined to the proceedings. There is good reason for including that provision, and therefore for opposing the amendment.

It will sometimes be more appropriate for a person nominated by a Minister, rather than the Minister himself, to be so joined—for example, when there is a public interest in relation to a private Act. It may be more appropriate also in cases relating to—to name but a few—Measures of the Church Assembly or Measures of the General Synod; regulators of public utilities; or, perhaps, the Director General of Fair Trading. In such cases, the appropriate person to intervene—the person who is best able to make arguments on the legislation in question—may well not be the relevant Minister.

However, I see several difficulties with the alternative proposed in amendment No. 20. First, it focuses not on those who are primarily responsible for and familiar with the legislation, but on those whose actions are governed by it. Secondly, it is ambiguous. What does it mean when it refers to a public authority being "affected by" such a declaration?

As we explained in Committee, a declaration does not affect the validity, continuing operation or enforcement of the relevant legislative provision. It is only if Government and Parliament decide to amend the legislation that anyone would be affected. So interested parties should take up their cases with them rather than with the courts.

Alternatively, if "affected" were construed in another way—for example, to cover anyone affected by the provision of legislation rather than the prospect of a declaration—innumerable organisations might satisfy the requirement. Clearly, that would create an impossible situation. Arguments over who was eligible to be joined would be interminable, and the proceedings might grind to a halt with so many parties involved. That might not be bad for the Opposition, but it would be bad law and bad for the courts. Why do the Opposition think that the entitlement to be joined should be confined to public authorities? Legislation can affect non-public bodies, and courts can make declarations of incompatibility in cases that do not involve a public authority.

The amendment may be intended to elicit information, and in due course the hon. Member for Hertsmere (Mr. Clappison) may describe it as such,. However, its effect would be to undermine the Bill. In the light of my comments, I hope that, in due course and after full consideration, the Opposition will not press amendments Nos. 19 and 20.

I turn now to Government amendment No. 120. Clause 5 provides that, where the court is considering whether to make a declaration of incompatibility, a Minister of the Crown or a person nominated by him is entitled to be joined as a party to the proceedings. It is envisaged that that will remain the position in all cases, but in Scottish cases which relate to devolved matters, Scottish Ministers should also be entitled to be joined as a party.

The purpose of amendment No. 120 is therefore to enable a member of the Scottish Executive to be joined as a party to proceedings in addition to a Minister of the Crown or a person nominated by him where the court is considering making a declaration. The detailed arrangements for notice to be given will be set out in the rules of court that are provided for in clause 5.

Government Amendments Nos. 121 to 124 are technical amendments to clause 5. Clause 5(1) entitles the Crown to be notified when a court is considering making a declaration of incompatibility. Clause 5(2) currently provides that a Minister of the Crown or a person nominated by him is entitled to be joined as a party to proceedings

"on an application made to the court".

[Mr. O'Brien]

As the Crown is entitled to be joined as a party, there is no need for an application to be made. Amendment No. 121 accordingly amends clause 5(2) so that the requirement is simply for the Crown "giving notice" to the court. Amendments Nos. 122 and 123 make consequential changes to the wording of clause 5(3). Amendment No. 124 likewise makes consequential changes to clause 5(4).

Mr. James Clappison (Hertsmere): The Minister was quite correct to anticipate the exploratory nature of amendments Nos. 19 and 20. It was useful to have had the opportunity to listen to his remarks before making my case for the amendments. His speech was helpful, and clarified some of the issues.

The Minister was right to say that clause 5 gives the Crown the right to intervene in proceedings when a court is considering whether or not to make a declaration of incompatibility. We agree. It is right that the Crown should be able to be party to the proceedings in such cases, not least because, as the Minister said, the Crown would ultimately be responsible if the case went to Strasbourg.

We agree that, when a court is considering making a declaration of incompatibility, it is right that the Crown should be a party to those proceedings so that its views may be heard before the court makes that determination. Our concerns arise out of our agreement on that point—I do not want to put it too strongly, as these are exploratory amendments—and are reflected in amendment No. 19. We wish to know a little more about the persons who may be nominated by the Crown to represent the Crown.

I listened carefully to the Minister's opening statement. It is true that he gave some examples of cases in which persons would be nominated by the Crown in these proceedings. However, I have two questions arising out of his comments. First, will the Minister spell out clearly what criteria will be used to decide whether a Minister should be a party to the proceedings or a person should be nominated by the Crown? He provided some examples, but it was not entirely evident on what principle that decision would be based.

My second point also flows from our agreement on the fundamental right of the Crown to be joined to the proceedings. When a person is nominated by the Minister in the circumstances envisaged by the clause, upon whose behalf will that person act? Will such people take their instructions from the Crown? Will they reflect the Crown's concerns in the submissions that they make? What other interests may such people represent? What will happen in the event of a conflict of interest? Could a Crown nominee also represent another party to the proceedings?

We seek reassurance that the person nominated by the Crown will act both on the instructions of the Crown and clearly on its behalf. There must be no other conflict of interest; the Crown's views must be heard when the court decides whether to make a declaration of incompatibility. We seek to explore those concerns in amendment No. 19.

The Minister has not fully satisfied our concerns outlined in amendment No. 20. We want to explore whether other public authorities can be part of the same proceedings. At this stage, I do not want to anticipate the debate that we shall have on clause 6 regarding the definition of public authorities. Suffice it to say, for the purposes of the discussion on this clause, that that definition could range widely.

Many bodies may be deemed public authorities for the purposes of the Bill. We envisage that, if a breach of a convention right is alleged against a public authority, it might affect many other public authorities of the same nature. An obvious example that springs to mind is the Churches. A Church may be a party to the proceedings, and the principle applying to it may affect many other Churches, faith communities and so on. We are concerned to explore whether their voices should also be heard as parties to the proceedings.

I take the Minister's point about seeking to avoid complexity, and joining many plaintiffs to the proceedings. However, he will know that it is commonplace in civil proceedings for one plaintiff to represent a number of others in cases where there is a common interest. For example, in personal injury cases, one victim may represent many other victims whose cases have broadly the same factual background.

We want to explore whether the same procedure could be employed here, so that we could hear the voices of all public authorities that may be affected by a particular decision. At the end of the day, such decisions could be very significant for the public authorities concerned. A great deal could be at stake, and we are concerned to explore whether their voices may be heard also. On that basis, I commend our amendments. I should like the Minister to explain those issues before I respond.

5 pm

Mr. Andrew Lansley (South Cambridgeshire): I am grateful for the opportunity to add a little in support of amendments Nos. 19 and 20. I was interested in what the Minister said, but it may be sensible to ask several more questions, which he has not yet adequately answered.

I understand that the prime purpose of amendment No. 19 is to find out a little more about the circumstances in which the Government anticipate that Ministers will nominate other persons to be joined as a party to proceedings. The Minister gave some examples. One can understand that some of the regulators—the Director General of Fair Trading and the like—may have such an important status. The debate raises the question of the extent to which the Government anticipate that public authorities comprise bodies beyond a Minister's ambit. On that rests quite an important question.

If the Government believe that bodies outside a Minister's ambit are very often likely to require to be joined to proceedings, and therefore will require nomination by Ministers, would it not be better—linking to amendment No. 20—to clearly define a public authority for these purposes? I understand that we should not anticipate the debate on clause 6, and that, to an extent, that point takes us on to clause 6, but if one were to use the term "public authority" in clause 6 more definitively, the point would relate to clause 5. Rather than leaving the point vague, there should be a clearer definition.

Very often these days, Ministers proceed by way of enabling legislation. In this context, the provision is not even enabling. It simply gives Ministers discretion to nominate persons—apparently without any definition of scope—to be joined to proceedings. As far as I can see,

such persons are not even defined as those who have the character of a public authority. It would be useful if the Minister explained how widely the Government expect the power to be used.

The debate also raises the question of how many times Ministers expect that it will be necessary to seek to join proceedings, and in what circumstances. How regularly would Ministers need to be part of those proceedings? If other bodies were to be joined to such proceedings only very infrequently, it would be perfectly possible for Ministers to act on behalf of public authorities—if the definition of them is narrowly drawn. There is no doubt that, in order to protect the powers of the Director General of Fair Trading, which derive from legislation and which would, as the Minister said, have to be amended by order, the President of the Board of Trade or Ministers would be perfectly competent in acting on behalf of the director general.

The Minister has not adequately explained under what circumstances it would be necessary for persons other than the Minister to be entitled to act on his behalf. I understand that it would be much more convenient for Ministers to rely on public authorities to do the job if such instances occurred frequently. However, if we are considering relatively few instances, Ministers could perfectly possibly act on behalf of public authorities, especially if such authorities were relatively narrowly constrained.

A second aspect of what the Minister said seemed to be quite wrong. If I understood it correctly, the heart of his argument was that anybody who may have an interest and be affected by proceedings before a court seeking a declaration of incompatibility would have recourse to the process by which any declaration of incompatibility is followed up by the introduction of an order subject to affirmative resolution. The Minister rightly said that a declaration of incompatibility does not in itself lead to prevention of activity under the legislation to which it applies.

I may be misunderstanding that point, but it seems possible for a court to act directly on secondary legislation; to declare where it is not compatible with the European convention by virtue of primary legislation. As the Bill states, the court can quash or intervene in respect of secondary legislation in order to make it compatible with the European convention without a subsequent statutory instrument or order coming before the House.

My understanding is that, if that is the case, there are many instances in which the detail of the application of legislation under statutory instruments could potentially be declared incompatible by a court, and, in effect, amended in its working practices to bring the secondary legislation into line with the terms of the European convention directly, without subsequent recourse to Parliament through further statutory instruments.

I acknowledge that, in that context, we would be dealing not with the high policy of legislation but with its detail, but it is precisely in relation to such detail that bodies other than Ministers—perhaps a wider range of public authorities that operate under the detail of legislation, especially under the detail of secondary legislation made in pursuance of the intentions of Ministers—may often have detailed reasons to want to intervene and be joined as a party to proceedings, so as to explain how the declaration of incompatibility would affect them.

We have not arrived at that debate yet, but, if a wider definition could be made of the public authorities affected by a substantial amount of the secondary legislation that could be directly subject to the decision of a court on a declaration of incompatibility, my hon. Friend the Member for Hertsmere (Mr. Clappison) will have raised an important issue with our amendments—an issue to which the Minister has not yet given us an adequate response.

Mr. Mike O'Brien: I am grateful to the hon. Member for Hertsmere (Mr. Clappison) for telling us that the intention behind his amendments is, by and large, to explore the issues raised by clause 5, and that he broadly agrees with the proposition that the Crown should be able to be a party to the proceedings in relation to a declaration of incompatibility.

The hon. Gentleman asked me to go beyond the examples I cited, and to give a few more. During his submission and that of the hon. Member for South Cambridgeshire (Mr. Lansley), reference was made, for example, to the Church. I know that some hon. Members have raised the idea that, at some stage, an issue might be raised in relation to the General Synod, or to the Church Assembly, which was its predecessor, and that it might then be possible for a Minister to decide that it was not for the Government but for another body to provide the information.

In making a nomination, the Government would have to consider the criteria as to what was the public interest in the Government's deciding to nominate a particular organisation to be present during the proceedings. Is there an interest in the court's being better informed, in that that organisation could perhaps put forward information to the court that may allow it to make a better decision?

Mr. Clappison *rose—*

Mr. O'Brien: Let me explore the argument a little further; then I will give way to the hon. Gentleman on that point.

The issue for the Minister is fairly narrow: what is the public interest in having a person nominated by the Minister as a party to the proceedings giving information to the court? That person is there not so much to challenge one side of the argument or the other, as to ensure that the court makes the right decision, with all the necessary information and arguments before it.

The person nominated will speak, in a sense, in his or her own capacity. Such people will be joined by the Minister who regards it as being in the public interest, and in the interests of a proper examination of the issues, that that person be joined. The Minister will decide who the person should be. The criterion is simply who the best person is to raise the arguments about whether legislation is compatible. A nominated person will be joined in his own capacity and would be acting on his own behalf—not on behalf of the Government. If the measures of the Synod were being considered, it is expected that the Synod itself would be nominated by the Minister if it were decided that that was in the public interest. The judgment would be made on those criteria.

Mr. Clappison: I was going to ask the Minister about that precise issue. If a case involved the Churches,

[Mr. Clappison]

would one of the existing parties to the proceedings—such as a Church—be nominated and, if not, what other organisation would be nominated? What happens if there is a conflict of interest between that of the party that the Minister has nominated to represent the Crown, and the Crown's own view?

Mr. O'Brien: It is anticipated that, in considering whether to nominate a particular individual or organisation, the Minister will take into account whether it is in the interests of the Government, Parliament and the nation that the issues should be aired before the court. The issue is not to join the party as a partisan in the case. We want to make sure that all the arguments which need to be put are put before the court, and information which may be relevant should be made available to the court.

It is not expected that the Government or the Minister would take such action on a large number of occasions. Having the power there—particularly in the sort of cases I have mentioned, and in cases such as that mentioned by the hon. Member for South Cambridgeshire (Mr. Lansley), who referred to the Director General of Fair Trading—is important. It is quite proper for such people to be nominated by the Minister.

Mr. Dominic Grieve (Beaconsfield): The amendments from the Government and the Opposition are incompatible. The Government are trying to widen the ability to intervene, or to nominate somebody to intervene, and to remove the discretion of the court to prevent such a nomination from being acceded to. Previously, it had to be by application, and it will now be by notice. We are seeking to widen the criteria of people who might be able to intervene if they feel that their rights are affected.

What concerns me is that there may well be occasions when individuals or groups feel that a judgment will impinge on them very much. They might have an entitlement—certainly under the ordinary rules of court—to intervene and to be allowed to be joined. How will they be affected by this position?

Mr. O'Brien: The hon. Member for South Cambridgeshire also raised those points, and was concerned that persons who might be affected by a declaration of incompatibility and any subsequent change would be able to be a party to the proceedings. Our view is that it should be a matter for the Government, the Minister and those nominated by him to inform the court's arguments and decisions. It should not be the right of persons who would not otherwise be able to be joined to the proceedings—merely because a declaration of incompatibility has been considered—to make themselves a party. If they have another locus to join in the proceedings, they can pursue that in the normal manner. We do not propose to create new mechanisms for parties to be joined.

The hon. Member for South Cambridgeshire explored that matter further, and asked about primary legislation and secondary legislation. In terms of primary legislation, he is right to say that we envisage that an individual or organisation would approach the Government, as it is a decision for the Government whether to act on the declaration of incompatibility. In a sense, nobody is affected until the Government have made that legislative change.

Quite rightly, the hon. Member for South Cambridgeshire asked about secondary legislation. Our view is that, if we were to create the circumstances in which anyone who might be affected by a decision could somehow parachute in and create a new situation in the court, it would lead to chaos. If they have the right to be a party to the proceedings, they should, in the normal course of a civil case, become a party to the proceedings. That would not be the effect in a criminal matter. We must be careful not to create new opportunities for persons to become involved in criminal matters.

The best way for persons interested in the outcome of a secondary legislation matter to proceed is that the Government will have to consider how they deal with any decision in relation to secondary legislation by a court. At that point, it is right that any person or organisation interested in any change that the Government may or may not be considering should deal with the Government and Ministers.

5.15 pm

The opportunities are there. It may be that those involved have the ability to become a party to a civil proceeding. They almost certainly would not, and should not, have the ability to become a party to a criminal proceeding. In the normal course of events, if they are able to become a party to a proceeding, it is a matter for them to do so. Those who would not have the ability to become a party to a proceeding must deal with the Government afterwards.

The hon. Member for South Cambridgeshire also touched on the matter of definitions of public authorities. We are moving to that matter, and—if he will forgive me—it is probably better if we deal with it later. I think that I have dealt with most of the points raised, and I hope that the hon. Member for Hertsmere will not press his amendments.

Mr. Clappison: I have listened carefully to the Minister, and I am grateful for his full response. This has been a useful exercise, and we have taken matters a little further through this exploratory amendment. However, I am still not entirely satisfied with where matters stand. We have found out a bit more about the circumstances in which the Government envisage the power to nominate somebody being used, but we are not clear why they want to do so.

I am also not entirely satisfied about why it would not be simpler for the Minister simply to nominate someone to represent the Crown in all such proceedings. I draw some reassurance from the fact that the Minister said that there will be few proceedings in which it is envisaged that someone will be nominated to act on behalf of the Crown. However, even in those few proceedings, there may be a risk of a conflict of interest arising. The Minister knows full well that, in such litigation, it is not always possible to foresee where a conflict of interest will arise. There are occasions when there appears to be no conflict of interest at the beginning of litigation, but one develops during litigation.

We are concerned that the Crown's voice is heard, and that it represents the public interest when a court is considering whether to make a declaration of

incompatibility. The public interest, as represented by the Crown, must not be affected by any other considerations which another party to the proceedings might well have. We are speaking up for the public interest in this matter. I have listened to what the Minister has said, and, to make progress, I do not propose to press the amendment.

Nor do I propose to press amendment No. 20, although the question of litigation affecting large numbers of public authorities—the Church is a classic example—should be dealt with. We have heard concerns expressed in this House and elsewhere about vexatious litigants who are queuing up to bring charges against the Churches. I do not want to go too far down that road at the moment, but I take that as justification for the amendment. However, in the interests of making progress, I beg to ask leave to withdraw the amendment.

The Chairman: Order. Procedurally, that is not necessary, as I am about to put the Question on a Government amendment on which the others hang.

Amendment agreed to.

Amendments made: No. 121, in page 3, line 35, leave out

'an application made to the court'

and insert 'giving notice'.

No. 122, in page 3, line 37, leave out 'An application' and insert 'Notice'.

No. 123, in page 3, line 37, leave out 'made' and insert 'given'.

No. 124, in page 3, line 40, leave out

'an application under this section'

and insert

'a notice under subsection (2)'.—*[Mr. Mike O'Brien.]*

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6

ACTS OF PUBLIC AUTHORITIES

Sir Norman Fowler (Sutton Coldfield): I beg to move amendment No. 106, in page 4, line 7, at beginning insert—

'( ) A public authority is any person or body which—

(a) is established and regulated by statute; or

(b) has ministerial appointments on its governing body;

and for the purposes of this Act such a person or body under paragraph (a) above is only a public body when acting in the discharge of its statutory functions.'.

The Chairman: With this, it will be convenient to discuss the following amendments: No. 27, in page 4, line 17, leave out from 'court' to 'the' in line 22 and insert 'and'.

No. 28, in page 4, line 24, leave out 'or tribunal'.

No. 29, in page 4, line 24, leave out from second 'court' to 'when' in line 25.

No. 30, in page 4, line 27, leave out

'by virtue only of subsection (3)(b)'.

No. 31, in page 4, line 31, leave out subsection (7) and insert—

'(7) For the purposes of this Act, the private acts of a public authority shall not be regarded as incompatible with Convention rights'.

No. 34, in page 4, line 31, leave out

'by virtue only of subsection (3)(b)'.

No. 142, in page 4, line 32, at end insert—

'( ) A court or tribunal shall not determine that a person is a public authority for the purpose of subsection (3) (b) if in relation to a complaint based on similar facts made against the United Kingdom in respect of an act, decision or omission of that person the European Court of Human Rights would declare a complaint to be incompatible with the Convention under Article 27(2).'.

No. 143, in page 4, line 32, at end insert—

'( ) A court or tribunal shall determine that an act is private in nature for the purpose of subsection (7) if in relation to that act the European Court of Human Rights would declare a complaint based on similar facts to be incompatible with the Convention under Article 27(2).'.

No. 93, in clause 21, page 13, leave out lines 43 and 44.

Sir Norman Fowler: The amendment was originally tabled by my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney). In so far as it relates to the press, I declare an interest as non-executive chairman of Regional Independent Media, which publishes newspapers both in Yorkshire and in Lancashire, although regrettably not in Blackburn. As the Committee knows, there is more than one view in the newspaper industry on the issues surrounding the clause.

The amendment goes far beyond the press and the Press Complaints Commission; it relates to the definition of a public authority. Clause 6 makes it

"unlawful for a public authority to act in a way which is incompatible with a Convention right."

However, there is substantial vagueness in the definition of a public authority. Clause 6(3) states that a

"'public authority' includes . . . a court or tribunal, and . . . any person certain of whose functions are functions of a public nature".

The notes to clauses say that the clause proceeds on the basis that some authorities are so obviously public that it is not necessary expressly to define them. Indeed, in the other place, the Lord Chancellor said:

"Clause 6 is designed to apply not only to obvious public authorities such as government departments and the police, but also to bodies which are public in certain respects but not others."—[*Official Report, House of Lords*, 3 November 1997; Vol. 582, c. 1232.]

Unsurprisingly, the vagueness of such language has led to substantial argument about what is and what is not covered. Lord Donaldson, the former Master of the Rolls, asked the obvious question—what are functions of a public nature? In the other place, he said that central Government, local government, the police, immigration officers, prisons, courts and tribunals were covered, but that he found it difficult to understand the White Paper guidance that

"companies responsible for areas of activity which were previously within the public sector, such as the privatised utilities",

also exercised public functions. He asked:

"What has the fact that the activity was originally in the public sector got to do with the definition that we find in the Bill"?—[*Official Report, House of Lords*, 3 November 1997; Vol. 582, c. 1293.]

[Sir Norman Fowler]

He wondered whether there would be any difference between the BBC and ITV companies or commercial radio. Indeed, he took the view that all of them were included in the definition of a public authority. He asked where the process would end—he wanted to know whether Safeway or, indeed, Asda were covered, as they self-evidently conducted business of a public nature. He was led to the conclusion that there must be a better way in which to define what is meant by a public authority. The amendment seeks to address that issue.

Responding to the concerns raised on Second Reading in the other place, the Home Office Minister, Lord Williams of Mostyn, said that he anticipated that the BBC would be a public authority, that Channel 4 might be a public authority and that commercial television stations might not be public authorities. He said:

"Some authorities plainly exercise wholly public functions; others do not. There is no difficulty here."—[*Official Report, House of Lords*, 3 November 1997; Vol. 582, c. 1309.]

My response to that is, with respect,

"Up to a point, Lord Copper".

as he then went on to discuss newspapers. His view was, subject to the proviso that this was a matter for the courts to determine in due course, that a newspaper was not a public authority. Indeed, much of the debate has been about that issue, particularly the status of the Press Complaints Commission.

Mr. Lansley: I am listening with care to my right hon. Friend. Before he moves on to the press, will he agree that it is remarkable that, in the other place, a Minister abandoned to the future jurisprudence of UK courts the definition of the scope of the Bill? Does not that leave us in a difficult position in examining the Bill?

Sir Norman Fowler: That is exactly my point—my hon. Friend is entirely correct.

Miss Julie Kirkbride (Bromsgrove): On that point, I was musing why, when the BBC and, presumably, Channel 4 and ITV, are public authorities, ITV companies probably are not—on newspapers, the matter is not clear. From my recollection of my days at ITV, its functions had a public service element, so one would suppose that its activities could be drawn into the ambit of the Bill.

Sir Norman Fowler: The Home Secretary, with his usual clarity, will be able to guide the Committee on those questions, although I am not sure that the Government have so far entirely succeeded in giving clear guidance—we look forward to what the Home Secretary has to say.

My hon. Friends the Members for South Cambridgeshire (Mr. Lansley) and for Bromsgrove (Miss Kirkbride) point to the vagueness that surrounds the matter—none of us is clear about what the legislation means, especially as it seems that it will partly be interpreted only later. As they suggested, it is not that the press is the only issue or that the Press Complaints Commission is the only body that will be affected by the Bill; the status of the press merely serves to illustrate the difficulties with which the amendment is concerned.

Clause 1 sets out the convention rights that are given effect by the Bill, including articles 8 and 10. The trouble is that those articles could be in conflict. Article 8 concerns the right to respect for private and family life; it states that a public authority should not, except in certain circumstances, interfere with the exercise of that right. Article 10 sets out a right to freedom of expression and to receive and impart information and ideas without interference by a public authority. Somehow, a balance must be struck between what we can call the rights to privacy and free speech and free reporting—we cannot burke the fact that there is a conflict between the two articles.

The Burgess and Maclean case of the 1950s provides a practical example of what I mean. As the Committee will recall, the two British traitors suddenly left the country—they left alone, but Maclean left behind his wife. One newspaper, the *Daily Express*, took a close interest in Mrs. Maclean, believing that she might join her husband behind the iron curtain. There was a row and the *Daily Express* was roundly condemned, not least in the other place, for its breach of privacy and its intrusion. Ultimately, of course, Mrs. Maclean did exactly as the newspaper suspected and slipped away to Russia. I do not want to argue the merits of the case. Suffice it to say that there is a true illustration of the real conflict between the two articles.

5.30 pm

So, not surprisingly, a debate has centred on the Press Complaints Commission. Clause 6 provides that it is unlawful for a public authority to act in a way that is incompatible with a convention right. Does that include the commission? The Government's view was that it was exempt from the provisions of the Bill—or, to put it more precisely, that was the Lord Chancellor's view. According to a report on 1 December 1997 in *The Guardian*—a paper in which I always have the greatest trust—the Lord Chancellor was involved in what the newspaper called a "lively argument" with the now beleaguered Secretary of State for Culture, Media and Sport, who warned the Lord Chancellor that the new law could damage press freedom and interfere with the commission's judgments. According to *The Guardian*, that argument was shot down in flames by the Lord Chancellor on the grounds that the Secretary of State was a layman and that he was an experienced lawyer. The newspaper reports the Lord Chancellor as telling senior newspaper executives that there was no question of the Press Complaints Commission being affected by the law.

Indeed, the Lord Chancellor sought to give reassurance on Second Reading in the other place when he said—perhaps a less than resounding phrase—

"I am a member of a Government who, as a whole, give the highest value to upholding the freedom of the press."—[*Official Report, House of Lords*, 3 November 1997; Vol. 582, c. 1229.]

I am not entirely sure what he meant by "as a whole". I suspect that he meant except when the Government's interests are affected. He went on to say, directly to the press—

The Secretary of State for the Home Department (Mr. Jack Straw): Where?

Sir Norman Fowler: I shall have to look that up if the right hon. Gentleman really wants to know. The Lord Chancellor went on to say to the press:

"I understand your concerns but let me assure you that press freedom will be in safe hands with our British judges and with the judges of the European Court."

There might be agreement on both sides of the Committee that "safe in your hands" is a political expression that should be avoided these days by any wise politician because, only a few weeks after the Second Reading debate, on 18 November, David Pannick QC wrote an important article in *The Times* suggesting that the Press Complaints Commission was a public authority. On 24 November, the Lord Chancellor did a spectacular legal U-turn and accepted that his advice had been wrong. In a press notice he said:

"It is possible that the Press Complaints Commission will be held to be a public authority under the Human Rights Bill when it becomes law. I had earlier thoughts that it would probably not, but an Opinion given to the PCC by David Pannick QC persuaded me that it probably will be."

However, he added:

"If so this is good news for the press because the courts will regard the PCC as the primary body to provide effective protection to people who suffer from press abuses."

He went on to add the slightly dubious proposition that he and Mr. Pannick

"have both been telling the press exactly the same thing."

Those assurances did not entirely settle the matter with the public, the press or, perhaps above all, with the Press Complaints Commission. As the noble Lord Wakeham, the chairman of the commission, pointed out, if his adjudications on matters of privacy could be subject to subsequent action by the courts, his task of trying to resolve differences would no longer be a practicable proposition. The courts would be able to intervene after the commission's work had finished. He added that his chances of making self-regulation work to the benefit of ordinary people and without cost to them would be minimal.

The point being made was that the Press Complaints Commission seeks to mediate and reach agreement. The fear is that, if it becomes a body with new procedures to fine newspapers and to introduce a mechanism for prior restraint of newspapers shown to be on the point of breaching someone's privacy, the whole nature of the commission will change. Certainly it can be argued, as some have, that that should be the case, but I do not think that anyone would seriously argue that we should do all that and change all that entirely by accident. That again is what lies behind my fears about the Bill.

Miss Kirkbride: Perhaps this is a question for the Home Secretary, but you—

Hon. Members: Right hon. Friend.

Sir Norman Fowler: I will answer to anything.

Miss Kirkbride: My right hon. Friend might like to muse on whether, if a judge takes that decision, that judgment could then be overtaken if another judge decided in another case that some of the capacities of the Press Complaints Commission should be considered those of a public authority under the relevant legislation. How moveable a feast will it be?

Sir Norman Fowler: As my hon. Friend said, that is really for the Home Secretary to explain. As far as the chairman of the PCC is concerned, it raises the fear and doubt that it will be bypassed and that people will go straight to the courts. I am trying to be as neutral as I can—I have my own views on this—and would merely say that, if we are to make changes of that sort, they should be made deliberately and explicitly and in the knowledge of what we are doing. We do not want to drift into such a change.

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): To clarify the thinking of the chairman of the PCC, if possible, was he saying that the commission felt that it could not be effective if there were a potential legal remedy? If he was, it would seem to rule the PCC out of considering, for example, potential defamation cases. I am not clear whether its case was expressed as widely as that.

Sir Norman Fowler: The right hon. Gentleman must make up his own mind and he will have read the debates in the other place as I have. Basically, my noble Friend Lord Wakeham said that, first, there was a danger that the whole nature of the PCC would be changed with the right to fine or order compensation, which it does not have at the moment—the idea of prior restraint is certainly entirely different. The second danger would be that no one would take the slightest bit of notice of the commission in any event, but would simply bypass it and go to the courts. Why deal with the middle man, so to speak? My noble Friend had a number of concerns.

Mr. Andrew Rowe (Faversham and Mid-Kent): My right hon. Friend has set out a number of criteria against which a change might be made—I think he included words such as "coherent", "deliberate" and "carefully thought through". Is he not asking rather a lot? This Government have so far made few changes that could possibly match up to any of those criteria.

Sir Norman Fowler: I do not want to enter into such deliberate party political banter at this point because I am optimistic that the Home Secretary will agree with everything that I have said and accept my amendment. I shall leave it at that.

Let me go back to the danger that I see. As I understand it, the Government are not only in favour on the whole of press freedom, but are, on the whole, opposed to introducing a new general law of privacy. It must follow that they do not want to achieve that by the back door. They do not want to make law explicitly, but nor do they want it to slip in. I agree with the Government's intention not to introduce a general law. Newspapers are there to expose; that is their function. At their best, the media expose crooks, spies and fraudsters, although at their worst they intrude into private lives when no public interest is served. The difficulty is obviously in drawing a line.

The law should certainly protect the public against phone tapping or interception of mail, but it should not attempt to judge taste, on which the public are capable of reaching their own conclusions. I do not think that public opinion is overwhelmingly conclusive on the question of a general law of privacy. A House of Commons reference sheet in November 1997 said that *The Guardian* had published the fascinating finding of an ICM opinion poll that 90 per cent. of respondents favoured a privacy law, but 53 per cent. felt it should not protect politicians from

[Sir Norman Fowler]

media investigation into their private lives. That is a curious proposition, although it is doubtless a true sign of public opinion.

The point is that the uncertainty surrounding clause 6 of the Bill means we are in danger of making changes that are neither intended nor explicit. Arguments can be, and are, made in favour of changing the Press Complaints Commission. That seems to be what the Lord Chancellor was advocating outside Parliament earlier this year in an interview with the *New Statesman*. He advocated a PCC that would have powers to fine newspapers that breached the commission's privacy guidelines, or, more accurately, to award compensation. The Lord Chancellor appeared also to advocate a mechanism for prior restraint of newspapers that were shown to be on the point of breaching someone's privacy without justification.

It is argued that such change would avoid the danger of people using the courts—the danger I mentioned to the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan)—rather than the PCC to pursue grievances. That danger has also been pointed out by the constitutional lawyer Sir William Wade. The price of that, however, is that the PCC would become a different animal. A few newspapers, including *The Guardian*, accept and support that idea; others, such as *The Times*, say that the PCC would not and could not survive the strain of its new obligations, and that not many newspapers would voluntarily co-operate with it. I do not want to argue which of those cases is correct, but to change the whole nature of the PCC by accident and without sensible consultation would not be good law making.

The amendment would bring greater certainty to the definition of a public authority. We have sought to limit the bodies or people covered. A body would be a public authority established and regulated by statute, or one that had ministerial appointments to its governing body. That does not settle everything; it excludes the PCC, for example, but could well affect the Broadcasting Standards Council. The way forward is for the Government to produce an amendment or new clause—the Home Secretary promised some such action on Second Reading—that would give primacy to the effect on the media of article 10 on freedom of expression. The aim should be to have a measure that covers all media, not just the press. To use the jargon, they should be on a level playing field.

The important principle behind the amendment is that we should aim for more certainty over who is or is not covered. What is a public authority, and what is not? The Bill is vague and uncertain, and that is neither good law nor in the interests of the public.

Mr. Straw: It may help the House if I respond first to the speech by the right hon. Member for Sutton Coldfield (Sir N. Fowler). It is a matter of great regret that the newspaper chain of which he is the non-executive chairman does not have a newspaper in Blackburn. It would be welcome, and I would enjoy its competition with the world's finest newspaper, the *Lancashire Evening Telegraph*. *[Laughter.]* I mean that; I have often said so on the record.

5.45 pm

The amendments raise an important question at the heart of the Bill—the definition of a public authority. The right hon. Gentleman dealt with some of the issues very elegantly. Before I turn to the amendments, and comment on what he said about the press, which will come up later in our consideration, I want to explain what clause 6 is intended to achieve and why we came to the conclusions written into the Bill.

When we were drawing up the Bill, we noted that the convention had its origins in a desire to protect the individual against the abuse of power by the state, rather than to protect one individual against the actions of another. The history of the establishment of the Council of Europe and the great desire at the end of the war that states in Europe should never again be able to oppress their citizens as Nazi Germany and the axis powers had done, explain why the convention places on the state responsibilities in respect of its treatment of residents and citizens.

We decided that convention rights should be available in proceedings involving what might be very broadly described as "the state", but that they would not be directly justiciable in actions between private individuals. Although we were not prepared to go as far as that, we wanted a realistic and modern definition of the state so as to provide correspondingly wide protection against an abuse of human rights. Accordingly, liability under the Bill would go beyond the narrow category of central and local government and the police—the organisations that represent a minimalist view of what constitutes the state. The principle of bringing rights home suggested that liability in domestic proceedings should lie with bodies in respect of whose actions the United Kingdom Government were answerable in Strasbourg. The idea was that if someone could get a remedy in Strasbourg, he or she should be able to get a remedy at home. That point was crucial to the Bill's construction.

For those Members who are not particularly conversant with the jurisprudence of the European Court—I make no point about that; why should they be?—it is worth noting that the Strasbourg court has over the years developed its own concept of the state, and its idea of the bodies for whose actions a Government, as a signatory high contracting party, are answerable goes much wider than the original narrow definition of the state.

Having set those principles, the question is how we are to translate them into legislation. I do not for a second pretend that that is the easiest matter in the world or that there is one simple answer. As long ago as when we issued the Labour party's consultation document, "Bringing Rights Home", we recognised that there was no cut-and-dried, off-the-shelf answer as to which organisations in today's society stand in the shoes of the state and act on its behalf.

That is a particularly difficult question in the circumstances of the development of institutions in this country, which does not have a single, codified written constitution. I am proud of the way in which we have, for at least three and a half centuries, avoided violent revolution, while every other European country was either

conquered by another, larger country or went through an internal convulsion. The reasons for that are the subject of many learned tomes, but—

Mr. Oliver Heald (North-East Hertfordshire): First past the post.

Mr. Straw: The hon. Gentleman should not tempt me too far, but let me tell him that in Old Sarum before 1832 it would not have made a huge difference whether we had first past the post, additional vote plus or even our old friend Mr. Victor d'Hondt. For the many seats that were controlled by the Duke of Newcastle, the voting system made no difference, because he either had only one candidate or bribed the electors.

One of the reasons why we were able to develop our institutions peacefully concerned the development of our legal institutions, with the common law and jurisprudence behind them. Over the years, institutions have evolved that perform functions that are effectively those of the state, in its continental sense, but are not directly under the control of the state. I happen to think that that is a good thing, but it poses some difficulties for the drafting of legislation.

Mr. Grieve: It is a matter, not only of the lack of codification but of the fact that we have deliberately farmed out functions to charitable organisations such as the Royal National Lifeboat Institution that in other European countries would be discharged by the state. That is the nub of the problem. I assume that the RNLI would be a public body.

Mr. Straw: It would be a public body in respect of the public functions that it performs, but not of all its charitable functions.

Our society has placed a high value on the notion of self-regulation. Essentially, the House has told particular professions or organisations that they should put their house in order and regulate themselves or we will introduce statutory regulation. Many institutions have accepted that incentive.

The best example involves regulation in the City: the Takeover Panel was not established by statute and, as far as I am aware, none of its members is appointed by Ministers, but it plays a crucial role in the regulation of markets and competition policy and has been regarded by our domestic courts as susceptible to judicial review. Although they have not used that language, the courts have effectively said that the Takeover Panel, which may be entirely private in its composition, exercises a public function. That is one of the complexities with which we have had to deal in trying to draft the Bill.

Mr. Rowe: Is the Home Secretary saying that, for the purposes of the Bill, the definition of the state is that which has been evolved by the court in Strasbourg, or that it is what we have traditionally defined as the state? That is quite an important distinction.

Mr. Straw: I take the hon. Gentleman's point, but the distinction is not as great as he thinks. If we are to incorporate the convention in British law and make sense of it we must, as a basic minimum, ensure that the Bill and its application require that the British courts recognise domestically as public bodies those bodies that would be recognised as such in Strasbourg. Otherwise we will not be bringing rights home and we will simply make a rod for our own back by ruling out adjudication by British courts on questions that can plainly go to Strasbourg.

In that case, we would miss out on what has been recognised by all parties as a benefit, whatever other arguments we may have had in the Chamber, and British judges would not be able to adjudicate on the convention. If we can give the margin of appreciation of the benefit of British jurisprudence to the development of convention concepts, we may avoid what people sometimes regard as foreign judges pronouncing on British matters. That could ultimately happen, but the possibility will be reduced.

As a matter of practice, we think that there is much guidance to be gained from the way in which British domestic courts have developed the concept of judicial review. The hon. Member for Faversham and Mid-Kent (Mr. Rowe) used the word "traditionally". We are not dealing with something that is cut and dried or traditional. In terms of both convention jurisprudence and the British courts, the matter is very dynamic; 30 or 35 years ago, when I took my law course, administrative law was an obscure diversion for the odd academic postgraduate, because concepts of judicial review were undeveloped, but now it is an essential part of lawyers' activity.

Mr. Edward Garnier (Harborough): I hope that I am not being too dim, but it seems to me that the nub of the clause is the difference between an act of a public nature, as set out in subsection (3)(b), and a private act. In any given case, a court will have to decide whether what a body is doing—be it an omission or a positive act—is public or private. Is the Home Secretary saying that jurisprudence at Strasbourg would allow any given judge to say straight away that an act is clearly public or private, or is he saying that the clause offers the English courts the opportunity to develop a common-law understanding of the difference between public and private acts?

Mr. Straw: If the hon. and learned Gentleman will bear with me, I would like to continue my explanation and, if he is not satisfied, I will gladly give way to him again. The matter is extremely complicated and it has been challenging for us to deal with. There are problems with the amendment that show some of the hazards in the way of anyone who tries to define satisfactorily what are public authorities and public functions in a way that will stand the test of time.

As a minimum, we must accept what Strasbourg has developed and is developing, as otherwise we will not be bringing rights home. We wanted to ensure that, when courts were already saying that a body's activities in a particular respect were a public function for the purposes of judicial review, other things being equal, that would be a basis for action under the Bill.

In most cases in which convention rights are prayed in aid, that will be done by way of an application for judicial review. That will be one of the arguments as to why an administrative decision should be overturned, but others, relating wholly to domestic law, will no doubt be on the application.

As I have made clear, I am happy to give way, but I hope that hon. Members will bear with me. Even if a fixed view of the question could be reached, as the

[Mr. Straw]

right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) claimed, it could not be right for all time. One of the issues that we considered—the right hon. Member for North-West Cambridgeshire raised it with my hon. Friend the Under-Secretary of State for the Home Department—was whether we could provide lists of bodies that were and were not public authorities. We could have saved all this argument by doing so, but we thought that that would be inappropriate, for reasons that I shall explain.

We considered a wide range of approaches, some of which were not far removed from the approach in the Opposition amendments, although they were not identical, for reasons that I shall explain.

6 pm

Miss Kirkbride: Will the right hon. Gentleman give way?

Mr. Straw: I will not, if the hon. Lady does not mind. I should like to continue.

The most valuable asset that we had to hand was jurisprudence relating to judicial review. It is not easily summarised and could not have been simply written into the Bill, but the concepts are reasonably clear and I think that we can build on them.

I am happy to lift the veil on the considerations of the Cabinet Committee and say that we devoted a great deal of time and energy to this issue, as I hope hon. Members would expect us to. We decided that the best approach would be reference to the concept of a public function. After stating that it is

"unlawful for a public authority to act incompatibly with a Convention right",

clause 6 accordingly provides that a public authority includes a court or a tribunal, and

"any person certain of whose functions are functions of a public nature."

The effect of that is to create three categories, the first of which contains organisations which might be termed "obvious" public authorities, all of whose functions are public. The clearest examples are Government Departments, local authorities and the police. There is no argument about that.

The second category contains organisations with a mix of public and private functions. One of the things with which we had to wrestle was the fact that many bodies, especially over the past 20 years, have performed public functions which are private, partly as a result of privatisation and partly as a result of contracting out. I am not going to argue with that—it has happened.

For example, between 1948 and 1993, a public authority—the British Railways Board—was responsible for every aspect of running the railway. Now, Railtrack plc does that, but it also exercises the public function of approving and monitoring the safety cases of train operating companies. Railtrack acts privately in its functions as a commercial property developer. We were anxious—I make this point to the right hon. Member for Sutton Coldfield in particular—that we should not catch the commercial activities of Railtrack—or, for example, of the water companies—which were nothing whatever to do with its exercise of public functions.

Private security firms contract to run prisons: what Group 4, for example, does as a plc contracting with other bodies is nothing whatever to do with the state, but, plainly, where it runs a prison, it may be acting in the shoes of the state. The effect of clause 6(7) is that those organisations, unlike the "obvious" public authorities, will not be liable in respect of their private acts. The third category is organisations with no public functions—accordingly, they fall outside the scope of clause 6.

As with the interpretation of any legislation—this picks up the point made by the hon. and learned Member for Harborough (Mr. Garnier)—it will be for the courts to determine whether an organisation is a public authority. That will be obvious in some cases, and there will be no need to inquire further; in others, the courts will need to consider whether an organisation has public functions. In doing that, they should, among other things, sensibly look to the jurisprudence which has developed in respect of judicial review.

As the hon. and learned Member for Harborough knows, the courts have said that the Takeover Panel amounts to a public authority for the purposes of judicial review. They have also said, however, that the Jockey Club is not susceptible to judicial review, even though it is established by royal charter and performs functions which would be performed by the state or a state agency in other jurisdictions.

To take a topical example, the courts have said that the Football Association is not such a public body as to be susceptible to judicial review, so they are used to drawing a line, and, up to now, the line which they have drawn has been sensible. The Takeover Panel plainly performs a public function—there can be no argument about that, even though it is a private body—and even though the public enjoy football, it is highly debatable whether the functions of the FA are public functions. The same is true of the Jockey Club and its functions. The courts have been careful in holding susceptible to judicial review bodies which are not plainly agents of the state.

The courts will consider the nature of a body and the activity in question. They might consider whether the activities of a non-statutory body would be the subject of statutory regulation if that body did not exist, which covers the point about the Takeover Panel; whether the Government had provided underpinning for its activities; and whether it exercised extensive or monopolistic powers.

What I have said is intended to make it clear why we have drafted clause 6 in the way that we have, and what effect it is intended to achieve.

Sir Norman Fowler *rose—*

Mr. Roger Gale (North Thanet) *rose—*

Mr. Straw: I shall give way to the right hon. Member for Sutton Coldfield.

Sir Norman Fowler: Will the right hon. Gentleman confirm my suggestion that, when the Government put clause 6 together and discussed the matter in detail in the Cabinet Committee, the Lord Chancellor's advice was that the Press Complaints Commission was not a public body, and that the Government have proceeded on that basis?

Mr. Straw: The right hon. Gentleman tempts me to a path down which I do not want to go. This is as far as I

shall go in lifting the veil: as I recall, the discussion about the middle group—bodies which are not plainly organs of the state, but could exercise public functions—was about Railtrack and the water companies, not directly about bodies such as the PCC. I shall be quite open about the fact that we discussed the BBC and the press. The BBC is plainly performing a public function, and the House has long accepted that it should be the subject of much greater regulation than the press. We have ended up with a mixed economy: the BBC has clear injunctions on it about balance, while the press rightly have no such injunctions on them, except those which they impose on themselves through the PCC. That is entirely right in a free society.

Mr. Garnier *rose—*

Mr. Straw: I have given way to the hon. and learned Gentleman quite a lot, so would he allow me to continue?

Mr. Gale: Before the right hon. Gentleman moves on, will he deal with this important point? He said that the courts would take into account whether a body was underpinned by legislation. The PCC, to an extent, is underpinned by legislation, such as law on trespass and various other laws which affect its workings. Does he think that the courts would consider the PCC to be a public body?

Mr. Straw: My noble Friend Lord Williams of Mostyn made clear in the House of Lords our considered view that we believe that the PCC would be regarded as a body exercising public functions under clause 6, but not for the reasons raised by the hon. Gentleman. All bodies that are entirely private are subject to the law of trespass and the law at large. We are not discussing that, but whether they are exercising a public function.

Amendment No. 106 states:

"A public authority is any person or body which—

(a) is established or regulated by statute; or

(b) which has ministerial appointments on its governing body".

Bodies established and regulated by statute would be public authorities only when discharging their statutory functions. If amendment No. 31 is agreed to,

"the private acts of a public authority shall not be regarded as incompatible with Convention rights".

I do not want to "mix it". I hope that we are having a serious discussion. Having spent 18 years of my life sitting on the Opposition Benches, I recognise that drafting amendments is not the easiest task in the world for Opposition Members: I could probably list all the occasions on which I was admonished by Ministers for my lack of technical brilliance in that regard. There are, however, some internal curiosities in the amendments that we are discussing, which highlight the problems that exist.

Mr. Garnier *rose—*

Mr. Straw: The hon. and learned Gentleman is bursting, so I will give way to him.

Mr. Garnier: I hope that I will not be admonished myself, given that my name is attached to a number of the amendments that we are discussing.

In many ways, I agree with what the Home Secretary is saying. My hon. Friend the Member for North Thanet (Mr. Gale) mentioned the Press Complaints Commission. Amendment No. 32—to which I subscribed—has not been selected, but paragraph (h) deals with the General Medical Council.

The General Medical Council was created by statute, but performs an internal disciplinary function. It disciplines doctors who fall into error, but its functions are not set out in statute. It is not a statutory body in the sense that some nationalised industries are statutory bodies. Nor is it even a body to which the law of contempt applies when it sits as a court. That was decided only this week in the Court of Appeal.

We have here a delicious mixture. The General Medical Council is a body created by statute—as, I believe, is the Law Society—or at least recognised by statute; but it performs internal disciplinary functions of a quasi-courtlike nature. As we discovered this week, it is not susceptible to the law of contempt. In carrying out its judicial and disciplinary function, will the GMC fall foul of clause 6 as it is now drafted, or does the Home Secretary believe that our amendment would assist public understanding of the issue by introducing at least a degree of clarity?

Mr. Straw: With great respect to the hon. and learned Gentleman, I do not think that the amendments would assist in that way. They are clear, but they are wrong. *[Interruption.]* Let me make my point. There was a Second Reading debate about whether we should incorporate the convention; this debate is beyond that.

As I was saying, the amendments are clear, but they are wrong. The list—I will not go into it in too much detail—would exclude from the definition of public functions some bodies whose functions are so plainly public that they would be held to be so by the Strasbourg court. If we did not incorporate the convention, people would have to traipse off to Strasbourg to claim their rights, and the main object of the Bill would be rendered nugatory.

I submit that to argue that

"any part or member of Her Majesty's armed forces"

is not a public authority, while certainly clear, is plainly wrong. Surely the first function of the state is to establish the armed forces, and to preserve the security of the state. The General Medical Council is plainly performing the function that the state expects it to perform—regulating the conduct of doctors.

Mr. Grieve: Surely any body that regulates a profession of any kind must be a public body for the purpose of that regulation.

Mr. Straw: That is true, unless the professions exist as conspiracies against the public, which is what the public sometimes think. Those of us who are members of a profession that is unregulated by statute should recognise that we have responsibilities to ensure that that great profession is regulated in a manner that is consistent with the public interest. In fact, I have no doubts about the matter. I think that the hon. Gentleman is absolutely right.

As I was saying, there are some internal curiosities. If a body is established by statute, under amendment No. 106 everything that it does will, by definition, be part of the

[Mr. Straw]

discharge of its statutory functions. The proviso to amendment No. 106 will therefore never bite. That means that the private acts of Railtrack would be included in the Opposition amendment, but not in our legislation. I suspect that Railtrack would prefer our legislation to that of the Opposition. I am not making a technical point; I am merely drawing attention to the difficulties that are caused when someone seeks clarification, but gets it wrong.

The most obvious reason why amendment No. 106 will not do—I have given technical reasons, but this is really important—is that it does not include Secretaries of State like myself. The Secretary of State for the Home Department is not a

"person or body which . . . is established and regulated by statute";

nor are Departments generally. Most are not legal entities in their own right. Ministers and Departments exercise a range of statutory powers, but many of the powers that I exercise relate to the royal prerogative, or are common-law powers.

6.15 pm

If the amendment were adopted, it would go both too far and not far enough. It would go too far by including the private acts of bodies such as Railtrack and the water companies, which were established by statute, when we want only the public functions to be included. It would not go far enough, by a long way, in that it would not include Government Departments. It would also exclude other bodies that are at present judicially reviewable. The most obvious example is the panel on takeovers and mergers, which was held to be judicially reviewable following the judgment of the Court of Appeal in the ex parte Datafin case in 1987, but which is not regulated by statute. The same applies to the British Board of Film Classification.

That is a very interesting body. As I know all too well, following the interesting discussions in which I have had to engage with the board to get it to do the job that is expected of it, it is an entirely private organisation. It is not regulated by statute. It has a curious connection with the Video Recordings Acts, but hon. Members on both sides of the House—on behalf of the public—are pressurising it to do a job on behalf of the public, and classify films properly. In any other jurisdiction, a state body would probably do the work. Here, it is done by a self-regulating body that clearly has a public function. I believe—and I think the public would believe—that that body should be seen as exercising public functions.

I doubt that these are the results that the Opposition want to achieve. As I have said, we live in a common-law jurisdiction—living law is a great strength, although it sometimes produces intellectual challenges—and in a world in which the boundaries between what is public and what is private are changing. Bodies established by statute, and with statutory functions, must properly be regarded as public authorities, but that is too narrow a criterion to stand on its own.

I wanted to make another point before talking about the press, which was raised by the right hon. Member for Sutton Coldfield. Amendment No. 27 would remove references in clause 6(3) to tribunals being public authorities. I do not know why the amendment was tabled. We think that tribunals should be public authorities, at least in so far as they are bodies in which legal proceedings may be brought. If they were not, there would be a significant gap in the protection of human rights offered by the Bill. "Tribunals" include industrial tribunals, the employment appeals tribunal, immigration adjudicators and the immigration appeals tribunal. If those bodies are not required to comply with convention rights, it is hard to think of bodies that should be. If the employment appeals tribunal were deemed not to be a public body, the cases would go straight to the court in Strasbourg.

Let me now deal briefly with the issue of the press. It is an important issue, but we shall have an opportunity to return to it when we debate the result of the consultations and considerations on the question of protection of press freedoms—which, as I told the House on 16 February, I have undertaken with Lord Wakeham and, through him, the Press Complaints Commission. On 16 February, I told the House:

"Lord Williams and I have been involved in detailed discussions with Lord Wakeham. In particular, we have considered whether safeguards similar in framework to those set out in clause 31 of the Data Protection Bill"—

which was satisfactory to all parties—

"could be brought into this Bill, without compromising its essential purpose.

I am pleased to tell the House that these discussions have borne fruit, and we have reached an understanding with Lord Wakeham . . . on a framework for amendments to the Bill".

I then said:

"The precise wording of the amendments has not yet been agreed".—[*Official Report*, 16 February 1998; Vol. 306, c. 776-77.]

They will be brought before the House in due course.

There has been a series of discussions with Lord Wakeham and, through him, those whom he represents. They have almost reached a satisfactory conclusion. I shall table those amendments and, as the usual channels are well aware, they will be properly debated. It will ultimately be a matter for the courts, but our considered view is that the Press Complaints Commission undertakes public functions but the press does not, which is crucial. We shall seek in the amendments to give the press further protection and reassurance.

Sir Norman Fowler: Where does that leave broadcasting organisations? Will the treatment that is applied to the press be extended to broadcasting organisations, so that they work in the same way and are subject to the same rules as the press?

Mr. Straw: The amendment as currently drafted does not mention the Press Complaints Commission specifically. It refers to a privacy code. The protection would be available to any broadcaster or publisher. For example, if someone feared that he was about to be exposed, he may seek an interlocutory action. In such a case, broadcasters would be treated similarly, but not the same, because they are not in the same position as the press. The BBC has its own charter and a separate code, which is different from that of the PCC. We are not working on an ad hominem basis in respect of the Press Complaints Commission code. I said that I would be happy to discuss the matter with the right hon. Member

for North-West Cambridgeshire before the debate, and I should be happy to discuss it outside the House with the right hon. Member for Sutton Coldfield if that would be of assistance.

Sir Norman Fowler: What the right hon. Gentleman is saying is important, and we shall have to wait and see the amendment that he tables. Does it mean that, for all media organisations, freedom of expression and the right to report take precedence over some rights of privacy?

Mr. Straw: I ask the right hon. Gentleman, if he would not mind, to wait until he has seen the terms of the amendment. The same issue arose with respect to the Churches. This is not a consequence merely of the incorporation of the European convention: having signed up to it, we cannot assert, as a contracting party, that one part of it wholly trumps another part. There is a separate issue about article 3, which is a stand-alone article, but the whole point about the convention is that it balances one article with another. What we did in respect of the Churches was to suggest to the courts that they pay particular regard to freedom of religion. That is the essence of what we are seeking to do for the press: we want to provide important procedural safeguards.

The press are most anxious about the procedural safeguards. I understand and share their concern. Someone may be worried, not that an untruth will be told, which would lead to an action for defamation, but that the truth will be told about them. The press are concerned that that person will be able to prevent that truth from being told about them by obtaining an interlocutory injunction. That shows the complexity and intellectual challenge of the law of privacy. We are entitled to keep truths about us private, but the law of privacy is complex The law of defamation is about preventing the press or anyone else from uttering untruths or punishing them for doing so and forcing them to correct the untruth.

Mr. Garnier: It is not to punish them.

Mr. Straw: Sometimes exemplary damages are awarded as compensation for an untruth, and it has to be shown publicly that it is untrue. A recent case involved *The Mail on Sunday* in a spectacular way. The problem with privacy law is that it does not deal with the publication or the unearthing of an untruth, but with the publication or unearthing of a truth. The difficulty is that once a truth has been told, it cannot be untold, unlike an untruth. That is the problem with which we have been wrestling.

I subscribe to a view on the importance of press freedom similar to that of the right hon. Member for Sutton Coldfield. As public figures, we have to take our knocks, and some of us have done so. We need to achieve a balance, and that is what we are trying to do in the amendment. I am happy to discuss it with the right hon. Gentleman and to make it available to the House as soon as possible.

Mr. Gale: Will the right hon. Gentleman give way?

Mr. Straw: I shall give way for the last time, because I have spoken for a long time.

Mr. Gale: When does the right hon. Gentleman expect these amendments to be tabled? He is giving the impression that we are waiting for the Press Complaints Commission to draft amendments that are in its interest. Those of us who believe in privacy law find that extremely unsatisfactory. We are debating clause 6, and in a moment we shall have to vote on whether we want the clause to stand part of the Bill.

Mr. Straw: I have made no secret of this amendment: I made it clear on 16 February.

Mr. Gale: We are now in the middle of June.

Mr. Straw: There is no secret about the process. I am well aware that we are in the middle of June, but I have had to deal with plenty of other matters in the meantime, as has the Press Complaints Commission. The amendments will be tabled as soon as possible.

I have spoken at length, and I hope that right hon. and hon. Members have found my explanation helpful. I hope that in the light of what I have said the Opposition will not push the amendment to a Division.

Mr. Maclennan: This has been a tantalising debate: it is perhaps a trailer for a later debate in which we shall all be better armed to participate fully because we will know what resolution the Government have proposed to meet the concerns of the Press Complaints Commission. It has been a valuable debate, as it has allowed the Home Secretary to bring home firmly the point that the convention does not rank fundamental rights in accordance with some hierarchy. It would be extraordinarily unattractive if, during the passage of the Bill, we allowed the special concerns of particular organisations, even such august organisations as the PCC, to prevent us from understanding that the balance of these rights is very much a part of the protection provided by the convention.

It is certainly true that if there appears to be a conflict, particularly in respect of articles 8 and 10, the European Commission and Court have leant in the direction of guaranteeing freedom of expression. None the less, they have weighed these issues against each other when they have appeared to be in conflict. I hope that we shall seek to take that approach in our domestic courts and that we shall not try to develop a different statutory provision. If we were to do so, that would threaten the process of repatriating these rights and would require people to go to Strasbourg where a different line has been developed.

The Government's approach in clause 6, of defining public authorities—in so far as it defines them—by what they do, is question begging. In view of the options, that is perhaps the best way to approach the matter. It does not make sense to list the bodies that the Bill intends to cover because, as the Home Secretary said, such a list could develop over time. We have no wish constantly to revise the Bill to take account of changes, but it is probably preferable to admit that there is some uncertainty and that it is not possible to get rid of it by legislation. We could eradicate it only by being exclusive, which would not serve the purpose of the Bill.

6.30 pm

The uncertainty is sufficiently narrow in practice for it to be justifiable to allow the courts to seek to resolve uncertainties where they arise. That is not a horrifying

[Mr. Maclennan]

principle. For too long we have deceived ourselves into thinking that Parliament can foresee and take into account all the circumstances that might arise under some of our legislation and exclude problems. In terms of jurisprudence, that is a mistaken approach. I am happy to see much broader definitions and language in Bills because the courts have shown themselves to be conservative in their interpretation of Parliament's intention. They come up against hard, practical applications and can apply broad principles more effectively and certainly than can Parliament in anticipation of the application of rules that it seeks to draw up.

We do not need to spend much time on the Opposition amendments. They have stimulated debate, but they seem to be defective in ways to which the Home Secretary referred and others. Perhaps they were intended to be no more than a peg on which to hang an interesting debate. I have rarely been riveted by any 40-minute speech, but the one made by the Home Secretary was enthralling. The definition of a public authority by reference to what it does is right because that widens the scope of the coverage to include not only Departments and other central arms of the state, but subordinate and perhaps even localised public bodies that should be made accountable, under the terms of the convention, for their behaviour so as to secure fundamental rights and freedoms.

Mr. Gale: I suppose that I should declare an interest as a paid-up member of the National Union of Journalists. I should welcome the clauses and their relationship to the European convention on human rights because they seem to inject a privacy law by the back door into the law of the United Kingdom. As one who believes that it is time this country had a law of privacy, I ought to welcome that, but I have a difficulty with clause 6 and my reason for speaking to the amendment is that I face the problem that faces my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler), although I approach it from a different angle. The problem is that the clause is neither fish nor fowl.

The Home Secretary said a couple of times that he would prefer to await the results of the deliberations of the Press Complaints Commission before tabling amendments to protect the interests of the press. It seems that that is the closest we shall get to a privacy law from an Administration who live by quote, photo-opportunity and soundbite. Any Administration who sought to introduce a proper privacy law would undoubtedly be soundly bitten by the media upon which they feed. The Bill will not protect the individual as he should be protected, neither will it enshrine the proper rights of a free press in a free democracy.

The European convention on human rights contains a clear conflict between the interests in article 8, the right to respect for private and family life, and article 10, freedom of expression. Amendment No. 106 seeks to define a public authority in a way that would remove the Press Complaints Commission from the province of the Bill and would therefore negate the Home Secretary's undertaking—perhaps indication would be fairer—that he thinks that the courts would hold the commission to be a public body. If the matter goes to a vote I shall find it difficult to support the amendment.

There is a need for a privacy law. The press have increasingly demonstrated overweening intrusion. I do not seek to protect a Foreign Secretary who has been caught in flagrante or a Treasury Minister with offshore interests, but I would seek to protect their children from press intrusion. My noble Friend Lord Wakeham, for whom I have an extremely high regard, has tried hard to develop a press code that offers a fair degree of protection to individual privacy of the kind that is mentioned in the Bill. The amendment relates to that. At the same time, he has tried to protect the interests of the press in their lawful aim of publishing in the public interest matters that are directly important to, for instance, the security of the realm.

Lord Wakeham has failed because until the Bill hits the statute book, the Press Complaints Commission has no statutory power or sanction. It has no power to fine. Not long ago, as a result of gross intrusion into the lives of at least two minors—the children of hon. Members—the commission amended its code of conduct to give specific protection to children. Only a few weeks ago there was the revolting spectacle of the press beating a path to the door of Mary Bell and her 14-year-old daughter, a girl who, as far as anybody is aware, has committed no crime whatever. It remains to be seen whether Lord Wakeham's admonitions will be heeded or whether the true story of the people's nanny, as it will become known, will be published within a few days.

If I understood him correctly, my right hon. Friend the Member for Sutton Coldfield referred to the primacy of article 10, but I would argue that article 8 should have primacy and that the right to respect of private and family life is paramount. Amendment No. 106 would negate that right, because it would deny the thesis offered by the Home Secretary that, as the Bill is drafted, a court would deem the Press Complaints Commission to be a public body. However, I quite understand why my right hon. Friend tabled the amendment—at the moment, we do not know whether that will be the case. At the moment, we do not know what amendment or amendments the Government will table, or at what stage during the Bill's passage the Government will table the amendment or amendments—I assume that it will be an amendment and I am looking at the Home Secretary in the hope that he might nod—to enshrine rights of freedom for the press; nor do we know whether those rights also guarantee rights of privacy for the individual, as enshrined in article 8. At the moment, my right hon. Friend is absolutely right to say that we do not know, because the Bill is profoundly unclear. The clause is also profoundly unclear and, if there is a vote on clause stand part, I shall have to vote against it on that ground.

Mr. Edward Leigh (Gainsborough): I shall speak to amendments Nos. 142 and 143, which stand in my name and would clarify the definition, central to our debate, of what is a public authority.

An individual will be able to sue a public body, claiming a breach of his convention rights. When the judges consider the action, they will have to consider two points: first, is the body actually a public body and, secondly, is the act complained of one on which they can rule? The answer to the first question relies on the definition of a public body, which we shall debate in relation to clause 6. The answer to the second question relies on the definition of what is a private act and what

is a public act, which is dealt with in clause 6(7). Under clause 6, it is possible for a private body, such as a Church, to be considered a public body when it performs what are deemed to be public functions.

Throughout our consideration of the Bill, we have debated what is a public body. The definition of a public authority offered in clause 6 is:

"any person certain of whose functions are functions of a public nature".

That is a woefully inadequate definition, which is badly drafted, lacks certainty and will make bad law. The two principal concerns, as we have heard, centre on the Press Complaints Commission and the effects on religious bodies. I shall not deal with either of those in detail as they are not central to my argument today, but they should not be forgotten.

Both Houses have tried on numerous occasions to tease out from the Government what they mean by "a public body". My hon. Friends have put long lists of questions to the Government, but so far we have been unable to obtain from them a satisfactory definition of a public body. Today, we have debated the BBC. The Home Secretary originally said that the BBC would be a public authority, but ITV would not. I am advised by Professor Ian Leigh of Durham university, who has helped me with the drafting of my amendments—

Mr. Straw: Any relation?

Mr. Leigh: No, but his name is spelt the same way as mine. He is professor of law at Durham university and he has advised me that the BBC would not be a public authority. As the Home Secretary and other Ministers have admitted time and again on the Floor of the House and in written answers, no one really knows what a public authority is until the courts start to make their decisions—"We will leave it to the courts," is the usual answer. How on earth is the Committee supposed to know what laws it is passing if we use forms of words that no one can explain until after the Bill has been enacted? If Ministers do not know what they mean by "a public authority", how can judges be expected to know? They interpret the laws we make, but we are making a law that we do not fully understand because the Government have refused to explain precisely what it means.

Earlier, the Secretary of State for Scotland, summing up for the Government, said that the Bill was nothing to worry about—that it simply brought about a change of venue for human rights issues and that, instead of cases being heard in Strasbourg, they could be heard in a local British court. On 20 May, he confidently asserted that none of the problems that I and others had identified, for example in relation to religious liberties or press freedoms, would arise because no such problems had occurred so far in Strasbourg. His exact words were:

"no one can point me to any single change, other than the forum in which the cases may be heard that will result from the Bill."—[*Official Report*, 20 May 1998; Vol. 312, c. 1066.]

In so saying, the Secretary of State for Scotland sought to dismiss our concerns, but the truth is that there are many changes in the Bill other than a change of venue, which is why it is a serious matter that we should debate carefully.

6.45 pm

First, a green light is given to judges to develop rights well beyond the convention. The Secretary of State for Scotland might have less understanding, but the Home Secretary has a full understanding of the Bill and he knows that the Bill does not just incorporate the convention—it is not as simple as that. Repeating the slogan "Bringing Rights Home" does not change the fact that the Bill creates rights that go far beyond the convention. The Government have created a bill of rights that is based on the convention, but it is a bill of rights that goes far further than the convention and it will give scope for creative judgments by the courts. Judges will be able to interpret convention rights in new ways, not accepted in Strasbourg. As was pointed out when we debated clause 2, the jurisprudence of Strasbourg is not binding on the UK courts as they interpret the law. For us in the UK, this Bill will be more far reaching than the convention on human rights that we have come to know and love over the past 50 years.

The second reason the Bill goes far further than the convention is that there is a radical change in respect of who can be sued under convention rights. Only Governments can be sued in Strasbourg, but the Bill allows individuals to take a public authority to court over their convention rights. That is a fundamental change from the convention as we have known it. Until now, if someone felt that their convention rights had been breached, they sued their Government in Strasbourg. Their Government conducted the defence and paid the legal bills. If the actions of a public authority were questioned, the Government had to defend that public authority, not the public authority itself. The public authority—bear it in mind that we are about to suck in many organisations that have hitherto not been considered public authorities—did not even need to be represented and did not have to pay any legal bills; the Government handled it all.

If the Strasbourg court found in someone's favour, it made an order against their Government, not against any individual or the public authority. If damages were payable, they were paid by the Government, not by any individual or public authority. We should remember that we are dragging in many quasi-public bodies that might not have the resources to meet that sort of legal challenge. If a change in law were required, the Government changed the law; the public authority did not have to change anything. The judgment of the Strasbourg court did not have any direct effect at all. Even in the famous Costello Roberts case, which abolished corporal punishment, it was the Government who were sued, not the school.

The third change relates to who foots the bill. Clauses 6 and 7 allow people to sue the public authority directly and clause 8 provides for damages or other penalties to be ordered against that authority. The change of venue will also cause legal action to proliferate, which is no small matter. It will be far easier to trot along to the local High Court and sue a public authority than it is to go to the expense of suing the Government in Strasbourg. Those of us who question the Bill fear that there will be a flood of cases to establish exactly what a public authority is. That is why this debate is so important. Any body that looks even vaguely as if it might fit into this wide category, which the Government have failed to define, may find itself on the receiving end of a summons.

[Mr. Leigh]

My amendments seek to address the issue of what is a public authority and what actions it can be sued for so as to limit the number of cases that might arise and to introduce some certainty. I should have thought that the Committee was united behind the idea of certainty and the attempt to limit the number of cases.

The problem with clauses 6 and 7 is that they show the massive inconsistency in the Bill. Clause 6 deals with who can be sued and clause 7 deals with who is entitled to sue. Clause 6 is so widely drawn that no one is able to say what a public authority is, but clause 7 is very different. That is what irritates groups such as Liberty and Justice, which were hoping to be able to sue under clause 7. They wanted the Bill to give pressure groups a right to initiate legal action, but the Home Secretary argues—rightly, in my view—that only an individual can be a victim, so only an individual can sue. Therefore, in defining who may or may not sue, the Bill becomes tied to the practice of Strasbourg.

Clause 7(6) states:

"a person is a victim of an unlawful act only if he would be a victim for the purposes of Article 34 of the Convention if proceedings were brought in the European Court of Human Rights".

As the Bill defines so clearly and precisely who may sue by reference to the convention, one would have thought that it would define who can be sued by reference to the convention, but it does not. That is the problem.

What I argued in our previous debate, and what I continue to argue, is that if we are to incorporate the convention—it is a big if, but I shall not go into that now—we should tie the UK courts to the jurisprudence of Strasbourg to stop them feeling compelled to interfere in social, ethical, spiritual and moral issues that have traditionally been left to Parliament. If we are going to incorporate the convention, it is far better to do it in a sensible way than in a way that results in huge uncertainty and creates the spectre of judge-made law—something that we have always resisted and is not in our traditions, although it is in the traditions of countries such as the United States that have a bill of rights. Therefore, my two amendments simply use the same standard as is accepted in Strasbourg.

One of my amendments would require the UK courts to define a public authority as Strasbourg does. The other requires them to define acts of a private nature in the same way as Strasbourg. Nothing could be simpler. It would add to the Bill an obligation on the courts to consider whether a claim should be entertained by the courts on the same basis that Strasbourg would consider it.

We should not consider the nebulous definitions along the lines of clause 6—Strasbourg does not. There has been much debate about this and I appreciate the Home Secretary's problems in this respect. Strasbourg does not have this problem. Instead, it refers to article 27(2) of the convention, which deals with the inadmissibility of cases—whether courts should entertain them.

A wealth of jurisprudence on the admissibility of claims has grown up around article 27(2). When considering the admissibility of any complaint, the European Court of Human Rights considers whether the body against whom the complaint is made is a body whose acts are subject to the convention and therefore a body for whose actions a Government can be held responsible. The jurisprudence already exists, so it seems to make perfect sense for us to use that experience, not to dismiss it.

Article 27(2) also considers the nature of the act itself. Clause 6(7) refers to acts of a private nature. A body that falls within this strange broad definition of "public authority" has a possible escape route if it can show that the nature of the act complained of is private. That is perfectly justifiable. An authority may be a public authority, but we accept that it carries out private actions. However, the problem is that we have no clear guidance in the Bill as to what that means.

I believe that by referring the courts to article 27(2) of the convention we can give them clear guidance by requiring them to abide by Strasbourg's approach. Under protocol 11 of the convention, the existing filtering body—the European Commission of Human Rights—is to be abolished as the full court is restructured. Article 27(2) will then become article 35(3), but it will still exist.

To sum up one argument, there is a glaring inconsistency in that the Bill clearly defines who can sue by reference to the convention, but defines who can be sued by reference to the Government's own home-made formula. That means that no public authority or quasi public authority can really be sure whether it fits the definition. Good law requires certainty. Requiring the courts to apply the Strasbourg test for liability in the way that the Bill requires them to apply the Strasbourg test for standing will increase certainty. Surely that is something in which the Committee should be interested.

When considering what bodies can be subject to judicial review, we should be wary of creating the sort of confusion that has existed in our courts for many years. The Home Secretary hinted at the difficulties that we have experienced. Every time an application is made for a judicial review of the actions of a public body, the argument about whether the body complained of is public has to be rehashed. That sows confusion.

Hours have been spent in court rooms and thousands of pounds of taxpayers' money has been wasted on the problem of what is a public body. Every time there is an application for judicial review, the question of what is public has to be argued all over again because the law is unclear. Unfortunately, there is already extensive confusion in our law, and we are going to make it worse.

There have been numerous appeals to the higher courts where pronouncements have been made, but the question of what is a public body remains unresolved. Since the 1980 case on judicial review—O'Reilly and Mackman—five House of Lords decisions have been handed down on this one point and there have been numerous other appellate decisions. It is no good for the Government to pretend that clear jurisprudence already exists in this country which can guide the courts on what is or is not a public body. The Government are not telling us in the Bill; nor does the jurisprudence exist.

Mr. Grieve: Is not that the whole point—what is public has not been defined hitherto and cannot be defined? To that extent, is not my hon. Friend perhaps worrying overmuch about judicial interpretation in relation to human rights? Will not developments in that sphere

follow almost exactly developments involving public bodies generally and which inevitably have come from the courts with very little comment on them here?

Mr. Leigh: That is true, but new rights will be created. I am sure that my hon. Friend appreciates that the courts will have a virtually clean sheet. If the convention is to be incorporated, we fear that many bodies that have hitherto been considered private and which could not be sued will be sued. Of particular concern are the private Churches, which have very few resources and will now be sued because they will be considered public bodies. Therefore, I cannot accept my hon. Friend's seeming lack of concern about this issue; it is vital.

As was made clear earlier, we do not even know whether the Jockey Club is a public body. Apparently it is now a public body but that was not clear before, as the Home Secretary said. *[Interruption.]* I am sorry. Have I got that wrong? I apologise.

Mr. Garnier: I do not want to interrupt my hon. Friend, but I think that he quite innocently got things the wrong way round. I think that the Home Secretary said that the Jockey Club was not a public body.

Mr. Leigh: I apologise, but that shows that there is going to be confusion about what is or is not a public body. The fundamental failure of clause 6 is that it invites a similar confusion. A huge amount of time and money will be spent over hair-splitting definitions. I believe that the Bill will place a foot flat on the accelerator, pushing the limits yet again of the definition of a public body, and create a whole new flood of cases on the point.

I believe also that there will be years of uncertainty in the courts. Some barristers, or some judges, will try to assimilate the English judicial review test, whereas others will argue on the basis of Strasbourg jurisprudence. Those consequences are all quite unnecessary and could be substantially avoided simply by following Strasbourg on who can be sued, just as the Bill follows Strasbourg on who can sue. I think that that would be a neat solution.

One might argue that if we are to incorporate the convention—a point on which I have some doubts, although it is not for the Committee to debate it today—we should at least try to do it properly and in a manner that will not cause years of confusion. I take the view that we would make a more, not less, certain law if we followed the course that I have been advocating. I think that judges would be grateful for clear guidance and a clear sign that they should keep out of the internal affairs of many public bodies—including Churches and religious charities—on which they will otherwise be forced to adjudicate.

7 pm

Including in the Bill a reference to article 27(2) would invite the court to consider whether an applicant could bring a complaint at Strasbourg against the Government about an action. If we are bringing rights home, as the Government now claim, we should ensure that they are the same rights as currently exist at Strasbourg, not new rights to sue bodies that were previously exempt.

The other advantage of my approach over the Government's approach is that it is more flexible. My approach should appeal to the Government because it would eliminate the danger of a gap over interpretation appearing between the United Kingdom and Strasbourg, as UK courts would automatically follow the line taken by the Strasbourg court. My approach would avoid the danger of a burden being placed on bodies that normally would not be liable.

It is bizarre that the Government's approach raises the possibility that a body that is successfully sued as a public authority in the United Kingdom might subsequently go to Strasbourg, which might decide that the result of the action was a breach of the body's human rights. A charity, for example, would not normally be considered to be a public authority as it is a private association. However, the Lord Chancellor has said that, in the Bill, charities would be considered to be public authorities.

If the Government want to impose liability on certain bodies in addition to those that are already covered by Strasbourg, they should say so now and name those bodies in the Bill—which is all that I and other Conservative Members have asked for, repeatedly. The list of privatised utilities, for example, is not so long that it could not easily be incorporated in a schedule.

Why are the Government refusing to name in the Bill the public bodies that will be covered by the Bill? Why are they not coming clean to Parliament? Surely the Government should have the courage to state clearly who the Bill is intended to catch and not hide behind the courts, which is what they are currently doing. The Government's current definition is simply not good enough or clear enough.

I believe that the Bill goes wider and deeper than the convention. It goes wider because the definition in clause 6 of a public body includes bodies whose actions have never, ever been dealt with by the European Court of Human Rights. It goes deeper because United Kingdom courts will be forced to become involved in social, religious and other issues in which they should have absolutely no involvement.

The Bill leaves fundamental issues in a mess, whereas in Strasbourg at least there are clear rules. As I said, the Government want to follow those clear rules in clause 7—which is fair enough—when deciding who can sue, but not in clause 6. Therefore, the matter of which bodies can be sued is wide open and the Government have given no help to the Committee.

Would Parliament ever pass a Finance Bill without knowing to whom it applies? Is not the affected party a central matter included in any Finance Bill? To whom will a tax apply? When the Chancellor of the Exchequer delivers the Budget, does he say, "I think that we should create a general right. The courts have a wealth of jurisprudence to decide it and they can be relied upon to do so"? No; the Chancellor states to whom the Bill will apply. The Committee is being asked to consider a Human Rights Bill without being told in clear detail—in any detail—to whom the new rules will apply.

The Bill will leave judges free to exercise creativity and poetic licence and require them to go further than Strasbourg has ever gone. As there will be little or no jurisprudence dealing with the cases that courts will have to consider, they will—as I told my hon. Friend the Member for Beaconsfield (Mr. Grieve)—be starting with a clean sheet. Confusion will immediately be created and courts will have to create that jurisprudence as they go along.

[Mr. Leigh]

I believe that my amendments would deal with some of those points and I commend them to the Committee.

Mr. Garnier: I shall endeavour to speak as briefly as I can. We have had a very good debate, and I pay tribute to the speech of my hon. Friend the Member for Gainsborough (Mr. Leigh), who thoughtfully highlighted the very point that I wished to make on clause 6—which is that it is vague for uncertainty.

As I said in the debate on the Bill's Second Reading, and the debate on the Gracious Speech, I do not have any specific fears about introducing into domestic legislation the European convention on human rights. However—as Ministers tell us that they are bringing rights home and creating a new approach, so that people can litigate on some matters in domestic courts rather than in Strasbourg—the Government owe a duty to Parliament and to those who will hereafter have to interpret the law to avoid as much uncertainty as possible.

The Home Secretary has returned to the Chamber. I have not started making polite remarks about him, but I soon shall. I am glad that he has returned.

From my own experience as a barrister practising in the law of defamation, I know that, in any given case, the law frequently develops. I know from my own experience at the Bar that judges frequently develop the law. I shall give two examples from my own sphere of practice—qualified privilege and fair comment.

It is often said that the categories of fair comment are never closed. Occasionally, a new case will be decided that extends the list of occasions of publication when qualified privilege applies. We are currently awaiting a judgment in the case of the former Taoiseach of the Republic of Ireland, Albert Reynolds, who recently had an action against *The Sunday Times*. An interesting question will be decided by the Court of Appeal in that case, by the Lord Chief Justice and two other Lord Justices, which is whether qualified privilege applies to the particular fact of Mr. Reynolds's case. I shall not go into the detail of the case now, as it is not germane to our debate.

What constitutes a matter of public interest for the purposes of fair comment also is not frozen. Our courts are perfectly accustomed to extending the categories of matters of public interest, so that justice can be done in any particular case. We are used to that practice. However, that was under the old system.

Under the flashy new Labour Government, we are being given rights which, if we are to have them—as my hon. Friend the Member for Gainsborough said, and I fully accept—should be so drafted by the Government that any possibility of doubt is avoided.

As I said a moment ago, judges are perfectly capable of deciding whether a particular function is of a public nature or whether an act is a private act. I do not doubt that judges will be able to deal with that question, as they deal so with so many other questions in their daily working lives. However, as I said, as we are moving into a new era of activity, it seems only right and proper that the Government should be a little more careful in how they draft legislation.

The point was underscored by my hon. Friend the Member for Gainsborough. Whereas clause 6 is vague for uncertainty, clause 7 is quite the opposite. The category of those who may sue is carefully defined, whereas the category of persons who may be the respondents is not certain. I am quite happy to live with that, but it is a regrettable matter on which we are entitled to comment. We have the opportunity to get it right—or more right—but at least at the moment the Government appear not to be persuaded by the arguments of my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) and those who spoke subsequently.

The question of definition is always difficult. Reverting to my own sphere of practice, it is often asked of me and my fellow defamation specialists how one defines what is defamatory. Like an elephant, it is easier to recognise than it is to define, but we have to do the best we can. I had hoped that this new, wonderful Government would do rather better than the best that they could, and apply their mind and get their head round the question of definition.

The failure adequately to define what is a public authority means that the convention is no longer considered to be the perfect catalogue of rights as it was in the post-war period. I fully accept the analysis of the Home Secretary that the convention came into being after the second world war, to prevent the new states from repressing their peoples, who had been the victims of Nazi and fascist dictatorships. We are fortunate that we are the only one of the first 12 countries in the European Union that has had neither a home-grown nor an imported dictatorship, so we can stand back a little from the problems of post-war continental Europe. However, this evening's debate gives us the opportunity to push the Government a little and to ask them to apply their mind a little more rigorously to the issues.

The points made by my hon. Friend the Member for North Thanet (Mr. Gale) about the likely contest between article 8 and article 10 are valid, although I do not agree with him in all circumstances. Reverting again to my own sphere of practice, the courts frequently have to balance the rights of a plaintiff who has been defamed or is about to be defamed and wants an injunction prior to publication, and the rights of the newspaper or potential defendant who says, "I shall prove that what I say is true." In those circumstances, at an interlocutory stage, the judge says to the plaintiff, "I am sorry, but the right to utter an untruth, if it proves to be so, takes precedence over your right to protect your reputation." The injunction is not granted and the article is published. If the defendant fails to justify at the trial, additional compensatory damages are available. It does not do the plaintiff much good at the time, but I am concerned that the contest between freedom of expression and the right not to have one's privacy invaded has been overtaken by a little too much emotion and perhaps not enough reason. However, that is a matter that may be for another day.

Mr. Straw: It certainly will.

Mr. Garnier: I am glad that the Home Secretary says that it will be a matter for another day. I wish that he would tell us when it will be. Every day when I wake up and open my bedroom curtains I think that that day will dawn, but sadly, since February, the sun has not risen. Perhaps some legislative Viagra could be introduced to assist the Home Secretary in his thinking, but on that rather flippant note, I shall return to my first point in at least partial support of my hon. Friend the Member for

Gainsborough. Clause 6 is vague for uncertainty. It could be improved upon, and I invite the Home Secretary to think again.

Mr. Grieve: We have had a fascinating debate, which has been made all the more enjoyable by the diversity of views expressed. I pay particular tribute to the speech by my hon. Friend the Member for Gainsborough (Mr. Leigh), who latched on to a number of important points about the legislation and its effect, although I cannot agree with everything that he said.

As my hon. and learned Friend the Member for Harborough (Mr. Garnier) said, we are in danger of getting ourselves bogged down in the Press Complaints Commission and the issue of privacy. It is a bridge to be crossed when we reach it, but it should not impinge on the question of what is or is not a public authority. It is a separate, important issue, but we would be making a mistake if we started worrying about the privacy law and the slight difficulty into which the Government seem to have got themselves, to which I shall return in due course.

7.15 pm

I prefer to start with basic principles. It is well known that I am broadly—and in many ways in detail—in favour of incorporation. It is clear that the thrust of the convention is aimed at controlling governmental authority, which extends its influence not only through Government, but as the Home Secretary rightly said, through a variety of agencies and bodies that come from it or are tolerated by it for a variety of purposes. For example, the Royal Society for the Prevention of Cruelty to Animals has charitable status, but also has the task of prosecuting for the purposes of animal welfare. It is a charitable body, which has been granted quite extensive powers by Parliament. It clearly falls within the ambit of an extension of the state because it is tolerated in the functions that it exercises. Therefore, the idea that we have to extend to public authorities the discipline of the convention should not be a matter of dispute.

What I found more interesting in this evening's debate was the possibility that what we see as a public authority might be different from what is perceived to be a public authority in Strasbourg, not only in terms of definition, but in terms of function—what it does and what powers it has been granted. When we were discussing the clauses that we introduced for the protection of religion and religious freedom, we drew attention to the margin of appreciation. I assume that there will also be a margin of appreciation in the interpretation of the legislation by our national courts. I should be grateful for confirmation of that when the Home Secretary replies to the debate.

If there is a margin of appreciation, it would follow logically that our national courts will first apply to the definition of a public authority the definition that they have been applying historically in the growing process of judicial review and secondly, where necessary, make reference to foreign jurisdictions and decisions in Strasbourg, to draw comparables. I would also assume that the fact that they draw comparables does not necessarily require them to follow them. Again, I should be grateful for the Home Secretary's confirmation.

Whereas hitherto we have seen the margin of appreciation as a device by which our national courts would narrow the scope of the convention, what I found fascinating and cogent about the arguments presented by my hon. Friend the Member for Gainsborough was fear that, in this area, our national courts are ahead of Strasbourg and might well use the margin of appreciation for a wider test than is being applied there.

The question is: should we worry about that? My hon. Friends think that we should. That brings us back to the Bill's fundamental issues and the understandable fears expressed by my hon. Friends, that the creation of the convention and the granting to the judiciary of the powers of definition and interpretation will lead to the erosion of parliamentary sovereignty, and potentially to our loss of control over the development of the law in that area.

At the end of the day, I do not think that I shall lose sleep over this. I must accept that that may differentiate me from my hon. Friends, but my view derives from my experience as a barrister and my knowledge of how the national judiciary appears traditionally to work. The rock-bottom question is: am I prepared to trust the judiciary with the interpretation of the definition of a public authority?

I listened carefully to the explanation of the amendments. I am delighted that this debate has taken place, because people should realise what is happening and what we are doing. The issue cannot be swept under the carpet. The discussion has taken place and many people have applied their minds to the definition of a public authority and, quite understandably, expressed their anxieties, and I believe that the Home Secretary's escape from the morass was more cogent than that of other hon. Members who participated in the debate. There is an all-or-nothing aspect to the discussion. If we were to define a public authority in the way that some have suggested, I believe that we would get into other unintended areas of difficulty.

Will this situation produce what my hon. Friend the Member for Gainsborough fears so much: all sorts of small-scale bodies being carpeted through the courts in ways that they did not expect? We cannot escape the fact that, following the passage of the legislation, there will be a blossoming of litigation on the subject. I suppose that I should declare an interest as a lawyer—although I do not think that I shall practise in this field. I suppose that litigation will blossom until the matter settles down through judicial interpretation.

When I consider whether judicial interpretation will mean that Parliament has shed its rights and exposed people to unintended consequences, I must admit that I think it will not. I believe that the public authority definition is already established pretty well in our law. It has developed over time. A feature of this country is that we have allowed the judiciary historically to develop all sorts of areas of law. My hon. and learned Friend the Member for Harborough referred to the question of defamation. Equitable estoppel has not been discussed in the Chamber, but the consequences of its emergence in the past 50 years have been dramatic, to say the least, in relation to the rights of the individual.

I am content to leave to the judiciary the task of interpretation, precisely because I think that public authority is not a new concept and is already well established in the mind of the judiciary. I also take the view that, with the margin of appreciation, it is less likely that the judiciary in this country will start to apply that definition to bodies that none of us would assume to be

[Mr. Grieve]

public authorities. If it does and that means that Strasbourg disagrees and imposes its view upon us, so be it—we shall be no worse off than we are now. I do not believe that it is likely that the extensions will be so great in our domestic field—where we have already gone beyond Strasbourg—as to cause us particular concern.

I welcome the discussion on this fundamental and important issue. I am happy to say that we live in a state where we have common law—that is one of our great treasures. In a funny way, we are adding to it, and I do not think that we shall do ourselves a great deal of harm in the process.

Mr. Lansley: I am grateful for the opportunity to add to this very interesting discussion. Like my hon. Friend the Member for Beaconsfield (Mr. Grieve), I have enjoyed listening to the different perspectives. I am not a lawyer, and it has been interesting trying to keep up with the legal arguments. However, I suppose that there are benefits in not being a lawyer, as I have endeavoured to understand, as a law maker, how the measures will impact upon the bodies that will be affected.

I confess that I believed at the outset that the Government were not offering any definitions or allowing any scope for applying the measures—my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) made that perfectly clear in his speech—and were, in effect, surrendering that power to the courts. The Home Secretary explained some of the Government's thinking, which was interesting and added substantially to the debate. However, I do not think that he addressed the heart of the problem: the motivation behind the amendments.

The problem is not simply that the Government are abandoning any thought of defining the scope of public authorities for the purposes of the Bill and handing that power over to the courts—I understand that the Government have considered carefully the consequences of seeking to define the scope of public authorities in the Bill. Our courts have tended to move towards wider judicial review of administrative action by bodies that are not necessarily considered to be Government bodies but which perform a quasi-judicial function similar to that of a conventional public body. If we were to seek to define the scope of public authorities narrowly, we would expose ourselves to the risk of people going directly to the court at Strasbourg and we would not be well served by giving a right of action in United Kingdom courts.

However, I am not clear—the Home Secretary's speech did not provide the answers—about the basis upon which he understands that United Kingdom courts will operate in attempting to define a public authority. Will they do so by referring to the developing thesis of what judicial review should constitute? In the context of the application of the European convention on human rights, it would be inapplicable to think too widely or too narrowly. There would not necessarily be a read-across between the appropriate application of the European convention—which is a treaty made by Government, with the intention of incorporating it into the actions of public authorities and making them liable to action by private individuals—and the question of judicial review. I suspect that the courts will examine the manner in which a body that operates in relation to a profession, for example, carries out its functions. If that body has a judicial character, it should do so with reference to principles that are subject to review by the courts.

If it is not appropriate to use that basis, perhaps, in time, the courts will put that to one side and look specifically towards Strasbourg. If it is intended to allow our definition of a public authority to be precisely the definition adopted by Strasbourg, we shall face the problem upon which my hon. Friend the Member for Beaconsfield expanded—and he did a much better job than I could. That is the heart of the problem.

If we in this country understand the state differently from the manner in which it is understood by other countries that are parties to the European convention and subject to the Strasbourg court, should not that be reflected in our jurisprudence? We should acknowledge that we have that different understanding rather than simply incorporating, by virtue of the wider definition of public functions, a broader definition and encouraging our courts to adopt it and to interpret it as being consistent with what would be the conclusion of the Strasbourg court as it might be applied in a different jurisdiction.

There is a difference between the state in our context and that in other contexts. We all have our examples. My hon. Friend the Member for Beaconsfield referred to the Royal National Lifeboat Institution; that example goes in one direction. I have worked in the chambers of commerce, which are voluntary bodies in this country but public law bodies in most EU member states. There will be a range of such differences in the manner in which bodies operate in different countries.

There are great differences now, which might increase, in the extent to which industry is owned by the state or has the character of a public function. We have far fewer nationalised industries than other countries. Of the industries that were formerly nationalised, an increasing number are becoming competitive in the marketplace rather than exercising a quasi monopoly. It is terribly important that we understand how we can ensure that we establish through the European convention an exercise of the rights applicable to individuals as against public authorities, by reference to an understanding here of what constitutes a public authority following our signing up to the convention. Such a definition should not necessarily be exactly the same as that in the Strasbourg court.

7.30 pm

Uncharacteristically, the Home Secretary was not generous enough about the amendments. If the amendments do not technically do the job, it would be possible to go down a path indicated by them: considering bodies that are framed by statute over which Ministers have powers of appointment, perhaps including reference to the Crown and the bodies and powers that emanate from it. Alongside amendment No. 106, we should perhaps consider something like amendment No. 31, which specifically excludes the private acts of public authorities.

We should move towards a definition that looks to the source of authority rather than simply to the nature of the activity. By using the definition of

"functions of a public nature",

one is opening the door to UK courts looking directly to a Strasbourg-style definition of what constitutes the state and public authorities. We should look, through the source

of authority, to what in this country might turn out to be a narrower definition. We should follow not public money but the public authority—authority being the operative word—which is passed on through legislation, the Crown and statutory obligations. By doing that, which is distinct from the judicial review test, we might be able to establish in this country a definition of public authorities that is distinct and relevant in our circumstances, even if it is not conterminous with that which might be applied by the Strasbourg court in other countries.

Miss Kirkbride: I do not intend to speak for very long, because I am somewhat in awe of my hon. Friends who are lawyers and who quote cases of which I have never heard.

I have found the debate interesting, as I did the Home Secretary's explanation of why he was unhappy about the Conservative amendments. I took on board his comment that, if he were to list public authorities in the way in which we suggest, difficulties in the ability to repatriate rights would be created. Sadly, in my view, which I know is somewhat beyond the scope of this debate, that appears a very good reason to have left things well alone, leaving rights just to sue the British state in the European courts. That would not lead to all the difficulties to which my hon. Friends have drawn attention.

The description of how matters might develop given by my hon. Friend the Member for Gainsborough (Mr. Leigh) was particularly illuminating. Will the Secretary of State say who will pay the legal fees of the various bodies that at present can be sued only vicariously through the British state, but may soon be sued in their own right? Some of the bodies exist on relatively limited resources. The public functions they provide might be diminished by the fact that they will encounter significant and expensive legislation. I am sure that the Bill will create something of a beanfeast for lawyers—sadly not those in the House.

Mr. David Ruffley (Bury St. Edmunds): The debate has been very interesting; I was certainly interested to hear the Home Secretary's comments. He made his points in a non-partisan manner, which we appreciate.

Before dealing with two specific points on which I should like the Home Secretary's views, I must say that the uncertainty inherent in the definition of public authorities is unfortunate. It is caused by the Government's unwillingness to take responsibility for listing the public authorities that they have in mind. They are abdicating their responsibilities by saying that the courts should decide; that, in some sense, Parliament is not fit or able to determine, or capable of determining, which public authorities should be brought within the ambit of the European convention as it is incorporated into UK law.

My first specific point relates to the operation of the term "public authority". I understand why the Home Secretary does not wish to be drawn on specific cases. None the less, paragraph 2.2 of the White Paper provides some guidance on what the Government would consider a likely candidate for a public authority. I draw the Home Secretary's attention to companies that are responsible for areas of activity that were previously in the public sector, such as privatised utilities. He referred to Railtrack, and we take his points.

It has been brought to my attention that companies such as British Gas and BT, which fall into the category of privatised utilities, could be brought within the definition of public authorities. How can they be treated differently from companies that have always been in the private sector and which compete in the same market? That is a potential breach of competition or company law. The question is certainly being aired. Will the Home Secretary specifically meet the objection to the definition in the White Paper?

The second specific point relates to the Press Complaints Commission. We are very worried about how the nature of that body may change. There has certainly been debate in government. We know that the Secretary of State for Culture, Media and Sport has had certain disagreements with the Lord Chancellor. There is general confusion about the PCC's status.

I have a point to put to the Home Secretary. If the Press Complaints Commission is indeed a public authority—on 1 December, a press release from the Lord Chancellor suggested that, following some high-powered advice from David Pannick QC, he probably now thought that it was a public authority—certain things follow. It follows that individuals may, under article 8, wish to pursue a claim for a breach of their right to privacy. Such people would go to the Press Complaints Commission, but they may not get a determination that they like there. They may then wish to go to the court, and under the convention the court would be obliged to deliver effective remedies.

If that is the case, there will be an in-built incentive, almost a requirement, for the courts to ensure that the public authority in question delivers effective remedies. What might those be? There could be a power of prior restraint. The court may say that the PCC should have the powers to fine or compensate. That is the inescapable logic of bringing the PCC within the definition of a public authority.

Will not the nature and character of the PCC as a voluntary organisation that can deliver swift justice at a low price to ordinary people, with all the advantages that that brings, therefore be destroyed? It is in that spirit that I urge that amendment No. 106, especially in terms of exempting privatised utilities and the PCC from what could be damaging consequences, be taken seriously.

Mr. Straw: I shall try briefly to answer some of the points that have been raised—those, that is, that I did not try to answer during the debate. I thank hon. Members on both sides of the Committee for the way in which they have entered into the debate.

The hon. Member for Beaconsfield (Mr. Grieve) asked me about the margin of appreciation, and whether our national courts will be ahead of Strasbourg in applying the convention. He and I both use the term "margin of appreciation" in a loose way, for which I have been admonished, so I pass that admonition on to him. Technically, the term refers to the way in which the Strasbourg court gives the benefit of the doubt to a domestic jurisdiction. It will continue to do so. Indeed, the more we can develop our own jurisprudence in connection with the convention, the greater the margin of appreciation that will be given.

I should have explained before that we could not directly replicate in the Bill the definition of public authorities used by Strasbourg, because, of course,

[Mr. Straw]

the respondent to any application in the Strasbourg court is the United Kingdom, as the state. We have therefore tried to do the best we can in terms of replication by taking into account whether a body is sufficiently public to engage the responsibility of the state. The hon. Gentleman explained that well.

The hon. Member for Bromsgrove (Miss Kirkbride) asked who would pay in domestic actions. The organisations concerned will pay, so some aspects will depend on the depth of their pockets. That was one of the reasons why I made that clear a couple of weeks ago when we debated the subject in respect of the Churches. I wanted to avoid vexatious litigation against the Churches, which is why I was persuaded to provide them with additional protection in the Bill.

The hon. Member for Bury St. Edmunds (Mr. Ruffley) picked me up on paragraph 2.2 of the White Paper, which mentions privatised utilities. That put the matter in a general way, to make the point that, if we had a list of public authorities, it would quickly go out of date. I am absolutely clear that we must, to use the old cliché, provide a level playing field between BT and other, wholly private, operators. They would have to be treated the same under the Bill.

That is why we do not want to go down the road advocated by amendment No. 106, which, with commercial property developers, for example, would treat Railtrack more onerously than any other body—such as the wholly private developer McAlpine, which is known both to the hon. Gentleman and to me—simply because Railtrack happens to be a statutory body. I do not want to do that, which is why I say that there is a defect in amendment No. 106.

7.45 pm

Overall, the difference between some Opposition Members and other hon. Members on both sides of the Committee is whether we seek to define a public authority and a public function by reference to the substance and nature of the act, or to the form and legal personality of the institution. As we are dealing with public functions and with an evolving situation, we believe that the test must relate to the substance and nature of the act, not to the form and legal personality.

If we were to do as the Opposition recommend, we would have a definition too wide in some respects, which would cop Railtrack's purely commercial activities as it should not, and too narrow in others—that is, it would exclude the Home Secretary, and I think that I ought to be covered by the Bill. I hope that, in the light of that explanation, the Opposition will seek leave to withdraw the amendment.

Sir Norman Fowler: This has been a valuable and rather important debate, and I congratulate those of my hon. Friends who have taken part in it, such as my hon. Friends the Members for Gainsborough (Mr. Leigh) and for North Thanet (Mr. Gale), my hon. and learned Friend the Member for Harborough (Mr. Garnier), and my hon. Friends the Members for South Cambridgeshire (Mr. Lansley), for Bromsgrove (Miss Kirkbride) and for Bury St. Edmunds (Mr. Ruffley). I also listened with interest to the speech by the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan).

I think that I am right in saying that, apart from the Home Secretary, no Labour Member has taken part in the debate.

Mr. Straw: My hon. Friends wanted to leave more time for you.

Sir Norman Fowler: I am most grateful for that—but it may also say something about Labour Members' commitment to the legislation.

I cannot say that I am happy with the position under the clause. As my hon. Friend the Member for Gainsborough said, with great eloquence, there is a lack of clarity and certainty. The Home Secretary has been discreet about what has taken place in government and the processes of government. However, the potential confusion is illustrated by the fact that no less a person than the Lord Chancellor proceeded into the legislation on the basis that one important body was not a public authority, but has now come to the conclusion that it is.

I acknowledge the important assurances that the Home Secretary has given, and his response to the debate. He has said that new amendments will be brought forward to cover the area of interest of the PCC, and the press and the media generally. For us that is an important commitment, and we welcome it. We would like to see those amendments sooner rather than later, because, as several of my hon. Friends have said, we have been waiting for them for some time.

Having secured that commitment from the Home Secretary, I do not wish to press amendment No. 106 to a vote, so I beg to ask leave to withdraw it.

Amendment, by leave, withdrawn.

Amendments made: No. 41, in page 4, leave out lines 24 to 26.

No. 138, in page 4, leave out lines 27 to 30.—*[Mr. Allen.]*

Clause 6, as amended, ordered to stand part of the Bill.

To report progress and ask leave to sit again.—*[Mr. Allen.]*

Committee report progress; to sit again tomorrow.

Northern Ireland (Sentences) Bill

[2ND ALLOTTED DAY]

Considered in Committee [Progress, 15 June].

[MR. MICHAEL J. MARTIN *in the Chair*]

Clause 8

APPLICATIONS TO REVOKE DECLARATION

7.48 pm

Mr. Andrew Hunter (Basingstoke): I beg to move amendment No. 22, in page 4, line 27, at end add

'and the Secretary of State shall make such an application if the condition in section 3(8)(b) is not satisfied.'.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): With this, it will be convenient to discuss the following: Amendment No. 23, in page 4, leave out lines 28 to 30 and insert—

'(2) The Commissioners shall revoke the declaration if any of the applicable conditions in section 3 are no longer met.'.

Clause stand part.

Government new clause 4—*Revocation of declaration.*

Mr. Hunter: I am somewhat surprised by the absence of the two hon. Members whose names appear above mine in support of the amendment. The only point I need make in moving these self-explanatory amendments is that—as I understand the situation—they are substantially reflected in new clause 4, tabled by the Government, and therefore the amendments cease to be relevant to our deliberations. Effectively, the amendments have been taken on board by the Government and have been overtaken by events.

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): The hon. Member for Basingstoke (Mr. Hunter) pointed out that new clause 4 replaces the import of amendments Nos. 22 and 23, and I shall give some background to this important area.

On Second Reading, the right hon. Member for Upper Bann (Mr. Trimble) drew attention to a problem with the Bill as it is drafted. He said:

"clause 8 needs to be strengthened. In particular, an obligation should be imposed to seek revocation if the conditions in clause 3(8) have not been satisfied. Moreover, the commissioners should have a duty to revoke declarations if the conditions in clause 3 are no longer met." [*Official Report*, 10 June 1998; Vol. 313, c. 1100.]

The Government have taken note of those points—which were well made—and considered them.

Clause 8 is intended to ensure that a prisoner who receives a declaration from the commissioners under clause 3 but who is not granted immediate release should still meet the criteria set out in clause 3 at the time when he comes to be released. The Bill as drafted gives the Secretary of State a power to refer a case back to the commissioners if she considers that the prisoner no longer meets the criteria.

The right hon. Member for Upper Bann identified that it is not clear whether the commissioners are under a duty to reconsider the case against the criteria. Helpfully, he also drew attention to the need to take account of changes of individual circumstances of the prisoner and of the consequences of an organisation that was previously not specified by the Secretary of State being specified. The right hon. Gentleman and his hon. Friend the Member for Lagan Valley (Mr. Donaldson) tabled amendments Nos. 22 and 23 to try to deal with that problem.

Rev. Ian Paisley (North Antrim): I take it that that refers only to prisoners before they are released.

Mr. Ingram: I am not sure that I understand the hon. Gentleman's point. Perhaps if he contributes to the debate he will be able to help me.

We considered the amendments tabled by the right hon. Member for Upper Bann to be insufficient, and we tabled new clause 4. The effect of the new clause is to place the Secretary of State under a duty to refer the case of a prisoner back to the commissioners if she considers that, either as a consequence of an order made under clause 3(8) or because of a change of circumstances, the prisoner no longer satisfies the conditions set out in clause 3.

That means that, if an organisation returned to violence, any prisoners who supported the organisation and who remained in custody would be referred back to the commissioners, who would consider whether they continued to meet the criteria for release. The Secretary of State may also refer the case back if she becomes aware of evidence or information which was not available to the commissioners when they granted the declaration. In either case, the commissioners are under a duty to revoke their declaration if the conditions in clause 3 are not satisfied.

The Government consider that new clause 4 meets the concerns expressed by the right hon. Member for Upper Bann, and we ask the House to accept that the existing clause 8 should be replaced with new clause 4. It is worth while paying tribute to the right hon. Gentleman, who has dealt carefully and responsibly with a specific weakness in the Bill. In light of our other debates on the Bill, that seems to be the way in which we can make progress in amending and improving the Bill. We have had some grandstanding over the past couple of days in *The Daily Telegraph* and *The Times*, but that does not help us to deal with a complex Bill. The right hon. Gentleman has shown that, by careful analysis and consideration, we can take the issue forward.

Rev. Martin Smyth (Belfast, South): Can I have some clarification from the Minister? He may be aware that the *Irish News* reported at the weekend that attacks were carried out in the Markets area of my constituency by the official IRA. He may be aware also that Mr. Turley, a constituent of mine, was murdered at the weekend. At a time when the House is against judicial sentencing for capital offences, he was murdered without any trial. He may have been a drug runner, but that does not justify what happened. It has been put to me that the body which did that can be described as the SAS of Provisional IRA-Sinn Fein. Would that type of thing be considered in the light of new clause 4?

Mr. Ingram: First, I will not speculate on matters raised in the press. However, from the way in which the hon. Gentleman has described the issue, it does not seem to be a description of events which would be reported to

[Mr. Ingram]

me. As he knows, we never discuss information which may be in the hands of the Secretary of State or myself and which has been passed to us by the security forces. We must consider the details. Clearly, our sympathy would go the family of anyone murdered, because they are still victims—irrespective of what they may have been involved in.

Mr. William Thompson (West Tyrone): Is there a loophole in the Bill? The Secretary of State can apply to the commissioners before the prisoner's release, but the commissioners can grant an application if a prisoner has not been released. Does that mean that if the determination date came up after an application by the Secretary of State, the prisoner could be released and out before the commissioners re-heard the case? Would it not be wiser and more prudent that, once the Secretary of State had made a declaration, a prisoner should not be released until the commissioners had again heard the case?

8 pm

Mr. Ingram: That was a rather convoluted explanation of a set of circumstances—perhaps the hon. Gentleman has misunderstood what we want to achieve in new clause 4. I do not want to go through the whole import of the new clause again, except to say that it was designed to ensure that the belt-and-braces approach could be properly exercised. Clause 8 contained a weakness, which the new clause has resolved. Having explained the purpose of the new clause, I commend it to the Committee.

Rev. Ian Paisley: The Minister invited me to return to the issue, so I ask him whether he can confirm that the new clause deals only with prisoners before they are released, and that it will not affect people who have been released but who are in such circumstances as are envisaged in the new clause. The new clause seems to have effect

"any time before the prisoner is released".

It seems to deal only with prisoners who are in custody; it does not cover a prisoner who has been released but who still has the same relationship to the organisation of which he was a member.

The Minister congratulates the right hon. Member for Upper Bann (Mr. Trimble) on being diligent in his business, but has not the Minister weakened in carrying out his business? Should not the new clause cover both parts of the equation—the prisoner who has not been released and the prisoner who has been released?

Mr. Ingram: The hon. Gentleman is now trying to amend the new clause, but he had the opportunity to try to ensure that any weakness he saw in clause 8 was dealt with. If he had had a major concern, it would have been helpful if it had been expressed in the form of an amendment, although I can tell him that, of course, the licence covers those who are released. On the specific points raised by the hon. Member for West Tyrone (Mr. Thompson), the matter must, in the circumstances that he described, rest with the commissioners.

Mr. Peter Robinson (Belfast, East): The Minister is wrong to suggest that my hon. Friend the Member for North Antrim (Rev. Ian Paisley) missed the opportunity to table an amendment that would cover the issue, as that issue is also dealt with by clause 9. Moreover, amendment No. 44, which we tabled, would ensure that the period after a prisoner was released is covered.

On new clause 4, we are talking about a narrow, even trivial, issue, in that we are concerned only about the band of time after the commission has reached a conclusion but before a prisoner is released—something could happen in the few hours or days between those two events.

Mr. Hunter: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 8 disagreed to.

Clause 9

LICENCES: CONDITIONS

Mr. Andrew MacKay (Bracknell): I beg to move amendment No. 12, in page 4, line 37, after 'Ireland', insert—

'( )that he is not involved in directing, assisting or promoting acts of violence committed or planned by other people,'.

The First Deputy Chairman: With this, it will be convenient to discuss the following amendments: No. 13, in page 4, line 38, leave out

'in the case of a life prisoner'.

No. 44, in page 4, line 39, at end insert—

'(d) that any organisation which at the time of his release under this Act he supported, but which was then specified as a terrorist organisation under section 3(8), has not subsequently been specified as such an organisation under that section.'.

Mr. MacKay: Amendment No. 12 covers a simple, but important, point. There is a genuine fear, which I hope that the Minister shares, that a terrorist organisation that has renounced violence and is observing a ceasefire could subcontract its work to another organisation. If the Secretary of State found that that was happening, it would be important that she had powers under clause 9 to cover people in such organisations—otherwise, a coach and horses would be driven through the Bill in a way that I know that the Minister would not want. We believe that amendment No. 12 would add weight to the Bill.

Amendment No. 13 is similar to an amendment that we tabled earlier this week—we do not see why the measures should apply only to life prisoners. We did not press the amendment on Monday and we shall not necessarily press this amendment, but perhaps the Minister has now had time to reflect on the matter. I do not want to fall out with him over this, but we believe that the amendment would strengthen the Bill. I do not believe that ordinary, reasonable people will understand why only life prisoners, and not others, represent a threat to society. The Committee will be aware that almost all terrorist prisoners represent a danger and that life prisoners are not necessarily always the most dangerous. We are revisiting old ground—I make no apology for that—and I simply ask the Minister to reflect further on the matter. I commend the amendments to the Committee.

Mr. Ingram: As was said on Second Reading and earlier in Committee, the licence conditions under the Bill

are extremely demanding. The Secretary of State may recall a prisoner if she believes that he has broken, or is likely to break, a condition of his licence.

For the record, it is worth spelling out those conditions again. First, the prisoner must not support, or be likely to support, an organisation identified as a terrorist organisation under clause 3(8). Secondly, the prisoner must not be, or be likely to become, concerned in the commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland. Thirdly, in the case of a life sentence prisoner, the prisoner must not be, or become likely to be, a danger to the public. Those are three exacting licence conditions, which go well beyond any that are currently applied in Northern Ireland. They are designed specifically to apply to prisoners who have been involved in acts of terrorism in Northern Ireland.

If life sentence prisoners were to be involved in such offences as are suggested in the amendment, it would be open to my right hon. Friend the Secretary of State to consider that they were a danger to the public and to suspend the licence accordingly. The ordinary criminal law is entirely adequate to deal with prisoners serving fixed-term sentences who have committed ordinary criminal offences that are not related to terrorism.

With the exception of some sex offenders, prisoners serving fixed-term sentences in Northern Ireland for non-terrorist offences who are released are not subject to any licence conditions. If they commit further offences, they are dealt with in the usual way and sentenced for those further offences. In some cases, prisoners who commit a further offence after being released from prison may be subject to a further penalty in respect of that part of the sentence that was remitted. Under the Treatment of Offenders (Northern Ireland) Order 1976, a court has a discretion to make an order requiring a prisoner to serve the remaining part of a previous sentence before beginning a new sentence. That provision will apply also to prisoners released under this legislation.

The involvement of terrorist organisations in organised crime is worthy of further consideration. We are dealing with different issues and that matter was raised on Second Reading. I want to consider whether the licence conditions should be extended to include such activity when a terrorist organisation moves across into ordinary organised crime as set out in preceding debates. We may well have to consider that matter.

Amendment No. 13 would extend a third licence condition—that a prisoner should not become a danger to the public—to fixed-term prisoners. During the debate on clause 3, when we considered amendments Nos. 7, 55, 33, 35, 53 and 10, I set out the arguments against making risk one of the criteria that the commissioners should be required to consider when deciding whether a fixed-term prisoner should be released. That debate and argument are set out in column 42 of the *Official Report* on Monday 15 June. At that time, I explained that a life sentence was intended to mark the particular nature of murder and that it could also be imposed for other serious crimes if risk were a concern.

I remind the Committee that, under normal law, prisoners serving fixed-term sentences are not subject to a risk assessment before being released. As risk is not a condition that fixed-term prisoners must satisfy to be released unless the risk is that the prisoner will engage in terrorist activity, it is therefore not appropriate for such a test to be imposed as a licence condition. If it were imposed, it could cause the following problem. A prisoner could have his licence suspended by the Secretary of State and revoked by the commissioners on the ground that he was, or was likely to become, a danger to the public. The prisoner could then apply to the commissioners for a declaration under clause 3. They would have to consider the prisoner for release against the conditions set out in clause 3 and, if those were met, make a further declaration in his favour. Clearly, a state of affairs in which a prisoner could be recalled to prison for breaching his licence conditions but released again because he met the criteria in clause 3 would be unsatisfactory, in particular as the prisoner in question would not have committed a further criminal offence. It would have a yo-yo effect, which would clearly be undesirable.

Of course, in an earlier debate we dealt with that matter and with the reasons why we did not feel that the provision should apply. Logically, those should similarly apply to the licence conditions. On that basis, I urge the hon. Member for Bracknell (Mr. MacKay) to withdraw the amendment. There is a clear relationship between the release and licence conditions. We could not allow the sort of back-and-forwards process that would result if the amendments were agreed to.

Mr. Hunter: The Minister's comments did not embrace amendment No. 44. The argument for that amendment, to which I have added my name, is so explicitly self-explanatory because of its wording that I do not need to elaborate on it in detail. The basic argument is: what would happen if a prisoner had cleared obstacle 3(8) and the organisation of which he is a member or is deemed to support had been specified not to be a terrorist organisation but, while he is on release on licence, it is then deemed to have become a terrorist organisation by the Secretary of State? The amendment, which I support, would mean that it would be a case of, "Tough luck, you're back inside." Does the Minister agree that the amendment has some valid points?

Mr. Peter Robinson: I, too, will speak to amendment No. 44. To some extent, the Minister seemed to support the argument behind it by saying that he would table a new clause later. The Minister recognises that whether a prisoner should be released is based on certain factors—if he supports a terrorist organisation, that would show that he should not be released. Under clause 3, which we have already debated, if the commissioners decided to release a prisoner but the organisation he supported was subsequently specified as a terrorist organisation, he would not be released. What could be the difference save that the prisoner is out of gaol?

The prisoner is released from gaol not because of anything that he or she might have done but because of the status of his or her organisation. Surely, the status of the organisation must then determine whether the prisoner should remain out of gaol. If the prisoner is to remain in gaol if the organisation is deemed to be a terrorist organisation, it must also be right that he should return to gaol if it is subsequently listed by the Secretary of State as such.

8.15 pm

Mr. David Maclean (Penrith and The Border): I wish to support amendments Nos. 12 and 44, and the hon. Member for Belfast, East (Mr. Robinson) hit the nail on the head about the latter. Prisoners will be released not because of any great change of heart on their behalf or any particular merits that they have, but because the organisation to which they belong is perceived by the Secretary of State to have satisfied certain criteria and can therefore be listed as not participating in terrorism. Having been released through no merit on his part but purely because of his status as a member of an organisation that has temporarily, or for a ploy, renounced violence, it would be extraordinary if the prisoner did not then go back to gaol because of his status when that organisation undertook violence again or went back to terrorism so that the Secretary of State had once again to proscribe it. To me, that is self-evident and I think it would be obvious to every ordinary and reasonable person.

I hope that the Minister will not say that the amendment is rewriting the Belfast agreement. Clearly, it is not rewriting anything at all. Surely it is a common-sense approach. Those prisoners released under the Bill purely because their host organisation has given up violence and satisfied the criteria must be returned to gaol when their host organisation once again takes up violence or, to be more precise, terrorism.

On amendment No. 12, does the definition in the Bill that the prisoner

"does not become concerned in the commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland"

embrace those other acts of violence that terrorists carry out in the pursuit of terrorism? I am suggesting not the scenario that the Minister described of a terrorist organisation moving into organised crime, drugs or other rackets, but the present situation in Northern Ireland, in which organisations may not be setting off major bombs that attract the media's attention, but people are being beaten up and kneecapped, pickaxes are being taken to their legs on a daily basis, and they are subject to violence in the course of terrorist intimidation. That intimidation does not necessarily raise money for organised crime, but may impose a terrorist will on the community.

Many acts of violence seem not to be caught by the definition of terrorism that involves being

"concerned in the commission, preparation or instigation of acts of terrorism".

I am happy to be corrected, and I admit that my recollection of which offences are classed as terrorism is a bit hazy, but would some acts of violence, such as kneecapping, that are being committed by terrorist organisations in Northern Ireland against other citizens in Northern Ireland be classified as terrorism?

I support the amendment because it seems that those who are not directly involved in terrorism but who are directing, assisting in or instigating acts of violence are furthering the aims of terrorism and should, therefore, be caught by the Bill. I am worried that the clause 9 definition of terrorism is too narrow. It may restrict us to those involved in planting bombs or shooting members of the security forces, and it may not cover the all-too-regular occurrences of other acts of violence perpetrated for the furtherance of terrorism against the citizens of Northern Ireland, but not prosecuted as terrorist offences.

Rev. Ian Paisley: The Minister chided me for not raising this matter before, but it should be raised under clause 9. This point is to do not with a prisoner who is still in custody but with those who are out of custody when the organisation to which they belong has been found to be engaged in violence. The hon. Member for Belfast, South (Rev. Martin Smyth) has illustrated the point by mentioning the declaration that the old IRA has recommenced its fight. That organisation is not proscribed, although the proscription "Irish Republican Army" is broad. For years, the old IRA has claimed that it was no longer involved, and that that term covered the Provisional IRA. However, the purpose of the amendments is simply to ensure that the long arm of the law will be able to reach out to bring back to custody members of organisations that have recommenced their violence. That is important, and should be dealt with.

Mr. MacKay: I am grateful to the Minister for his replies. I shall be happy not to press amendment No. 13 on the basis of his assurances. However, I want to press a little further on amendment No. 12 although the Minister need not be concerned that I intend to press it to a vote as I shall withdraw it in due course if he agrees to consider it further on Report or to have it considered in the House of Lords.

The amendment is straightforward and non-controversial. If the Minister flicks back a little through the Bill, he will find in clause 3(9) that

"In applying subsection (8)(b) the Secretary of State shall in particular take into account whether an organisation . . .

(c) is directing or promoting acts of violence committed by other organisations".

We have deliberately used the same phraseology in amendment No. 12, because it covers the point well. I cannot for the life of me see why it cannot also apply to licensed prisoners. Perhaps the Minister will wish to reflect on the point rather than giving a definite answer now, and I should be happy for him to return on Report or to have the point raised in the House of Lords. I shall withdraw the amendment, but would be interested in any observation from the Minister. I reserve the right to have the amendment reintroduced in the House of Lords if there is no satisfactory response.

The First Deputy Chairman: I should say that, if the hon. Gentleman wants further information, he should ask the Minister for it and then withdraw his amendment in the light of that information. Before he mentions withdrawing it again, another Member may wish to speak.

Mr. William Ross (East Londonderry): A couple of interesting points have arisen. The list of proscribed organisations mentions simply the IRA, but the organisation that has been responsible for most of the violence for many years is the Provisional IRA. Exactly what is the legal position? Does "IRA" cover both, and if

so, what about the original IRA, now known as the official IRA, which, according to some newspapers, has come back to life?

Mr. Peter Robinson: And the Continuity IRA.

Mr. Ross: There is the Continuity IRA, too. If we do not have the correct set of letters, might there be a defence in law? It might never have been used, but there is a possibility of it.

Amendment No. 12 raises the question of the subcontractors for the Provisional IRA and its fellow travellers. I think that the amendment is sensible, and I hope that the Minister will take on board what the hon. Member for Bracknell (Mr. MacKay) has said. He will recall that I tabled an earlier amendment to cover anyone involved in a criminal act, which I thought sufficiently wide to cover not only acts clearly concerned with terrorism, but lesser crimes such as punishment shootings, intimidation and violence. In any other part of the United Kingdom, those would be considered major crimes, and the fact that they can be described in Northern Ireland as minor crimes shows the background against which the debate is taking place. The Minister should reconsider. Not only are there subcontractors, but some crimes that are not listed should be associated with the greater crimes of the terrorist organisations.

Amendment No. 44 relates to the further problem of a possible change of name for terrorist organisations, by which they might manage to escape for long enough to get beyond the law by skipping across the border. As we know from bitter experience, there is not a snowball's chance of getting them back. I hope that the Minister will keep those points in mind.

Mr. Ingram: Let me deal first with the points made by the hon. Member for Bracknell (Mr. MacKay) by returning to our discussion on release conditions for determinate sentence prisoners. The way in which that was defined still stands. To introduce a new criterion would make a difference to what currently applies. We judged that that was not appropriate. By reading that across to the licence conditions, I tried to explain that to have a different type of definition would mean that those who were going back and forward under a breach of licence as a determinate sentence prisoner would come back under release conditions, and then get out again. A fine judgment was needed on this point, and we tried to ensure that the current law on determinate sentence prisoners remained in place as far as the risk element was concerned. That is why the read-across applied between release conditions and licence conditions.

As the hon. Gentleman knows, I am always prepared to consider matters, but the case must be better made. I do not criticise him; he argued his case well, but there would need to be more substance to it. We would not enhance the law of Northern Ireland by doing what he has suggested. That said, I am prepared to consider the matter because we must, in introducing any Bill, consider logicalities and illogicalities, and try to resolve them. We have judged that the way in which the Bill has been drafted is sufficient to deal with the circumstances for the release of determinate prisoners, but I am always prepared to consider further. The matter can always be examined further in another place.

The hon. Member for Basingstoke (Mr. Hunter) upbraided me for not alluding to amendment No. 44. That was because the hon. Member for Belfast, East (Mr. Robinson) had not yet spoken in favour of that amendment, so there was no point in debating it. Amendment No. 44 would enable prisoners who supported at the time of their release an organisation that was later specified as a terrorist organisation to be recalled automatically. I understand the reasoning behind that, but the amendment goes beyond what is required.

8.30 pm

Under the Bill as it stands, if a prisoner who is released on licence becomes a supporter of a terrorist organisation—an organisation specified by the Secretary of State under clause 3(8)—he is in breach of his licence and can be recalled. That would include circumstances in which an organisation that a prisoner supports was identified after he had been released as a terrorist organisation under clause 3(8); but for a prisoner to be recalled he must be, or be likely to become, a supporter of a terrorist organisation at the time of recall.

The fact that a prisoner supported such an organisation in the past is not a ground to recall him as that would be contrary to human rights law for the simple reason that a case has to be proven. *[Interruption.]* The hon. Member for Belfast, East tries to advance his argument by shouting. He has an opportunity to debate the issue and I am trying to explain the background to the Bill and my understanding of the weaknesses of amendment No. 44. However, I understand the concept that he is trying to advance.

If a prisoner is released, and the organisation to which he belongs subsequently resumes its proscribed activities, why should there be an automatic assumption that the individual involved has not changed his ways? The hon. Member for Belfast, East probably thinks that no one can change their ways because he has never changed his thinking in all the time that he has been arguing his case in Northern Ireland; but people do change.

Mr. Maclean *indicated dissent.*

Mr. Ingram: The right hon. Gentleman told us the other night that he was an eminent and highly competent Home Office Minister, and if he does not understand that those who are allowed out on licence may themselves have changed and should not be subject to recall because of the activities of an organisation to which they once belonged, I should like to hear his interpretation of what would be right.

Mr. Maclean: The Minister is unnecessarily churlish. I never made the claims that he so arrogantly ascribes to me. I merely cited some of the unfortunate experiences that I have had.

If the prisoner is released on licence, not because of any change in his behaviour but because of a change in the organisation to which he belongs, I do not see how it would be contrary to human rights laws for him to be recalled because of another change in that organisation's behaviour.

Mr. Ingram: I do not want to get into a load of hypothetical issues, but what happens if that prisoner,

[Mr. Ingram]

who once supported that organisation, starts arguing against it when he is released on licence and helps us to understand its activities and even to bring other people to justice? If that organisation is then deemed to fall outwith the ambit of the Secretary of State's judgment on whether the prisoner should have been released in the first place, why should that prisoner be recalled, when he is now a good citizen? I do not understand the logic of the arguments advanced by the right hon. Gentleman and by the hon. Member for Belfast, East.

Judgments on release will be made on a case-by-case basis even though an organisation may be deemed to satisfy other aspects of the legislation so that those who are associated with it can, in general, be released. If an individual prisoner does not satisfy the conditions, he will not be released even though the organisation to which he belongs is judged to have changed sufficiently to warrant the release of other prisoners.

Mr. Maclean: Let us be clear. We are talking not about good citizens but about terrorists who have been sentenced fairly in a United Kingdom court to a term of imprisonment—perhaps five, 10 or 15 years, or life—for murder or terrorism. Those people are to be granted release because of a political settlement, and that release depends not on their behaviour, on their renouncing violence and becoming good citizens, but on the organisation to which they belong renouncing terrorism. Surely the Minister realises that, if that organisation goes back to terrorism, the prisoner has no merit in demanding that he remain at large.

Mr. Ingram: I do not want to be churlish again, but the right hon. Gentleman did indeed tell us about his experience as a Home Office Minister and how he was twice as good as a psychiatrist when it came to judging individual cases. Let me take him through the idiot's guide, because he has obviously forgotten everything that he should have learnt when he was a Minister about the rights of prisoners.

The right hon. Gentleman asks why a prisoner cannot be recalled if the organisation is specified after his release. The answer is simple: people can be recalled as a result only of their own behaviour and not of the behaviour of an organisation to which they once belonged. I cannot make it any clearer than that. Is he really telling the Committee that people who were once terrorists must remain terrorists for ever and can never renounce violence or say that they are sorry, or even help the security forces to bring others to justice? If that is his argument, I want him to defend it, but if he accepts my argument, he should remain seated.

Mr. Maclean: I do not entirely accept the argument that the Minister is producing; those prisoners will be released early, but they will be released early because of a political settlement, in the normal run of events and irrespective of the Bill. In furtherance of a political settlement, the Bill will allow accelerated release, but that accelerated release will be based not on the good behaviour of prisoners but on the behaviour of the organisations to which they belong. Accelerated release on licence purely because of their organisations' behaviour could be rescinded because of their organisations' behaviour. That issue is separate from the normal release of prisoners after their sentences have expired.

Mr. Ingram: I used the phrase "the yo-yo effect" in terms of amendments Nos. 12 and 13, and there is a yo-yo effect between myself and the right hon. Gentleman. I made a comment about the European convention on human rights and the breach that would apply. To try to understand the argument, he should read article 5(4), which deals specifically with the rights of an individual in respect of events outwith his control. Such an individual may have been a supporter of an organisation, or have been the most senior person in it, and he may be subject to accelerated release, but once he is out, he has to be judged on whether he continues to support that organisation.

When we are trying to reintegrate people into a normal and peaceful society, why should such a person be taken back into prison if events take place that are outwith his control and that he does not support, and how would that help what we are seeking in terms of the agreement for which the people of Northern Ireland voted so overwhelmingly?

Mr. Kevin McNamara (Hull, North): Does not the point being made by the right hon. Member for Penrith and The Border (Mr. Maclean) fall on the ground that an individual who renewed his support for such a terrorist organisation after his release would be guilty of an offence under existing legislation? He could be charged and prosecuted, so the law adequately covers the scenario suggested by the right hon. Gentleman. Therefore, the right hon. Gentleman is wasting a lot of the Committee's time.

Mr. Ingram: I hope that my hon. Friend is not saying that I am wasting a lot of the Committee's time. I am genuinely trying to ensure that there is clear understanding of what is entailed, so that there is no misrepresentation outside the House and no attempt to say that the Government are doing something that is against the best interests not only of those who may be released, but of people in the wider community, of whose best interests we must always take full consideration.

My hon. Friend makes the point well. A person may be released because he is a member of an organisation that satisfies the criteria in the Bill, but if it no longer satisfies the criteria and he is found to be supporting it, he will go back inside—he will be recalled. The protection is clearly present.

Mr. Peter Robinson: The Minister said that, while he understood the general principle that I was discussing, the thrust of his opposition was that an individual who had been released may no longer be associated with an organisation; indeed, he may be publicly opposing it. Surely it would be simple, under the clause, for the case to be heard by the commissioners. At least at that point, the police would not have to prove a case against that individual to get him back into gaol. It would be for the commissioners to determine whether there was sufficient evidence to disconnect an individual who had been convicted in respect of terrorist crimes from the organisation of which he had been a part.

Mr. Ingram: I do not want a dialogue to develop between myself and the hon. Gentleman—I have

explained the situation. I can understand why people say, "Once a member, always a member. If the organisation breaches the terms of the legislation, everyone should be back inside." I have tried to explain, however, why that is wrong in detail and wrong in terms of the ECHR. There is not much more to be gained from further debate on the amendment tabled by the hon. Member for Belfast, East. I shall not ask hon. Members to support it.

The hon. Member for East Londonderry (Mr. Ross) again referred to press speculation. We do not respond to press speculation. Any judgments in relation to security issues are based on the best advice received—not on advice from anonymous sources who may or may not be privy to information, and who have spoken to the press and put their own spin on it. Those matters are sensitive and delicate when one is dealing with intelligence information, and it is better to be right than to fly off at a tangent, as so many people do when they read something in the press. It is better to be balanced and responsible when dealing with such issues.

I have no intention of accepting amendments Nos. 12 and 13—we have had that debate—and I have no intention of accepting amendment No. 44. I hope that the hon. Member for Bracknell will withdraw his amendments.

Mr. MacKay: I beg to ask leave to withdraw amendments Nos. 12 and 13.

The First Deputy Chairman: Order. Amendment No. 13 is grouped with amendment No. 12. However, the hon. Member for North Antrim (Rev. Ian Paisley), who tabled amendment No. 44, can propose that it be put—although there can be no debate on it, because the amendments are grouped together.

Rev. Ian Paisley: Can the Committee vote on my amendment?

The First Deputy Chairman: The hon. Gentleman can have a vote, although I am not inviting him to do so.

Mr. MacKay: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The First Deputy Chairman: We must now deal with amendment No. 44.

Amendment proposed: No. 44, in page 4, line 39, at end insert—

> '(d) that any organisation which at the time of his release under this Act he supported, but which was not then specified as a terrorist organisation under section 3(8), has not subsequently been specified as such an organisation under that section.'.—*[Rev. Ian Paisley.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 9, Noes 280.

Division No. 308] **[8.45 pm**

AYES

Casale, Roger
Donaldson, Jeffrey
Forsythe, Clifford
Hunter, Andrew
Maclean, Rt Hon David
Norris, Dan
Paisley, Rev Ian
Ross, William *(E Londy)*
Smyth, Rev Martin *(Belfast S)*

Tellers for the Ayes:
Mr. William Thompson and
Mr. Peter Robinson.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Baker, Norman
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blunkett, Rt Hon David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Butler, Mrs Christine
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cotter, Brian
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Davey, Edward *(Kingston)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Denham, John
Dismore, Andrew
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
George, Andrew *(St Ives)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Jane *(Reading E)*
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Liddell, Mrs Helen
Linton, Martin

Livingstone, Ken
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
Maclennan, Rt Hon Robert
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Martlew, Eric
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Paul *(Torfaen)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Radice, Giles
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Roche, Mrs Barbara
Rooney, Terry
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stott, Roger
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Worthington, Tony
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Janet Anderson and
Mr. Jon Owen Jones.

Question accordingly negatived.

Mr. Ingram: I beg to move amendment No. 82, in page 5, leave out line 4 and insert—

'(b) Commissioners shall consider his case.'.

The amendment is intended to ensure that when the Secretary of State suspends the licence of a prisoner who has been released under the terms of the Bill, the case is automatically referred back to the commissioners. It is then for the commissioners to decide whether the licence conditions have been breached, or are likely to be breached, and whether to confirm or revoke the licence. The amendment is required to avoid any possibility of doubt about the procedure that is to be applied if a licence is suspended.

Under the Bill, it is for a prisoner to apply to the commissioners to consider the suspension of his licence. However, it would be open to a prisoner to make no such application. Although that is unlikely, if it were to happen the licence would continue to be suspended and would not be revoked. The amendment would ensure that in such cases the commissioners would automatically consider the case, thus removing any possibility of doubt about the prisoner's position.

Mr. William Ross: The amendment is remarkable. We are not only letting prisoners out but insisting on shoving them out the door if an excuse can be found to do that. Clause 3(2) states: "The Commissioners shall" and clause 9(2) states that the Secretary of State "may". The amendment seeks to remove "may" and insert "shall". On each occasion the words "may" or "shall" are used to the advantage of the criminal. There is no question about it.

It is astonishing that it is to be open to individuals to go along and ask the commissioners to take another look at their case and that we cannot even trust them to do that. They must love the Maze, or Maghaberry, or Crumlin Road prison so much that they do not want to leave. They must feel at home in prison—perhaps because they can get a free education inside and they are studying for a degree. They do not want to leave, so here we have a situation in which the individual, whether he likes it or not, will have his case reconsidered and, if at all possible, the door will be opened and he will be shoved out. That is a most remarkable state of affairs.

9 pm

Mr. Thompson: I, too, find the amendment rather strange. When a prisoner is released, it will be up to the commissioners to review the situation of that prisoner in the light of the knowledge of the Secretary of State. It appears that the commissioners will have the power to second-guess the Secretary of State's decision. However, the Secretary of State might have information of a security or intelligence nature, which it might not be advisable to share with the commissioners. Therefore, it is not necessary for the prisoner to have the review by the commissioners. In addition, will the Minister clarify whether the prisoner will be taken into custody again before the commissioners are allowed to consider the case, or will the commissioners be allowed to consider the case before the prisoner is taken into custody again?

Mr. Ingram: The amendment is straightforward: it is designed to prevent a situation arising in which the legislation goes into limbo. We are trying to ensure that a flaw within the Bill as it stands is corrected. As I explained, in cases where the Secretary of State suspends the licence of a prisoner released under the legislation, the case will be automatically referred back to the

commissioners. That would not happen under the Bill as it stands, even though it was originally intended that the commissioners should decide on the licence conditions.

The way in which the commissioners operate is set out elsewhere in the Bill. The nature of the body is such that it has to satisfy international law and the European convention on human rights that individuals are treated fairly, adequately and equitably in the eyes of the law. I do not know whether the hon. Member for West Tyrone (Mr. Thompson) wants to suspend the law entirely in Northern Ireland, but that is not something that the Government want to do—indeed, no democratic Government could do so. We have to ensure that the law is applied at all times, properly and fairly.

The amendment is a technical amendment, designed to ensure that the legislation does not remain in limbo. The hon. Gentlemen who have spoken are arguing another point, which is unrelated to my opening explanation.

Amendment agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10

RELEASE: FURTHER PROVISIONS

Mr. Ingram: I beg to move amendment No. 83, in page 5, line 41, leave out

'(disregarding custody before the sentence was passed)'

and insert

'(or the start of any period of custody by which the sentence is treated as reduced in accordance with section 26 of the 1968 Act)'.

The First Deputy Chairman: With this it will be convenient to discuss Government amendment No. 84.

Mr. Ingram: Amendments Nos. 83 and 84 deal with two gaps in the accelerated release provisions. Amendment No. 84 is important because it ensures that prisoners who would benefit from the accelerated release provisions must serve at least two years in custody. In particular, it would ensure that prisoners who spend a period of time unlawfully at large would not have that period overlooked.

As drafted, the Bill would allow a prisoner who had been unlawfully at large, either as a result of an escape or as a result of failure to return from leave, to be released two years after the commencement of the legislation, regardless of the time actually spent in prison. Clearly, it would be unacceptable for such prisoners to benefit in this way.

Amendment No. 83 deals with prisoners who come into custody and are convicted after the legislation has commenced. It will ensure that the time spent in custody awaiting trial counts towards the period that they serve. This is directly in line with established United Kingdom practice in relation to the calculation of sentences. We are therefore ensuring that prisoners' rights are established in terms of UK practice, and amendment No. 84 will ensure that what we intended in the Bill is properly enacted.

Mr. William Ross: Will the Minister go further and tell us what would happen if the individual murdered someone while escaping from custody or committed another lesser crime on his way out? What would happen with regard to any further sentence to which he might be liable for that further crime?

Mr. Ingram: My understanding of the legislation is that it would depend on what type of prisoner he was. It would depend on the nature of the licence conditions. We are dealing with two different categories of prisoner—life sentence prisoners and the determinate sentence prisoners. If a prisoner murdered someone on his way out of prison or carried out some other heinous act, and this was known to be so, as opposed to it being something that someone merely said had happened, clearly he would be brought to judgment for the completely new crime that he had committed.

Amendment agreed to.

Mr. Malcolm Moss (North-East Cambridgeshire): I beg to move amendment No. 6, in page 5, line 43, at end insert

'and in particular shall ensure that the accelerated release date for any prisoner is not before the decommissioning of all illegal arms by any organisation of which he is a member or supporter has been verified by any Commission of the kind referred to in section 7 of the Northern Ireland Decommissioning Act 1997.'.

The First Deputy Chairman: With this, it will be convenient to discuss the following amendments: No. 14, in clause 17, page 8, leave out lines 22 and 23.

No. 15, in page 8, line 24, at end, insert: '10(7)'.

No. 16, in page 8, line 27, after '3(8)', insert 'or 10(7)'.

No. 17, in page 8, line 36, after '3(8)' insert 'or 10(7)'.

Mr. Moss: The amendment relates to—

Mr. McNamara: It would help the Committee to consider the amendment and to size up the Opposition's attitude if the hon. Gentleman could confirm what is on the tapes, namely:

"The decision to vote against the bill was tonight confirmed at a meeting of the Tory Shadow Cabinet, although a spokesman for Mr. Hague said that they also reaffirmed their support for the bipartisan approach."

The First Deputy Chairman: Order. That is nothing to do with the amendment.

Mr. Moss: I was not at the meeting, so I do not know. It is as simple as that.

Amendment No. 6 relates to our amendment No. 1, which the Committee debated on Monday and deals with clause 3, subsections (8) and (9). Subsection (9)(d) contains words that are taken—although not verbatim—more or less from the paragraph on decommissioning in the agreement. Amendment No. 6 relates to amendment No. 1 in dealing with decommissioning of arms by a certain date, which will be verified by the commission.

It is interesting that the Government have continued to ignore the points that have been made by Opposition Members on the accuracy and intent of the wording that was signed up to by all parties to the agreement. Paragraph 3 of the agreement's section on decommissioning states:

"All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations."

[Mr. Moss]

The wording in our amendment No. 1 simply stated that an organisation

"is committed to the total disarmament of all paramilitary organisations".

Therefore, the wording in the agreement and in our amendment No. 1 is pretty much identical.

The agreement's section on decommissioning goes on to state:

"They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in the referendums North and South of the agreement and in the context of the implementation of the overall settlement."

Our amendment No. 1 went on to say:

"and the achievement of the decommissioning of all paramilitary arms, including any of its own, by 22nd May 2000".

That date is, of course, two years after the date of the referendums.

We argue yet again that the words in our previous amendment—to which I have already said that amendment No. 6 is related—were essentially the words of the agreement. Our amendment No. 1 did not seek in any way to go outside the words of the agreement, which have been signed up to by all the parties involved. Even at this stage, we ask the Government again to think carefully about the reasons why we intend to press the matter further on Report, and further if necessary.

In amendment No. 6, we are simply saying that, before any prisoner can be released, confirmation must come from the commission that the principles and intent of the decommissioning section of the agreement have been adhered to by the signatories to the agreement.

Amendments Nos. 14 to 17 deal with clause 17. In those amendments, we are seeking to ensure that, if the Secretary of State uses his or her powers under clause 10(7) to amend any subsection within clause 10, it should not be subject to a negative resolution of the House. We believe that, if a Secretary of State decides to make any changes to the subsections in clause 10, they should be approved by resolution of each House of Parliament, a draft having been laid before both Houses.

If—as we propose in amendment No. 14—we leave out of the Bill clause 17(2) and add—as we propose in amendments Nos. 15, 16 and 17—clause 10(7) in the subsections specified, our objective will be clarified: to ensure that, if the Secretary of State takes a decision or decisions, that decision or decisions should come before both Houses of Parliament for affirmative resolution.

Mr. McNamara: Earlier in the debate, I drew the attention of the hon. Member for North-East Cambridgeshire (Mr. Moss) to a press release that you, Mr. Martin, felt had nothing to do with amendment No. 6. I had thought that the press release showed the Opposition's seeking to cherry-pick the provisions they like. I had also thought that it demonstrated something that never happened when the Government were in opposition—seeking to undermine progress in achieving peace. On certain occasions to my knowledge—I could enumerate them—it was necessary to protect the position of the then Secretary of State, who was engaged in negotiations, and to prevent cries for his dismissal for one thing or another.

The amendment does precisely what I feared and to which I referred. The Opposition are seeking yet again to rewrite the agreement so as to have a precise linkage between the release of prisoners and decommissioning. The purpose behind the amendment is to rewrite the agreement and to betray the different parties to it. Those parties entered into the agreement on the basis of what was in it, not on the basis of what the Opposition would like to be in it.

To say that is not to say that one does not want the decommissioning of arms—of course one does—but to suggest that there must be a direct linkage between an individual and the satisfaction demanded in the amendment on decommissioning is unfair on the individual and, I suggest, unfair to the independent commission on decommissioning. If we read it carefully—

9.15 pm

Mr. Thompson: Will the hon. Gentleman give way?

Mr. McNamara: I shall finish my point and then I shall gladly give way to the hon. Gentleman.

If we read the amendment carefully, we find that it states:

"and in particular shall ensure that the accelerated release date for any prisoner is not before the decommissioning of all illegal arms".

That is what the Opposition are asking for now. They are asking not for a token, not for a substantial amount and not for a bit of Semtex here or a kalashnikov there; they are asking for the decommissioning of all illegal arms. Who knows how many illegal arms are held by any paramilitary organisation?

Rev. Ian Paisley: The security forces know.

Mr. McNamara: The hon. Gentleman, the hon. and reverend Gentleman who leads for the Democratic Unionist party, says from a sedentary position that the security forces know. If the security forces know the amount of illegal arms that are held, that would suggest their being there with the quartermasters counting the arms as they are put in their concrete bunkers somewhere in County Meath, Kerry or, God help us, perhaps in North Antrim. It is obvious that that is not so and that the security forces could not possibly know.

Rev. Ian Paisley *rose—*

Mr. McNamara: I shall finish my point and then I shall give way, first, to the hon. Member for West Tyrone (Mr. Thompson) and then to the hon. Member for North Antrim (Rev. Ian Paisley).

How can anybody know of all the illegal arms that are held? Who will be satisfied that all illegal arms have been decommissioned? The commission on decommissioning cannot verify that all illegal arms have been decommissioned. It is necessary to depend on information that will necessarily be incomplete.

On the basis of the argument that Opposition Members are advancing, paramilitary organisations will say, "This is a list of what we have. We have 13 pikes from 1798,

a few muskets from another occasion, a couple of .303s from 1916," and so on. Is that what they will do? How can we be certain that there is not another pike in the thatch? It is—

Mr. Jeffrey Donaldson (Lagan Valley): The agreement says that.

The First Deputy Chairman: Order. The hon. Gentleman should be quiet.

Mr. McNamara: The commission cannot be certain. The hon. Member for Lagan Valley (Mr. Donaldson) said, I think, "That is what the agreement says," but it does not. Paragraph 4 states:

"The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals."

Is that the point that the hon. Gentleman is raising? It does not make the independent commission, which could not possibly know whether all arms have been handed in, infallible; it refers only to the "decommissioning of illegal arms".

Mr. Thompson: The hon. Gentleman claimed initially that there was no direct connection between prisoner release and decommissioning. He should have listened to the Prime Minister this afternoon when he said clearly that there was such a connection and that it is explicit in the Bill. Our argument with the Prime Minister is not the connection but the fact that it is not explicit in the Bill—and it should be.

Mr. McNamara: I listened carefully to the remarks of my right hon. Friend the Prime Minister today. He did not say what the hon. Gentleman alleges. I suggest that he reads the Prime Minister's words very carefully.

Rev. Ian Paisley: The agreement says:

"They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in the referendums North and South".

We did not put that in the agreement because we were not there. The parties that signed the agreement put that there—including the word "all." What is more, the security forces have already informed the Minister how many arms they believe the IRA has, about the IRA's strike capability and of how many arms other organisations have.

The First Deputy Chairman: Order.

Mr. McNamara: The hon. Gentleman makes my case for me. He said that the Minister has been told how many arms the security forces believe the IRA has—they do not know how many arms the IRA holds. That is my first point. Secondly, the agreement states:

"They . . . confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in the referendums".

That statement is qualified by the reference to working "in good faith" to achieve that aim. The amendment says: "not before the decommissioning of all illegal arms".

It will not matter that the parties have worked in good faith and used such influence as they have because, unless every weapon is put down, nobody will be let out of prison as part of what is surprisingly called accelerated prison release.

The hon. Member for North-East Cambridgeshire has strengthened his position since the last time we discussed this matter: he is now calling for all arms to be handed in. There is no way that the security forces or many of the organisations, given their diffuse nature, will know precisely how many arms are held. If, as the Opposition claim, there is a quartermaster with the Continuity IRA who hands out arms to dissidents, who is to be held responsible for those arms? Who can be certain how many arms are involved unless we know what the quartermaster has passed out?

The amendment, quite apart from being illogical, asks people to achieve the impossible. We cannot be certain of ever delivering what the amendment calls for. No man or woman who belonged to an organisation would ever be released because the terms of the amendment are not deliverable or achievable. Such linkage between prisoners and arms is not in the agreement. The hon. Member for North-East Cambridgeshire is seeking to rewrite the amendment. That is not what representatives of the various loyalist and republican paramilitary factions signed up to when they agreed to an unequivocal ceasefire. They signed up to the agreement, not to the interpretation that Her Majesty's Opposition would like to put on it. The Opposition are cherry-picking.

The hon. Member for North–East Cambridgeshire is putting a danger before the Committee. If one of the signatories does not like some little part of the agreement, will they seek to rewrite it? Some people in the Republic may not like, say, the constitutional clauses, and seek to amend it in legislation. Are they to be allowed to succeed? Will they have the precedent that the Opposition are trying to set? The Opposition are putting the whole agreement at risk by seeking to tamper with what Her Majesty's Government have brought forward.

Mr. Donaldson: I support the amendment. The hon. Member for Hull, North (Mr. McNamara) said that to accept the amendment would be to betray the parties that had signed the agreement. I suggest that he read the list of names in which the amendment has been tabled. He will see the name of the right hon. Member for Upper Bann (Mr. Trimble), who I believe is the leader of one of the parties that signed the agreement.

It is vital to emphasise the importance of decommissioning in this process. Decommissioning first came on the scene before the talks got under way—with the report of the international body that was chaired by the former senator, George Mitchell. That international body recommended that the decommissioning of terrorist weapons was an important part of the confidence-building process surrounding political talks. In all the time since that report, not one weapon has been decommissioned by any terrorist organisation. It is important not to lose sight of the fact that we are talking about terrorist organisations, not political parties.

The hon. Member for Hull, North is wrong to say that there is no link between decommissioning and the release

[Mr. Donaldson]

of prisoners. One of the Government's criteria concerning eligibility for release of prisoners in clause 3 is that a terrorist organisation must be

"co-operating fully with any Commission"

established by the Northern Ireland Arms Decommissioning Act 1997. That creates a link between decommissioning and the release of prisoners; the Government themselves have created the link in the Bill. We are simply trying to clarify exactly what

"co-operating fully with any Commission"

means.

Are hon. Members who oppose the amendment suggesting that "co-operating fully" could mean something less than the decommissioning of weapons? If that is so, let them tell us. It is important that we understand what "co-operating fully" with the independent commission means. The Secretary of State will have to judge whether any of the terrorist organisations is "co-operating fully". How can it be argued that a terrorist organisation is "co-operating fully" on the decommissioning of weapons when it is not decommissioning its weapons? In anyone's terms, a failure to decommission weapons represents a failure fully to co-operate with the independent commission.

Mr. McNamara: As I understand the situation, there are signatories to the agreement who are said to represent various paramilitary organisations. Let us take the case of signatory X. He tries to use his best efforts to achieve decommissioning by the organisation of which he is supposed to be the political representative, but his fullest and best endeavours fail. What then? He has kept to all the undertakings that he gave in the agreement.

9.30 pm

Mr. Donaldson: With all due respect to the hon. Gentleman, it is not the political parties but the terrorist organisations that are referred to in clause 3. It does not matter whether Sinn Fein, the Ulster Democratic party or the Progressive Unionist party are using their best endeavours. With regard to the criteria that the Secretary of State must consider, the question is: is the terrorist organisation co-operating fully with the commission? Is the IRA co-operating fully with the independent commission?

Sinn Fein does not have prisoners in the gaols; the IRA does. I happen to believe, as I understand the Government do too, that the IRA and Sinn Fein are inextricably linked—but the question here is whether a prisoner who belongs to a terrorist organisation qualifies for early release under the terms of the Bill.

The Secretary of State is required to consider a number of criteria before she can reach a determination whether the organisation to which the individual prisoner belongs qualifies for accelerated release. With all due respect to the hon. Member for Hull, North, the organisation concerned is not the political party but the terrorist organisation.

Therefore I will continue to argue that the terrorist organisation must fully co-operate with the commission on disarmament—and surely that must require full decommissioning to take place. If the terrorist organisation to which the prisoner belongs is not decommissioning its weapons, how can one possibly argue that it is co-operating fully with the independent commission? It is important to draw the truth out.

I suspect that there is a great deal of ambiguity surrounding the criteria and that when the Secretary of State comes to consider them they will be fudged.

Mr. Laurence Robertson (Tewkesbury): The hon. Gentleman says that there is a great deal of ambiguity about the Bill, but does he agree that there was no ambiguity when the agreement was sold to the people of Northern Ireland by the Government? They were led to believe that prisoner release—

The First Deputy Chairman: Order. That is beyond the scope of the amendment, which is confined to a particular matter.

Mr. Donaldson: Thank you, Mr. Martin. I appreciate the point that the hon. Gentleman is making; the Government need to spell out the details clearly.

During the debate on a previous amendment, I asked the Secretary of State to spell out exactly what she means by co-operating fully with the independent commission, but she failed to do so. No one from the Government Benches has yet told the Committee what the Government's interpretation of that phrase is.

I ask the Minister again to tell us when he responds whether that phrase means that the terrorist organisations are required to decommission their weapons. Does co-operating fully with the commission mean actual decommissioning of terrorist weapons? I think that the people of Northern Ireland are entitled to know.

As for the amendment, we have a scenario in which terrorists may be on remand at the moment or still at large, having committed serious offences but not yet having been sentenced for, or perhaps even charged with, offences that they committed before the cut-off date in the Bill. Such an individual—when apprehended, brought before the courts and found guilty of serious crimes, including murder—will be released after two years. That is also true for some who have committed multiple murder.

The amendment is entirely reasonable, as it requires that individuals convicted of a serious offence in those circumstances cannot be released until there has been decommissioning of terrorist weapons. That is the least that the people of Northern Ireland are entitled to expect. I hope that the Government will reconsider their approach to the amendment and, in particular, that the Minister will spell out—at long last and clearly—what the Government mean by requiring terrorist organisations to co-operate fully with the independent commission.

Mr. Peter Robinson: I support the amendment, the central point of which is the requirement for the decommissioning of all paramilitary arms. Decommissioning has been at the core of controversy in Northern Ireland for a long time. It was the position of Her Majesty's Government when the right hon. Member for Huntingdon (Mr. Major) was Prime Minister that before anyone could get into a talks process there would be a requirement for them to decommission. That was diluted and the Government then indicated that it would

be sufficient, on the basis of Washington 3, for organisations to put forward a significant portion of their weaponry as an indicator of their intent, while agreeing to decommission the rest during the talks process.

That, of course, was diluted as well and the Government accepted that organisations should enter the talks process on the clear understanding that, during the process, the paramilitary organisations would decommission their illegal weapons. That was diluted and organisations were allowed to remain throughout the whole talks process without decommissioning one bullet, one weapon, one ounce of Semtex or one detonator.

We have been told that for the release of prisoners and entry into government, a substantial proportion of weaponry would have to be decommissioned. That was the indication the Prime Minister gave the Leader of the Opposition in the House on 6 May. It is not unreasonable, therefore, that the Opposition might put in the terms of their amendment an undertaking given to them by the Prime Minister at the Dispatch Box. It is hardly odd that the terms of the amendment should be consistent with the Prime Minister's undertaking.

I must agree with the hon. Member for Hull, North (Mr. McNamara). In the agreement—as I have said consistently—there is no requirement for decommissioning, nor is there any sanction if decommissioning does not take place. It makes it clear that organisations must use their best endeavours—but too bad if they do not succeed. There is no punishment for any of the participants if they fail, having used their best endeavours—unless, of course, one accepts the terminology used in the agreement in the section dealing with prisoners, such as where it says that there must be a complete and unequivocal ceasefire. Does such a ceasefire have to be interpreted as including the decommissioning of weaponry?

One could argue that if people are intending to give up violence, there is no requirement for them to hold on their weaponry. It would not be inconsistent with a total and complete cessation of violence—indeed, it would be a way of demonstrating that they had given up violence for good—if the organisations handed in their illegal weaponry. The people of Northern Ireland were led to believe that that was the Prime Minister's interpretation of the agreement, because that is what he told them.

On that basis, we are entitled to say that the Prime Minister should honour his commitments, not only on the release of prisoners, but on other aspects of the implementation of the agreement, such as the formation of an Executive. The amendment is important, if only as a test of whether the Prime Minister has been as good as his word—it would include in the Bill the very words that he agreed accurately reflected his position. Again, I wait to see whether the Government will include in the Bill the undertakings that the Prime Minister has given to the House.

Mr. Ingram: As we have had a detailed debate on this group of amendments, it is worth setting out the background to clause 10. As has been said in previous debates, the purpose of the Bill as a whole is to implement the prisoners section of the Good Friday agreement, as negotiated by the Northern Ireland parties in Belfast and as endorsed overwhelmingly by the people of Northern Ireland. Those are the key facts.

Paragraph 3 of that section of the agreement said that

"the intention would be that should the circumstances allow it, any qualifying prisoners who remained in custody two years after the commencement of the scheme would be released at that point."

My right hon. Friend the Secretary of State placed in the Library a copy of a memorandum on the release of prisoners, which was circulated to all the parties in the negotiations. Paragraph 7 of the memorandum said:

"Most eligible prisoners would be released within two years. At that point those prisoners still in custody would be automatically released if otherwise eligible for release under the scheme. This date would be set in legislation. The Secretary of State would have power to bring the date forward or to put it back depending on the circumstances and progress towards the creation of a more peaceful society."

Clause 10 reflects those arrangements.

I recognise at the outset that, in what can only be described as an unusual Bill, the clause is exceptional. However, it reflects what was negotiated and accepted by the parties in the negotiations in Belfast and what has now been endorsed by the people of Northern Ireland. It is important that the prisoners element of the agreement, like the agreement as a whole, is set in the clear context of the implementation of the agreement as a whole.

Like my right hon. Friends the Secretary of State and the Prime Minister, I have said repeatedly that the agreement stands or falls as a package. If there is progress in implementing some elements of the agreement, but no progress in implementing others, the agreement as a whole will not work. It is essential that the arrangement for the release of remaining eligible prisoners after two years, as provided for in the clause, is clearly understood to be in the context of the implementation of the agreement as a whole.

There are important safeguards to ensure that that is so, including the general safeguards in the Bill: the Secretary of State can suspend the release of prisoners generally at any time; she can, under clause 3, exclude from benefit prisoners who support a terrorist organisation; and she is required to keep that under regular review. In addition to those general powers, the Secretary of State has the power under clause 10(7) to move the two-year cut-off point forwards or backwards—the clause provides the Secretary of State with powers to delay the automatic release of prisoners at the two-year point if she considers it necessary.

Mr. Moss: The Minister said that the parties to the agreement should go along with all sections of the agreement, but will he deny that, under the Bill as drafted, at the end of two years, with all the prisoners released, it is still possible that no decommissioning will have taken place?

Mr. Ingram: I shall deal with those circumstances, because that is an important element—*[Interruption.]* I do not see what is so funny about it, and I do not know why the hon. Member for Belfast, East (Mr. Robinson) finds decommissioning so funny, as it is vitally important.

I have said that the provision is set firmly in the context of the implementation of the agreement as a whole and, as the memorandum that my right hon. Friend placed in the Library of the House said, in the context of

"progress towards the creation of a more peaceful society."

[Mr. Ingram]

A number of hon. Members rightly drew attention to the commitments on decommissioning, which the hon. Member for North-East Cambridgeshire (Mr. Moss) mentioned. In particular, paragraph 3 of the section on decommissioning, on page 45 of the agreement, binds anyone who supports it

"to the total disarmament of all paramilitary organisations"

and to using

"any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in the referendums North and South of the agreement and in the context of the implementation of the overall settlement."

9.45 pm

Mr. Donaldson *rose—*

Mr. Ingram: The hon. Gentleman had a good run at his argument. If he lets me expand mine, we can move on and deal with the points on which he is dissatisfied—*[Interruption.]* It is better that we explain the overall context of the debate, so that we can then try to understand the points at issue.

The commitments set out in the agreement and whether they are adhered to are clearly relevant to whether the circumstances exist and whether progress to a normal peaceful society has been sufficient to justify the release of all remaining eligible prisoners in two years' time. Progress on the decommissioning element of the agreement is essential to implementation of the agreement as a whole. As my right hon. Friend the Prime Minister said in his speech at Balmoral on 14 May:

"These factors provide evidence upon which to base an overall judgement—a judgement which will necessarily become more rigorous over time".

I well understand the arguments that have been advanced for amendment No. 6 and the general thrust of the arguments advanced in the debate. Nothing in the clause as it stands prevents the Secretary of State from taking full account of progress, or the lack of it, in implementation of the decommissioning section of the agreement, in deciding whether to change the two-year cut-off point. Indeed, as again has been repeatedly stressed, progress in implementing all elements of the agreement is critical if the agreement as a whole is to work.

Mr. Donaldson: I should like to clarify something. The agreement is binding upon the participants—the signatories—but the Bill relates not to the signatories or the participants in the talks, but to individual prisoners and the terrorist organisations to which they belong. My question for the Minister is: what do the Government mean by those organisations being required to co-operate fully with the independent commission? That is what we are asking. We are interested not in what the participants to the talks are doing in the context of the Bill, but in the terrorist organisations to which the prisoners belong. The question is, how do the Government interpret fully co-operating with the independent commission on the part of the terrorist organisations? That has nothing to do with using one's influence. Does it mean decommissioning taking place?

Mr. Ingram: Of course, one of the conditions is a requirement to be co-operating with the decommissioning body. Another is the point that I was just stressing, which the hon. Gentleman has not taken on board—I do not know whether that is because of an unwillingness to listen to the strength of the case that is being advanced by the Prime Minister. The judgment will necessarily become more rigorous in time. The question is, at what point does it happen? As we get closer to the two-year point, those who will be judging whether the agreement is being properly applied will judge whether there has been movement in that period. Therefore, the judgment will become more rigorous, the closer we get to that point. By any definition, that must be the worst scenario.

The best scenario, which all of us want, is progress. The more people talk up the possibility that progress will never happen, the more they give sustenance to those who do not want it. They give support to those who want to wreck what the agreement has set out to achieve.

Language is important to ensuring that we quantify exactly what the agreement says, and the Bill does that. Prisoner releases will be carried on the back of that, and the test to be applied will become more rigorous over time.

Mr. Donaldson: Will the Minister give way?

Mr. Ingram: The hon. Gentleman knows that I am willing to participate in debate with him in the way that he wants, but he has had a good chance to speak. I am trying to set out a structured argument, so that we can have a reasoned debate.

Mr. Donaldson: Answer my question.

Mr. Ingram: I am answering it in my way, and in the way in which it should properly be answered for those who want to see movement towards a peaceful society on the basis of an agreement voted for by 71 per cent. of the people of Northern Ireland.

Rev. Ian Paisley: Will the Minister give way?

Mr. Ingram: No. Those who want to wreck what we are trying to achieve as we deal with difficult and complex issues to take forward the agreement just weeks after its endorsement by the people of Northern Ireland could, if they gave the right type of support to what we are trying to achieve, help us to move forward in a more structured way.

The agreement used the phrase,

"should the circumstances allow it"

rather than establishing a specific precondition. So did the memorandum placed in the Library of the House, which used the phrase,

"depending on the circumstances and progress towards the creation of a more peaceful society."

Mr. Moss: Will the Minister give way?

Mr. Ingram: No, but I shall in a moment.

The hon. Member for Belfast, East constantly goes on about what the Prime Minister has said. The hon. Gentleman says that the Prime Minister has conned the people of Northern Ireland, and he uses the press in Northern Ireland to support that. He does not of course

use the *Irish News*; he probably would not want to quote that paper. Therefore, let me give him a quotation from last night's edition of the *Belfast Telegraph*, which said:

"The Conservative Party is going down a dangerous road by warning members will vote against the bill on prisoner releases when it reaches its final stage in the Commons on Thursday."

The paper is a substantial voice of opinion within Northern Ireland.

Mr. Peter Robinson: The Minister said to ignore the press.

Mr. Donaldson: Ignore the press.

Mr. Ingram: Let me remind hon. Members what I have said about the press. I said that we should ignore speculation in the press. The point about the *Belfast Telegraph* is addressed particularly to the hon. Member for North–East Cambridgeshire, so that he can pass it on to the hon. Member for Bracknell (Mr. MacKay), who cited *The Times* to justify his position. The *Belfast Telegraph* has expressed a quality judgment, and has taken into account what the Prime Minister actually said. The leader goes on to say:

"Yet Mr. Blair made no explicit linkage between decommissioning and prisoner releases, as the Tories are now demanding."

The extensive, well-argued, cogent leader is not without criticism of those engaged in the process, which makes it a healthy read. It concludes:

"No one likes the Agreement in its entirety, but it still represents Northern Ireland's best chance of securing a lasting peace."

I think—indeed, I know—that that is what the people of Northern Ireland voted for on 22 May. That is what they said when they endorsed the agreement.

Mr. Moss: I have the memorandum that the Secretary of State placed in the Library and I have read paragraph 7, which deals with

"progress towards the creation of a more peaceful society."

The Prime Minister has spoken several times of organisations giving up violence for good, and the words "unequivocal ceasefire" in the Bill are important. Will the Minister answer the simple question that I put to him about 20 minutes ago? Under the terms of the Bill, is it possible, at the end of the two years, that all prisoners could be released without any decommissioning having taken place? Yes or no?

Mr. Ingram: I wish that the debate were as simple as that. The hon. Gentleman has an extremely responsible position, speaking for a major party that was involved, month after month, year after year, in trying to advance the peace process, through secret dealings with the IRA and a range of other means, with the full support of my party in opposition. We gave him every encouragement to understand the sensitivities and difficulties in a spirit of bipartisanship. It would be nice to think that those of us who genuinely want a peaceful society could simply decide by fiat that decommissioning was to take place tomorrow, but that will not happen. If he does not understand that decommissioning, by its very nature, must be voluntary, he should not hold his position as a spokesperson on this issue.

My hon. Friend the Member for Hull, North (Mr. McNamara) spoke about how we could attest to the words in the agreement and elsewhere, and the hon. Member for North Antrim (Rev. Ian Paisley) mentioned the information that the security forces provide to Ministers and to the Prime Minister on what equipment and arms paramilitary organisations are understood to hold, although we never discuss the level or basis of that knowledge, because to do so would give information to those organisations.

Opposition Members may play fast and loose with the issue, and those who are campaigning against the agreement have the democratic right to try to wreck it. If they do not want to implement the express wish of the people of Northern Ireland, they need not help to do so.

Mr. Donaldson: They want decommissioning.

Mr. Ingram: There is no argument among any Members of Parliament on that point: that is the objective that we all desire. I hope that that intervention does not imply that the Government do not want weapons to be decommissioned. The question is how to achieve that objective. Conditions on the matter in the legislation are likely to be reflected in subsequent legislation for a settlement and we shall have to take account of the key elements of the Belfast agreement.

We must deal with all those factors in a structured way and relate them one to the other. On our first day in Committee, my right hon. Friend the Secretary of State said that

"it is also true to say that underlying those explicit links are deeper and more fundamental understandings.

The Government are in no doubt that a fundamental element of those underlying understandings is that those who seek to benefit from the agreement can do so only on the basis of a genuine and unequivocal commitment to exclusively peaceful means, now and in the future. That is fundamental."—[*Official Report*, 15 June 1998; Vol. 314, c. 72.]

I have endeavoured to make it clear that the Government have much sympathy with the concerns expressed by those who support amendment No. 6 and the thinking underlying it. We can contemplate the operation of the two-year cut-off point only in the context of the implementation of the agreement as a whole. I hope that the subtlety as well as the clarity of that explanation is understood by the hon. Member for North-East Cambridgeshire, who speaks—*[Interruption.]* From a sedentary position, the hon. Gentleman seek a yes or no answer. Does he want another lecture on what his Government did and the subtleties that they had to be involved in to try to achieve momentum towards peace?

10 pm

We could be absolutist and approach the debate as a black-and-white argument. If Her Majesty's official Opposition are going down that route, they are moving rapidly into the ranks of those who want to wreck the Belfast agreement. They will be linking up with hon. Members who have no wish to take it forward on a structured and coherent basis, which is what the majority of the people of Northern Ireland—71 per cent.—voted for on 22 May.

[Mr. Ingram]

The electorate knew that there were subtleties in the argument, and they knew what they were doing when they voted in that way. They did not operate on the simplistic notions with which the hon. Gentleman has approached the issue.

Mr. Moss: I thank the Minister for giving way, but I did not paint my question in black and white. I asked for a yes or no answer, but I used the word "possible". I did not ask him whether there would definitely be decommissioning; I just asked whether it was possible that, at the end of two years, all prisoners could have been released with no decommissioning having taken place.

In answer to a question from the hon. Member for North Antrim (Rev Ian Paisley), the Prime Minister said:

"Certainly we will give effect to the pledges that have been made prior to the assembly elections. That is absolutely right. As I have made clear throughout and do so again now, the provisions in relation to decommissioning and what I said about it before the referendum campaign stand and must properly be put in the legislation."—[*Official Report*, 3 June 1998; Vol. 313 , c. 366.]

The only reference to decommissioning is in clause 3(9), which mentions "co-operating fully" with the commission. There is no mention in the appropriate part of the Bill of the pledges on decommissioning given in the agreement. How does the Minister equate what the Prime Minister said with putting that properly in the Bill?

Mr. Ingram: Those who have followed the debate will realise that we are saying, "Oh yes it does," while the hon. Gentleman and hon. Members from other Opposition parties are saying, "Oh no it doesn't." The hon. Gentleman was a Northern Ireland Minister. He understands the difficulties and the complexities of the issue, although when we were debating other legislation, he told me that he was never the Minister with responsibility for security, so I should not ask him difficult questions on such matters. If he brushed up on just how difficult this issue is, he could perhaps represent his once great party properly at the Dispatch Box.

The Bill has been carefully constructed, and it upholds in their entirety the assurances given by the Prime Minister on 14 May in his Balmoral speech and subsequently. Those who say that it does not are those who want to wreck the agreement, not take it forward. That is the important linkage with which we are dealing. We are saying that there are specific powers under the clause and in the Bill for the Secretary of State to make decisions—depending on the circumstances, on the judgment at the time and on how the agreement has been implemented, whether in full or in part.

Let me pose a hypothetical question. What would happen if a judgment that could wreck the agreement was made on a Thursday, without the people who made it knowing that an organisation may have been prepared to change its position on Friday? Hon. Members should think about that carefully. There must be careful consideration and judgment, and we have to move forward on that basis. The Bill is clearly in line with the agreement and clearly in line with the commitments given by the Prime Minister. We have had a detailed debate, but hon. Members may wish to return to parade again their wish to see the Belfast agreement destroyed. That, of course, is the right of a democratic society.

The hon. Member for North-East Cambridgeshire raised issues relating to amendments Nos. 14 to 17. I understand his argument, which was that the power to vary the two-year cut-off point was very significant—not least for the reasons that we have been discussing. I am therefore prepared to accept his amendment and those tabled with it, which would make any order varying the two-year cut-off point subject to affirmative rather than negative resolution in Parliament. Scrutiny of what the Secretary of State does will take place here, in the House. That is where it will be judged whether or not the agreement has been implemented in full.

Mr. Peter Robinson: It would be wrong for us to close this part of the debate without giving the Minister a further opportunity to reflect on—and, indeed, put right—something that he may well regret tomorrow morning. On two occasions during his speech, he was given the opportunity to answer a simple question. Many people in Northern Ireland signed up to the agreement—many within the 71 per cent. about whom the Minister continues to talk—because they believed that there would be actual decommissioning before any prisoners would be released, or before their representatives would be in government. They believed that that would happen before prisoners were released.

The question asked by the Opposition spokesman was not whether the Minister believed that that would happen before prisoners were released. The question was whether he believed that, after two years—after all the prisoners had gone—one bullet would have been handed over. The Minister could not answer that question. I am not sure whether the Minister appreciates the impact that that will have in Northern Ireland—the knowledge that not only will no guns, no bullets, no Semtex and no detonators be handed over before the prisoners get out, but they may not be handed over at all.

Mr. Ingram: My Secretary of State tells me not to respond to what has just been said, and I will pay due attention to that, once I have made one comment.

What does the hon. Member for Belfast, East (Mr. Robinson) know about the decommissioning legislation? Does he know when it was passed? Probably not. In fact, it was dealt with on 11 March. I dealt with it in Committee. Since then, I have had meetings with my counterpart in the Republic of Ireland to speed progress, and meetings with the decommissioning body. It should not be said that I, or any of my colleagues, have not been trying to remove the gun, the bomb, the bullet and Semtex from the face of Northern Ireland.

We have, as a Government, 13,500 RUC officers on the estates of Northern Ireland. We have 17,000 members of Her Majesty's forces trying to tackle terrorism. This Government, and, indeed, past Governments, should not be accused of being soft on terrorism. The major point is that we are determined to defeat, as best we can, the scourge of terrorism that has blighted the face of Northern Ireland for the past 30 years. The agreement is a major step towards achieving that.

I only wish that the hon. Gentleman would understand that, rather than living in the past. Let us begin to look towards the future.

Mr. Moss: I am grateful to the Minister for accepting amendments Nos.14 to 17. I am glad that we did not need to debate them for three hours; at least the strength of our points has been taken on board.

We had a prolonged discussion on amendment No. 6. Twice the Minister was asked a simple question about possibilities, and twice he evaded giving a simple answer. If it is his judgment that he did not give a straight answer, he will have to face the consequences of how that is played in the press tomorrow, here and in Northern Ireland. That is his decision.

The Opposition are not seeking to wreck the agreement. We support the Government on all parts of the agreement, including the section on decommissioning. We would not have supported the Government if there had not been a section on decommissioning. We have never accused the Government of not wanting decommissioning along the lines that we have proposed. There is no accusation that the Government's intent regarding decommissioning is not strong. That is not the question we are posing. We are merely asking whether, under the legislation, prisoners could be released at the end of two years without decommissioning having taken place. The answer is yes, but the Minister will not reply to that simple question.

We shall not pursue this matter tonight, but we may revisit it on another occasion. We thank the Minister for his concessions on amendments Nos. 14 to 17, and I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 84, in page 5, line 43, at end insert—

'(8) Nothing in this section shall permit the release of a prisoner following a declaration under section 3(1) before he has served two years of the sentence to which the declaration relates; and for that purpose any period of custody by which the sentence is treated as reduced in accordance with section 26 of the 1968 Act shall be treated as served as part of the sentence.'.—*[Mr. Dowd.]*

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11

NOTICE OF DECISIONS

Mr. Maclean: I beg to move amendment No. 24, in page 6, line 17, at end insert—

'(6) Notwithstanding subsection (5), the Commissioners shall not have to give reasons where the decision to refuse is based on information received from the Royal Ulster Constabulary or Security Services and where these organisations warrant that revealing the information would be prejudicial to national security or put at risk the lives of individuals.'.

Clause 11 causes me concern as it is drafted. The commissioners can, quite rightly, refuse an application. The clause forces the commissioners to give reasons for their decision. The rules in schedule 2 permit the Secretary of State or the Royal Ulster Constabulary to give information or evidence to the commission on behalf of the security services. The Secretary of State or the Chief Constable of the RUC would have responsibility for giving information to the commission that may lead it to determine that the person concerned is still a danger to the public or is involved in terrorism. The commission may then refuse to grant that person's application for release.

The commission is under an obligation to give reasons to the individual. It would be highly detrimental to the security forces, to the RUC and to national security if the commission were forced to give reasons that revealed potentially confidential information supplied to it by the Secretary of State or the RUC.

Paragraph 5 of schedule 2 allows the Secretary of State to make rules for the provision about evidence and information, including provision for the giving of evidence by or on behalf of the Secretary of State and the RUC. The Government may say that the rules they make under schedule 2 will deal with the problem. I should be interested to know whether the Government believe that any rules they may make by statutory instrument or order under schedule 2 could set aside the provisions in clause 11, which require reasons to be given to prisoners in those circumstances.

I will be delighted if it is the Secretary of State's view that the security services, the Secretary of State herself and the RUC will be protected when they give evidence or information to the commission, that the information will be kept confidential and that the sources of their information will be protected and will not be revealed. As the Minister stressed, sensitive issues are involved.

One does not talk about the RUC's knowledge of weapons because that could reveal sources. Similarly, the RUC may not wish to reveal to the commission its sources of information on people whom it thinks are terrorists. Those sources must be protected, and reasons must not be given for doing that. Is there a mechanism in the Bill to prevent reasons from being given? Clause 11 does not permit exceptions. Will the rules to be made under schedule 2 be ultra vires because clause 11 does not permit rules that would make exemptions from it?

10.15 pm

Mr. Ingram: We do not yet have the rules to which schedule 2 (5) specifically refers, because we are framing the legislation as we go along, accepting Opposition amendments as well as tabling our own, and that may have an impact on the rules. I assure the right hon. Gentleman and any other hon. Members who may be concerned about this matter that, through the normal processes, we always protect those who give information. We would never put at risk anyone who was acting in the interests of security.

We are mindful of the need to protect such people and, in the light of my assurances, I do not think that the amendment is necessary. We give the right hon. Gentleman the absolute assurances that information and those who give it will be protected under the rules, which will be made available in draft form in due course.

Mr. Maclean: I am grateful to the Minister. I would never question the Government's integrity on these matters. We should do our absolute utmost to protect sources of information. I was merely concerned about the mechanisms, the legal procedures, in the Bill that would allow the rules to ignore the provisions of clause 11. That clause seems to provide for no exceptions: reasons must be given. I hope that the Minister will seek legal advice about whether an amendment, perhaps one better drafted than mine, is necessary. For example, it could state that reasons would be given in all circumstances except where the Secretary of State has drafted rules under schedule 2.

The Chief Constable of the RUC has to ensure that none of his officers or people acting on their behalf put at risk. Is there not a danger that he might not want to give information if he thought that the rules were inadequate? If he has the slightest fear that it would be possible, perhaps under judicial review, for the

[Mr. Maclean]

commissioners to be ordered to reveal the sources of information, he may decide that it would be better to let a terrorist be released than to provide it. That is a technical question, and I am happy to let the Minister reflect on it and perhaps answer it tomorrow, if that is appropriate.

Mr. Ingram: The right hon. Gentleman adopts a wise approach in allowing me to reflect on that matter, because it involves some sensitive issues. He asked whether schedule 2 and clause 11 are incompatible. I shall reflect on that, and if there is any weakness in the legislation we shall amend it. I am satisfied that it is robust enough to achieve the protection we seek through the rules. Obviously, we have carefully considered the issue because of the matters that the right hon. Gentleman raised. We shall always reflect on valid points, and if there is a weakness, it will be corrected.

Mr. Maclean: In view of the Minister's reasonable response, and on the basis that he will reflect on it, I am delighted to beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 11 ordered to stand part of the Bill.

Clause 12 ordered to stand part of the Bill.

Clause 13

INADMISSIBILITY

Mr. Ingram: I beg to move amendment No. 85, in page 6, line 40, after 'section 5', insert

'of the Criminal Law Act 1967 or of'.

The Second Deputy Chairman of Ways and Means (Mr. Michael Lord): With this, it will be convenient to discuss Government amendments Nos. 86 and 87.

Mr. Ingram: This is one of those explanations that is difficult to set forth, because it is extremely legalistic. However, I hope that the Committee will bear with me, because it is worth explaining in detail what these Government amendments would do.

As it stands, clause 13 provides that evidence and information given by prisoners to the commissioners are not admissible in certain proceedings. The proceedings in question relate to offences of membership of a proscribed organisation and other activities consistent with membership. Obviously, no offences of violence are listed. This is to allow prisoners to present their cases to the commissioners without fear that statements they might make will be used in evidence in the proceedings in question. It does not grant immunity from prosecution for the offences in question.

The amendments simply add to clause 13 certain proceedings that apply in Great Britain for which provision is already made in clause 13 in relation to Northern Ireland. Amendment No. 85 adds a reference in clause 13 to section 5 of the Criminal Law Act 1967, as the clause already refers to the equivalent Northern Ireland provision—section 5 of the Criminal Law Act (Northern Ireland) 1967.

The offence in section 5 of the 1967 Act and the Great Britain equivalent make it an offence to conceal information about an arrestable offence. The effect of the amendment is that evidence given to the commissioners will be inadmissible in proceedings for those offences, but only in so far as the offences relate to an offence of membership of a proscribed organisation, or other activities consistent with membership.

Amendment No. 86 adds a reference in clause 13 to sections 93H and 93I of the Criminal Justice Act 1988 and sections 18 and 19 of the Proceeds of Crime (Scotland) Act 1995, as the clause already refers to the equivalent Northern Ireland provisions—articles 50 and 51 of the Proceeds of Crime (Northern Ireland) Order 1996. Those provisions are concerned with investigations into whether a person has benefited from criminal conduct. The effect of the amendment is that evidence given to the commissioners will be inadmissible in the investigations in question, but this will not, of course, prevent such investigations from taking place.

Amendment No. 87 adds a reference in clause 13 to section 93J of the Criminal Justice Act 1988 and section 20 of the Proceeds of Crime (Scotland) Act 1995, as, again, the clause already refers to the equivalent Northern Ireland provision, namely, article 54 of the Proceeds of Crime (Northern Ireland) Order 1996. Those provisions are concerned with court orders for the disclosure of information held by Government Departments. The effect of the amendment is that evidence given to the commissioners will not be capable of being the subject of such a court order. Again, however, there is nothing in the amendments to prevent such court orders being made.

Amendment agreed to.

Amendments made: No. 86, in page 7, line 7, after

'under', insert "section 93H or 93I of the Criminal Justice Act 1988, section 18 or 19 of the Proceeds of Crime (Scotland) Act 1995 or'.

No. 87, in page 7, leave out line 10 and insert

'section 93J of the Criminal Justice Act 1988, section 20 of the Proceeds of Crime (Scotland) Act 1995 or article 54 of the Proceeds of Crime (Northern Ireland) Order 1996;'.—*[Mr. Dowd.]*

Clause 13, as amended, ordered to stand part of the Bill.

Clause 14 ordered to stand part of the Bill.

Clause 15

SENTENCES PASSED OUTSIDE NORTHERN IRELAND

Mr. Jeremy Corbyn (Islington, North): I beg to move amendment No. 91, in page 8, leave out lines 6 and 7.

The Second Deputy Chairman: With this, it will be convenient to discuss the following: Clause stand part.

Government new clause 5—*Sentences passed outside Northern Ireland.*

Government new schedule 1—*Sentences passed outside Northern Ireland.*

Mr. Corbyn: I am sorry that it has taken the Committee so long to reach this stage. When I tabled amendment No. 91, I was unaware that the Government were intending to table new clause 5 and, in particular,

new schedule 1, which meets many of my concerns. However, it might assist the House if I briefly set out those concerns.

Is it accepted that it is wrong to treat offences committed in Britain as somehow worse than similar offences for which someone was convicted as a result of what happened in Northern Ireland in the past? It is essential that there should be some consistency, which is why I raised this issue in the first place.

The Government new schedule refers to prisoners convicted in Britain and then transferred to Northern Ireland, but there are concerns about how cases involving someone who has been convicted in this country and who is still imprisoned here but who is widely considered to be a victim of a miscarriage of justice will be dealt with.

I cite as an example the case of John Kinsella. I do not intend to rehearse all the arguments, but there is a body of opinion that feels that he is a victim of a miscarriage of justice. He has served a considerable proportion of his sentence—indeed, more than a third of it—so, had he been transferred to Northern Ireland, or had he come from Northern Ireland in the first place, his case would have been dealt with within the terms of the Government's proposals.

There also seem to be a disproportionate number of Irish prisoners in Britain who are the victims of miscarriages of justice. The evidence is there, and the Home Office must be well aware of it, because of the number of cases being investigated. One in particular that comes to mind is that of Danny McNamee, who was convicted on very dubious evidence. A raft of information has been handed to the Home Office which suggests that Mr. McNamee is innocent. He has served almost half his sentence, so, again, he ought to come within the ambit of the Bill, especially within the terms of the Government new clause and new schedule. There is widespread concern about the safety of such convictions.

We must address miscarriages of justice as well as the treatment of people who have been convicted where there is no dispute about there having been a miscarriage of justice. There is an undertaking in the Bill that they will be treated differently because of the nature of their offences. The Bill is about looking forward to a more peaceful future in which we recognise the motives of people who have committed offences, but I am concerned about the number of people who are wrongly accused of committing offences which they clearly did not commit, for whom people are prepared to campaign, and who, indeed, attest to their own innocence. We should not forget such people, and I hope that either the Secretary of State or the Minister will reassure me on that point.

Mr. Ingram: I wish to speak against clause 15 stand part and in support of new clause 5 and new schedule 1.

My hon. Friend the Member for Islington, North (Mr. Corbyn) recognised that his amendment has now been overtaken by the Government new clause and new schedule. He raised several issues which are not covered in the Bill. Any matters relating to alleged miscarriages of justice are matters for the Criminal Cases Review Commission, so there is a mechanism whereby such matters can be fully considered and any miscarriages of justice, if there are any, put right.

Mr. Corbyn: Does the Minister accept that the fact of someone having been imprisoned in England after what he believed to be a miscarriage of justice and serving a longer sentence than he would have served had he been transferred to Northern Ireland would form the basis for a review of that sentence by the Criminal Cases Review Commission, because his treatment here might be deemed detrimental to his interests compared with what would have happened had he been moved to Northern Ireland?

10.30 pm

Mr. Ingram: We are dealing with a very complex matter—the provisions on transferred prisoners. As I said earlier in the debate, I cannot deal now with cases of those who are alleging miscarriages of justice. There is a danger that we are getting into the details of such cases. However, as the matter is complex, I shall write to my hon. Friend on it and explain the position. As I told the right hon. Member for Penrith and The Border (Mr. Maclean), if the Bill contains any specific weaknesses on the matter, we shall attempt to correct them. I hope that my hon. Friend will accept that explanation.

Taken together, new clause 5 and new schedule 1 fully and clearly state in the Bill our intention on transferred prisoners. Although it was thought that explanation of our intentions would have to await a draft order, that is no longer the case. The new clause and new schedule are intended to ensure that prisoners who have been transferred to Northern Ireland can be treated as much as possible as if they had been convicted and sentenced in Northern Ireland, and that the same savings and safeguards apply.

Specifically, were the Bill's arrangements to lapse, the new clause and new schedule would ensure that life sentence prisoners who have been given a restricted transfer to Northern Ireland will continue to be dealt with under English or Scottish release arrangements.

I therefore commend the new clause and the new schedule to the Committee.

Mr. William Ross: On behalf of my hon. Friends and myself, I must protest at the way in which the matter has been handled. The matter of sentences passed outside Northern Ireland was originally dealt with in the Bill in clause 15—"Miscellaneous"—which contained about 26 lines of text. It was then dealt with by new clause 5, which has two lines of text, and then by a new schedule—which appeared only yesterday—that has two full pages of text. It is unreasonable for anyone to say that, at such short notice, we have had time to wade through all the text. The issue is complex, and has many aspects.

If the Government were planning to include the provisions in the Bill, why did they not do so initially, so that we might have considered them—their general principle—in the debate on the Bill's Second Reading? If they had done so, we should have been able last weekend to examine the provisions, and then to reach conclusions on whether we should agree to the new clause and new schedule.

I therefore hope that the provisions will be considered very carefully in the other place, and that any necessary amendment will be made to them. The matter has been dealt with in a completely unsatisfactory manner.

Rev. Ian Paisley: I agree with my hon. Friend the Member for East Londonderry (Mr. Ross). The Bill has been severely guillotined, yet pages—about which we

[Rev. Ian Paisley]

knew nothing when the guillotine was agreed to—are being added to it. The House's business managers saw to it that Northern Ireland Members did not know about the guillotine motion, which was dealt with on a Thursday night. We were never informed about it. One hon. Member was informed about it, but he saw to it that his colleagues would not be so informed. It is in his interest that the Bill is passed.

It is unfair that a Bill that has been so severely guillotined should have pages added to it by the Government, who now say that we should stick to that guillotine. It is completely unfair. The Minister can laugh if he likes but it is surely not parliamentary procedure to have undigested legislation passing through the House of Commons. For the Minister to laugh and say to us, "Yes, that is what you will get," does not bode well for democratic debate in this place. Surely the Government would be keen to declare what they want so that we may understand their policy and have the opportunity to comment on it. In the time that is available to us, it is impossible to comment on those matters.

Mr. Ingram: Perhaps it is worth while explaining the situation. The matters set forth in the new clause and the new schedule were dealt with within the agreement anyway. It had always been our intention to ensure that what was contained within that part of the agreement was fully reflected in the proposed legislation that we are considering. The problem is that it relates to jurisdictions outwith Northern Ireland—namely, England, Wales and Scotland.

These are complex matters in terms of definitions in finding equivalent offences. We sought to ensure that the clarifications were properly defined to satisfy the Law Officers in the jurisdictions of England, Scotland and Wales and that they were before the House of Commons at as early a stage as possible. If those matters had proved so complex that the difficulties could not be properly squared, we may have been dealing with them in the other place. We have tried to bring them forward as early as possible. It has been a question of timing. As I have said, we have been dealing with complex issues.

I apologise if hon. Members think that they have somehow been disadvantaged, but every political party in Northern Ireland was offered the full opportunity to be taken through the Bill in its entirety. If there had been an area of concern—

Mr. Ross *rose—*

Mr. Ingram: Hold on. Let me explain.

It was simply a matter of contacting my office. We could have taken hon. Members through any doubts or questions that they may have had about the application of these provisions. As hon. Members know, we have been very open in the way in which we have brought forward this legislation. We have tried to consult and to amend the Bill as it has developed over the weeks.

We had a commitment to try to get the Bill on to the statute book by the end of June. Of course, we shall not achieve that. However, we shall get it on to the statute book as soon as possible. Again, that is set out in the agreement. If hon. Members feel that they have been disadvantaged by the way in which those matters have been handled, I ask them to reflect on the way in which they have approached them. If they had approached my office, we could have taken them through the details of these large amendments.

Mr. Ross: The point is that the new clause and the new schedule were not in the Bill. Even those who went to the Minister asking to be taken through the Bill would not have seen them. The new clause and the new schedule were not ready when the rest of the Bill was being printed. The schedule deals with crimes committed within the United Kingdom. It does not tell us anything about individuals who may be transferred, for instance, from the Irish Republic. Why is that matter not included if it has taken so long to sort out these matters?

Rev. Ian Paisley: My party saw the Minister about the Bill. We did not see a draft of the Bill when we consulted him, and he did not know then what the new schedule would be, or what the part of the Bill would be that is now under discussion. The hon. Gentleman says that he had to wait so that the Law Officers in the other jurisdictions could come to an agreement. We can well accept that. I am glad that the hon. Gentleman has apologised to the Committee, including the hon. Members who represent Northern Ireland constituencies.

It would be shabby if controversial legislation were put before the House of Commons in this way over and over again. The Minister has a deep difference with the Northern Ireland Members sitting on the Bench that I occupy, including all the Unionist Members present this evening. Some have been mentioned, but they did not even turn up to the meeting that has been referred to, to put their views. It would be wrong if that were done over and again to the people of Northern Ireland. I accept the Minister's apology. However, I hope that, in the future, we shall have the opportunity at least to read the Bill that we are supposed to discuss in the Chamber.

Mr. Corbyn: I find these arguments slightly amazing. The point of a Committee of the whole House is to allow amendments to be put—the Government can even move amendments; that is not against the rules—and accepted by the Committee. There is nothing extraordinary about that. Therefore, the Democratic Unionists' expressions of amazement are ludicrous—to put it mildly.

I moved amendment No. 91 because I wished to draw attention to particular aspects of the legislation that I thought needed further examination. I am pleased that the Government have tabled new clause 5 and new schedule 1, which go a long towards meeting my concerns, and I look forward to the Minister's reply. I appreciated the way that he described his new clause and new schedule as "taking over" my amendment—I hope that that is a sign of my new-found influence over the Government in those matters. I can offer them further advice on other subjects, if they wish it. That is no problem: my door is always open and I can offer advice at any time.

I could draw attention to several other issues, but I do not want to test your patience, Mr. Lord, by straying wide of the clause under consideration. I look forward to receiving the Minister's letter on the subjects that I have raised, which I recognise are very complicated. However, I hope that he recognises also that I have drawn attention to two serious miscarriages of justice—namely,

McNamee and John Kinsella—and I hope that that information will be conveyed to both the Home Office and the Criminal Cases Review Commission. Miscarriages of justice do no one any good because locking up the wrong person allows a criminal to go free. Having said that, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 15 disagreed to.

Clause 16 ordered to stand part of the Bill.

Clause 17

ORDERS AND RULES

Amendments made: No. 14, in page 8, leave out lines 22 and 23.

No. 15, in page 8, line 24, at end, insert: '10(7)'.

No. 16, in page 8, line 27, after '3(8)', insert 'or 10(7)'.

No. 17, in page 8, line 36, after '3(8)' insert 'or 10(7)'.—*[Mr. Ingram.]*

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18 ordered to stand part of the Bill.

Clause 19

EXTENT

Mr. Ingram: I beg to move amendment No. 89, in page 9, line 5, leave out 'and 15' and insert

', *(Information for victims)* and 15'.

The Second Deputy Chairman: With this, it will be convenient to discuss Government new clause 3—*Information for victims.*

Mr. Ingram: During the Second Reading debate, several hon. Members drew attention to the plight of victims and their need to be given some idea of when offenders would be released. That point was also raised by the noble Lord Alderdice and members of the Alliance party, who made powerful representations on behalf of victims.

Victims of an offence or their families should have the right to know when perpetrators of offences are likely to reappear in public as a consequence of their release under the Bill before the Committee. When the hon. Member for Harrogate and Knaresborough (Mr. Willis) raised the matter, I said that I would be happy to consider further questions on the issue, with a view to tabling a Government amendment to tackle that point. I have done that: an amendment standing in the name of my right hon. Friend the Secretary of State fulfils my commitment.

The amendment places a duty on the Secretary of State, if it is requested—that is an important point—to provide victims of an offence and members of their families with information about the prisoner sentenced for that offence. That would of course include the date on which the prisoner is to be released, if that has been set. It would also include information about whether the prisoner has made an application under the legislation, and whether it has been accepted or refused. The Secretary of State would not be required to make information available if she believes that it would put a prisoner at risk. That is an important and necessary safeguard.

I should like to make one or two other points but, in view of the time available and the fact that I understand that the hon. Member for Harrogate and Knaresborough, who raised this issue in the first place, wants to comment in the few remaining seconds, I shall not.

10.45 pm

Mr. Phil Willis (Harrogate and Knaresborough): The Liberal Democrats are extremely grateful to the Minister—first, for allowing us so much time to respond, and secondly, and more importantly, for including this very important issue in the Bill.

All the issues that have been debated tonight are incredibly important, but this element of the Bill redresses the balance for those whose lives have been wrecked as a result of terrorism. Until now, the Bill was all about the people who had perpetrated crimes and the arrangements for releasing them from prison. The amendment and the new clause redress the balance; they say that Parliament is genuinely concerned about the victims.

We would place a proviso on new clause 3(2), which we should like to follow up on Report. Although some problems surround that proviso, tonight is clearly not the time to raise them. I am grateful to the Minister for his comments.

Rev. Ian Paisley: I say to the hon. Member for Harrogate and Knaresborough (Mr. Willis), who spoke on behalf of the bereaved in Northern Ireland, that they will in no way think that the amendment and the new clause redress the balance. The hon. Gentleman may not have meant that the amendment and the new clause fully redress the balance, but if the Committee and the House think that informing people that those who murdered their loved ones are getting out of prison does anything for those victims' sorrow, darkness and sadness, there is something very wrong.

I want to say that strongly on behalf of the people whom I represent, who have gone through the darkest of all tragedies. Some of them are mere vegetables today; their loved ones have to attend to them. To one such victim, who has been in a coma for a very long time and whose wife has to stand at his bed and attend to his every need, the amendment and the new clause will never balance anything.

There is much dispute about whether providing information to victims is a good or bad thing. Perhaps it is better for people not to know that the person who carried out such an act is being released from prison. Such knowledge could put more fear into their hearts. None the less, I am quite happy that applying for the information should be a matter for the relatives. The Committee should not think that it can balance the books just by accepting the amendment and the new clause.

Mr. Ingram: That is not the intention of the Government amendment and the new clause. The hon. Member for North Antrim (Rev. Ian Paisley) does not have a monopoly on compassion; he never has had. This issue is one of those particularly difficult ones. That is why the Government set up the commission under Sir Kenneth Bloomfield. I have been charged to take

[Mr. Ingram]

forward some of the deeply hurtful issues to try to find a way of making them hold. The amendment and the new clause represent one of the ways in which we have given manifest support to that effort. It will not solve all the problems, but it may just begin to address them for some of the people if they so wish. I ask the hon. Gentleman to have a bit more compassion in his heart; to understand what we are trying to achieve rather than condemning it out of hand.

Amendment agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clauses 20 and 21 ordered to stand part of the Bill.

It being three hours after the commencement of proceedings in Committee, THE CHAIRMAN, *pursuant to the Order [11 June], put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

New clause 3

INFORMATION FOR VICTIMS

'.—(1) The Secretary of State shall provide a statement under this section about a person if he receives a written request to do so and he believes—

(a) that the person about whom the statement is sought is serving a sentence of imprisonment in Northern Ireland for a fixed term of at least five years or for life,

(b) that the sentence was passed in Northern Ireland for a qualifying offence, and

(c) that the person requesting the statement, or a member of his family, was a victim of the offence for which the sentence was passed.

(2) But the Secretary of State shall not provide a statement if he believes that to do so would create a danger to the safety of any person.

(3) A statement under this section about a person shall state—

(a) whether he has made an application under section 3;

(b) if he has made an application, whether it has been granted;

(c) if his application has been granted, whether he has been released and the date on which he has a right to be released, or on which he was released, under section 4 or 6;

(d) if he has been released on licence, whether his licence has been suspended under section 9(2) and, if so, whether it has been confirmed or revoked under section 9(4);

(e) if he has been released on licence under section 4, the date on which the licence will expire.

(4) If the Secretary of State has issued a statement under this section and becomes aware that any of the information in it has ceased to be accurate, he shall send a revised statement to the person who made the original request at his last known address.'.—*[Mr. Ingram.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 4

REVOCATION OF DECLARATION

'.—(1) The Secretary of State shall apply to Commissioners to revoke a declaration under section 3(1) if, at any time before the prisoner is released under section 4 or 6, the Secretary of State believes—

(a) that as a result of an order under section 3(8), or a change in the prisoner's circumstances, an applicable condition in section 3 is not satisfied, or

(b) that evidence or information which was not available to the Commissioners when they granted the declaration suggests that an applicable condition in section 3 is not satisfied.

(2) The Commissioners shall grant an application under this section if (and only if) the prisoner has not been released under section 4 or 6 and they believe—

(a) that as a result of an order under section 3(8), or a change in the prisoner's circumstances, an applicable condition in section 3 is not satisfied, or

(b) that evidence or information which was not available to them when they granted the declaration suggests that an applicable condition in section 3 is not satisfied.'.—*[Mr. Ingram.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 5

SENTENCES PASSED OUTSIDE NORTHERN IRELAND

'. Schedule *(Sentences passed outside Northern Ireland)* (which makes provision about sentences passed outside Northern Ireland) shall have effect.'.—*[Mr. Ingram.]*

Brought up, read the First and Second time, and added to the Bill.

Schedule 1 agreed to.

Schedule 2

COMMISSIONERS' PROCEDURE

Amendment made: No. 90, in page 12, line 3, at end insert—

'. The rules may provide for proceedings to be held in private except where Commissioners direct otherwise.'.—*[Mr. Ingram.]*

Schedule 2, as amended, agreed to.

New schedule

SENTENCES PASSED OUTSIDE NORTHERN IRELAND

Eligibility for release

1.—(1) This paragraph applies where a prisoner who makes an application to Commissioners under section 3(1) is serving a sentence of imprisonment in Northern Ireland and the sentence was passed in England and Wales or Scotland.

(2) Where the applicant is serving a sentence of imprisonment for a fixed term, the Commissioners shall grant the application if (and only if)—

(a) the sentence is for a term of at least five years,

(b) the sentence was passed for an offence equivalent to a qualifying offence, and

(c) the second and third conditions in section 3 are satisfied.

(3) Where the applicant is serving a sentence of imprisonment for life, the Commissioners shall grant the application if (and only if)—

(a) the sentence was passed for an offence equivalent to a qualifying offence, and

(b) the second, third and fourth conditions in section 3 are satisfied.

Equivalent offence

2.—(1) An offence is equivalent to a qualifying offence if it—

(a) was committed before 10th April 1998,

(b) was committed in connection with terrorism and the affairs of Northern Ireland, and

(c) is certified by the appropriate Law Officer as an offence which if it had been committed in Northern Ireland would have been a scheduled offence within the meaning of the Northern Ireland (Emergency Provisions) Act 1973, 1978, 1991 or 1996.

(2) If a person who makes an application under section 3 in relation to a sentence for an offence requests the appropriate Law Officer to provide a certificate under sub-paragraph (1)(c) in relation to that offence, the Law Officer shall as soon as reasonably practicable—

(a) grant the certificate, or

(b) refuse the request and notify the person who made the request of the refusal and the reasons for it.

(3) In deciding whether an offence would have been a scheduled offence a Law Officer shall ignore the possibility of a certificate by the Attorney General for Northern Ireland that the offence was not to be treated as a scheduled offence.

(4) For the purposes of this paragraph the appropriate Law Officer is—

(a) in relation to an offence committed in England and Wales, the Attorney General, and

(b) in relation to an offence committed in Scotland, the Lord Advocate.

Effect of declaration

3. Where a declaration is granted under section 3 in accordance with paragraph 1, sections 4 to 13 shall have effect with the following modifications.

4.—(1) For section 4(1)(b) there shall be substituted—

'(b) one day for every day of remission which he has lost and not had restored (or additional day which he has been awarded and which has not been remitted) in accordance with prison rules.'.

(2) The reference in section 4(4) to the time when a prisoner could have been discharged under prison rules shall be treated as a reference to the time when he could have been discharged had the relevant sentence been passed in Northern Ireland for a scheduled offence.

5. The references in sections 5 and 10 to section 26 of the Treatment of Offenders Act (Northern Ireland) 1968 shall be treated as references to any enactment which has the effect of, or an effect similar to, that section and which applies to the prisoner concerned.

6. The following shall be substituted for section 7—

"*Life prisoners: specified dates*

7. In specifying a date for a prisoner under section 6 the Commissioners must have regard to—

(a) any order or direction made in relation to the prisoner under section 28 of the Crime (Sentences) Act 1997 (duty to release certain life prisoners);

(b) any order made in relation to the prisoner under section 34 of the Criminal Justice Act 1991 (duty to release discretionary life prisoners);

(c) any other information, whether relating to the prisoner's case or to other cases, which the Secretary of State submits; and

(d) previous decisions of Commissioners.".

7. For section *(Information for victims)*(1)(b) there shall be substituted—

'(b) that the sentence was passed for an offence equivalent to a qualifying offence.'.

8.—(1) The reference in section 12(4) to detention at the Secretary of State's pleasure shall be treated as a reference to detention at Her Majesty's pleasure.

(2) For section 12(5)(b) there shall be substituted—

'(b) was passed for an offence equivalent to a qualifying offence.'.

Restricted transfers

9.—(1) Nothing in Part II of Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners: restricted transfers) shall prevent the making of an application under section 3 of this Act.

(2) The following provisions of this paragraph have effect where—

(a) a prisoner is granted a declaration under section 3 in relation to a sentence in accordance with paragraph 1, and

(b) his transfer to Northern Ireland in respect of that sentence was a restricted transfer for the purposes of Part II of Schedule 1 to the 1997 Act.

(3) A fixed term prisoner's transfer shall cease to be a restricted transfer when the declaration under section 3 is made.

(4) A life-sentence prisoner's transfer shall cease to be a restricted transfer when he is released on licence under section 6.

(5) Where a transfer under Part I of Schedule 1 to the 1997 Act ceases to be a restricted transfer in accordance with this paragraph, paragraph 15 of that Schedule shall apply as if the transfer were an unrestricted transfer and had been effected at that time.'.—*[Mr. Ingram.]*

Brought up, read the First and Second time, and added to the Bill.

Bill reported, with amendments.

Bill, as amended, to be considered tomorrow.

NORTHERN IRELAND GRAND COMMITTEE

Ordered,

That—

(1) the draft Appropriation (Northern Ireland) (No. 2) Order 1998 be referred to the Northern Ireland Grand Committee;

(2) the Order of the House of 6th November relating to sittings of the Northern Ireland Grand Committee shall be varied by substituting for the words 'and Thursday 2nd July at half past Ten o'clock' the words 'at half past Ten o'clock, and on Thursday 2nd July at Ten o'clock.'

(3) at the sitting on Thursday 2nd July, the Committee shall take questions for oral answer and shall then consider the draft instrument referred to it under paragraph (1) above; and

(4) in respect of the sitting on Thursday 2nd July—

(i) Standing Order No. 115 (Northern Ireland Grand Committee (delegated legislation)) shall have effect with the substitution in paragraph (2) of the Order, for the words 'two and a half', of the word 'three'; and

(ii) notwithstanding the provisions of Standing Order No. 88 (Meetings of standing committees) and Standing Order No. 116 (Northern Ireland Grand Committee (sittings)), the Chairman shall interrupt proceedings at half past One o'clock.—*[Mr. Dowd.]*

HUMAN RIGHTS BILL [*LORDS*] (PROGRAMME) (NO. 2)

Ordered,

That the Order of 1st June relating to the Human Rights Bill *[Lords]* (Programme) be amended as follows:

(i) in sub-paragraph 1(1), by leaving out from 'completed' to the end of the sub-paragraph and inserting 'at four sittings and shall, if not previously concluded, be brought to a conclusion three hours after the commencement of proceedings on the Bill at the fourth of those sittings';

(ii) in sub-paragraph 1(2), by leaving out 'On each such allotted day' and inserting 'At each of those sittings except the fourth';

(iii) by inserting after sub-paragraph 1(2)—

'(3) At the fourth of those sittings, paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to proceedings on the Bill for any part of the period of three hours after the commencement of proceedings on the Bill which falls after Ten o'clock'; and

(iv) by leaving out paragraph 7.—*[Mr. Dowd.]*

Epilepsy

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Dowd.]*

10.51 pm

Mr. Stephen Twigg (Enfield, Southgate): I am pleased to have the opportunity to raise this important subject in the House. Epilepsy is the most common serious neurological condition in the United Kingdom, and 30,000 people a year are newly diagnosed with it. One in 50 of our population are affected by it at some time in their lives, and in 1996 about 1,000 people in this country died from epilepsy. Despite those stark figures, epilepsy remains a much neglected area. It is still treated as something of a taboo subject, widely misunderstood and often stigmatised.

Late last year a constituent of mine, Tricia Odd, wrote to me and told me about the death of her daughter Katy in April 1997. Katy was 19 and studying radiography and radiotherapy at City university in London when she died suddenly from epilepsy. She had had her first seizure when she was eight years old, and at the age of 13 she wrote a moving school essay under the title, "Epilepsy—The Voice from Within".

Katy wrote:

"When I have a fit it's as though someone or something in my head has taken control of my body and mind. I'm not asleep but awake, I'm not dead but alive . . . This is the voice from within me . . . but I'm not going to let it rule my life".

Katy's death was a tragic waste of a promising young life. Mrs. Odd and her family are determined that lessons have to be learnt from her daughter's life and death.

When I received Mrs. Odd's letter it had a powerful impact on me. My mother Jean acquired epilepsy when she was 50 as the result of an especially nasty accident. Six years ago, she died suddenly and unexpectedly during an epileptic seizure. Tonight's debate enables the House to draw some lessons from the lives of Katy Odd and Jean Twigg.

I am grateful to Epilepsy Bereaved?, the National Society for Epilepsy and the Royal College of Nursing for their advice and information which has been invaluable in preparing for this evening's debate. In the limited time available, I shall focus on three main areas: first, care for those who are living with epilepsy; secondly, improving the treatment available and raising public awareness about epilepsy; and thirdly, the critical area of research into sudden death in epilepsy.

The quality and availability of care varies enormously for people with epilepsy. Many people have excellent care and access to good services, and in some parts of the country, the availability of care is very good indeed. I am pleased to pay tribute to the hard work and dedication of nurses, doctors and other health care workers delivering such care.

There is a real problem with the lack of referral opportunities to specialist clinics. There are very few specialist clinical provisions. Misdiagnosis is, I am sad to say, widespread. I am told that of those attending the National Society for Epilepsy assessment centre, something like one in five have been found not to have epilepsy at all. Yet some have been taking anti-epileptic medication for years. It is a complex condition and, as such, requires a complex multidisciplinary approach. I am

told that, today, two in five cases are not referred to a specialist, only to a general physician, and that one in 12 are not referred to a neurologist at all.

Two specific suggestions have been put to me: first, that the situation that I have described briefly would be improved if it were easier for cross-regional referrals to be carried out; and secondly, that epilepsy should be considered for inclusion in the Government's new arrangements for commissioning specialist services. I would be grateful for my hon. Friend the Minister's comments on those two suggestions.

Mr. Brian White (Milton Keynes, North-East): As the parent of a stepson who has epilepsy, one of things that I feel is deficient in terms of people looking for care is the support services for parents and families. There does not appear to be very much support for the families of people with epilepsy. Will my hon. Friend address that point?

Mr. Twigg: I am grateful to my hon. Friend for raising that matter, and I will come to some related issues in a moment. In a short debate covering the whole area of epilepsy, it is important that the different issues are addressed. I am grateful for my hon. Friend's intervention, which connects very much with the area that I am moving on to.

The stigma attached to epilepsy is very real, and it remains so. Epilepsy is a cause of social exclusion. I am told that unemployment rates for people with epilepsy can be as high as 30 per cent. The training for those working in the health field is often very poor. One of the examples cited to me is that very few, if any, postgraduate courses in neurology include specific teaching on epilepsy. More generally, there is an urgent need for improved training, not only for health care professionals, but for all those working with people with epilepsy—whether they are teachers, employers, prison officers or others.

The education service, and schools in particular, have a great opportunity to educate young people about epilepsy, and thereby to challenge some of the prejudice and reduce some of the stigma associated with epilepsy. One of the points made by the Royal College of Nursing to me was that school nurses can play an important role in educational work. That can have benefits not only in terms of raising general awareness, but for children in schools who have epilepsy, and their families.

There is good practice from which we can learn, and I have been finding out more about it in preparing for tonight's debate. For example, the good work done at the Walton centre in Liverpool was praised by the Audit Commission last year. There are some good examples of work in other countries—notably, I am told, in Holland. I welcome the National Society for Epilepsy's funding of a professional chair in epilepsy at University College hospital—the first in the UK. It is very much to be welcomed and will be positive in moving the subject forward.

I hope that my hon. Friend the Minister will consider establishing a national service framework to provide agreed standards of epilepsy services across the country, and that he will consider including epilepsy within the local targets for health improvement programmes currently being considered by the Government. Both those ideas merit consideration because of the prevalence of epilepsy and the high death rate that is associated with it.

On the crucial question of research, as recently as the 1980s, few medical textbooks dealt with mortality or sudden death associated with epilepsy. The widespread lack of information and research led a group of families to form Epilepsy Bereaved? in 1993—the group became a charity two years later. From my discussions with members of that group and with Mrs. Odd and her family, it has become clear to me that more information is needed, and that that information needs to be provided in a balanced and appropriate way.

Mr. Richard Allan (Sheffield, Hallam): I am grateful to the hon. Gentleman for giving way and for raising this subject. I was made aware of the problems of sudden death in epilepsy by my constituent, Mrs. Eileen Stirling. I agreed to follow up the issue, and want very much to add the voice of Sheffield, Hallam to that of Enfield, Southgate in calling for much more research, particularly into sudden death. I am also concerned about the suicide rate among epileptics, which is a serious problem—the pattern is well attested. I hope that the hon. Gentleman will agree that research is also needed on that.

Mr. Twigg: Absolutely, and I am grateful to the hon. Gentleman for raising the issue of suicide. Research must examine, not only medical questions, but the social and other consequences of epilepsy for people living with epilepsy, and their families. More research is needed, but existing research also needs to be taken seriously—it has often been neglected or ignored, and many of the lessons that we are starting to learn now could have been learnt years, if not decades ago, if that research had been taken seriously.

Dr. Evan Harris (Oxford, West and Abingdon): I am grateful to the hon. Gentleman for giving way. He will know that I was first made aware of sudden death in epilepsy through the sudden death of a good friend, William Preston, with whom I was at college in Oxford 10 years ago—he was also known to the hon. Gentleman. An investigation of the causes of sudden death needs to be national, so that there are sufficient numbers to feed into the research. I am looking forward to hearing the Minister say how the Government can support such research projects.

Mr. Twigg: I am grateful to the hon. Gentleman for that. A programme of research needs to be national to ensure that it is fully comprehensive and takes account of the different interests that are involved.

The Clinical Standards Advisory Group is currently studying the availability of clinical services—I am sure that my hon. Friend the Minister will say more on that in his closing remarks. I hope that he can assure the House that the Government will seriously consider the outcome of the group's report, which is due, I think, in about a year.

From my discussions with the various organisations, it has become clear to me that the Government's interest in the subject has been widely and warmly welcomed—tonight's debate is, therefore, timely. However, Epilepsy Bereaved? has emphasised its belief that, in addition to considering general standards, we must deal with the appropriate standards for those who are at greatest risk, particularly those aged between 15 and 35.

[Mr. Twigg]

Moreover, detailed information must be gathered from families who have been bereaved, especially in recent years. As the hon. Member for Oxford, West and Abingdon (Dr. Harris) suggested, any research or audit that is undertaken must include such details if it is to be fully comprehensive. That is necessary not only to ensure that research is as effective and wide-ranging as possible, but to enable bereaved families to have a voice. Although it is vital that any audit or research listens to the health care professionals and to experts working in the field, it is equally, if not more important, that a voice is given to the bereaved families. Such families have the right, not only to the care and support that they need, but to find out why their loved ones died, which could ensure that such deaths do not occur in future.

All hon. Members have a duty to raise awareness about epilepsy, to challenge the still widely held prejudices and misunderstanding and tackle the social exclusion and other disadvantages that are often experienced by people with epilepsy and their families, to improve the care and support provided throughout the country for those affected and to support and encourage research, so that the death rate from epilepsy is reduced.

In the previous Parliament, the all-party group on epilepsy was very active. I believe that it is still in existence, but it is a little more dormant in the new Parliament and I am sure that hon. Members on both sides of the House, in all parties, will be keen to join me in encouraging wider membership of the group and increasing its activity and profile. Tonight's Adjournment debate is an opportunity to kick-start that process.

I look forward to the response of my hon. Friend the Minister and am confident that he and the Government will take the issues of care, research and increasing public awareness very seriously. By doing so, they will be providing an appropriate and fitting way to remember the life of my late constituent, Katy Odd.

11.5 pm

The Parliamentary Under-Secretary of State for Health (Mr. Paul Boateng): This is a timely and welcome debate on a subject of considerable importance and I congratulate my hon. Friend the Member for Enfield, Southgate (Mr. Twigg) on having chosen it as a topic for our Adjournment debate tonight. The number of hon. Members on both sides of the House who have intervened is an indication of the seriousness with which the House takes this issue.

In that regard, we owe a debt of gratitude to Epilepsy Bereaved? and all those who have given their time, efforts and energy to support its valuable work for having raised the consciousness of the House and hon. Members about sudden, unexpected death from epilepsy. The stream of correspondence that has come into my Department from families who are living with the reality of bereavement and who are determined, as Katy Odd's family is, that their loved ones shall not have died in vain has helped to make the whole House conscious of the importance of the issue.

Only a few weeks ago, I met a delegation of epilepsy specialists, carers, family members and others organised by Epilepsy Bereaved? They shared their concerns and experience with me and officials. No one listening to them could be under any illusions as to the scale of the problem. Almost 1,000 people die each year in the United Kingdom during, or shortly after, an epileptic seizure. Those deaths are due not to accidents caused by the seizure, but to the seizure itself.

As a result of that meeting, which was helpful and productive, we have invited the delegation to consider submitting a bid for a national sentinel audit into epilepsy services. That is a new and extensive form of clinical audit that is very much part of our new national health service and is designed to ensure that we enable practitioners, including those in primary care—I hear what my hon. Friend has said about the important role of general practitioners—to compare their practice against agreed national standards and, we hope, to address areas of shortfall or poor practice as a result.

More research remains to be done, as a number of hon. Members have said. We do not know the extent to which improved standards of care for epilepsy patients would have a direct effect on the death rate from epilepsy seizures. More work needs to be done in that area, but research suggests that some people with epilepsy may be more at risk than others, which may have implications for carers as well as for the medical profession.

For example, in many investigated deaths from epilepsy, patients died alone, often in their sleep. They were also predominantly young people, aged between 15 and 37, which is, as my hon. Friend said, the key age group. If, as I hope, a national sentinel audit bid is successful, it might enable us to identify the at risk population. It would also give some clear pointers to where further research is needed.

I am committed to ensuring that we create a context in which it is possible for such research to take place. The Medical Research Council funds a great deal of research into epilepsy and did work worth more than £600,000 in 1996-97. General practice has made a valuable contribution to epilepsy research, especially in terms of epidemiology, but we cannot be complacent. The Clinical Standards Advisory Group recently awarded a contract to the Institute of Neurology to advise Ministers on standards of clinical care for, access to and availability of services to national health service patients with epilepsy.

Mr. White: Has my hon. Friend considered the experience of other countries, particularly Scandinavian countries and Holland, where a lot of work has been done on the causes of epilepsy and the treatments available? Will he consider using some of the lessons of those schemes in the United Kingdom?

Mr. Boateng: We are committed to considering good practice among our European partner countries and I shall ensure that that is taken on board.

I look forward to receiving a draft report in May 1999, and a report to Ministers is expected in autumn 1999. We already have the benefit of working with the medical profession to raise awareness. The primary care already referred to is vital in that regard. The average general practitioner is unlikely to deal with enough cases to develop expertise and knowledge in epilepsy, yet patients rely heavily on GPs as the gatekeepers to specialist services and the monitors of their conditions. We must ensure that we give GPs the back-up necessary to enable them better to fulfil their role.

The Department of Health has funded a care project run by GPs in Cheshire, which is evaluating provision of services to people with epilepsy in the community. Its interim report highlights a number of areas of concern in relation to epilepsy services, including use of older epilepsy drugs, inadequate follow-through, misdiagnosis and inadequate information. More generally, and more disturbingly, the study identifies a low level of interest and awareness of epilepsy among GPs and shows variations in prescribing and referral habits. That work helps us to see the potential health gains of improvements in epilepsy services. Considerable gains could be made through improved prevention and from accurate diagnosis and the best possible management, both of which require expertise and follow-up.

It is encouraging to note that an increasing number of general practices have undertaken audits of care for patients with epilepsy. Through that, they have developed an interest in epilepsy and in improving services. For some GPs, that has led to developing competence in diagnosis, changing and adjusting medication and providing support and advice. Some practice nurses are also taking an interest in epilepsy and specialist nurses make a contribution to the development of expertise in epilepsy treatment.

I pay tribute to carers, who play a vital role in ensuring that those who suffer from epilepsy have the support and care that they so greatly need. The creation of larger primary care groups will present opportunities to explore new models of care delivery and people with chronic conditions such as epilepsy will have the opportunity to influence the changes as the new NHS—modern and dependable—unfolds. Carers and voluntary groups will have a special role in that process.

We must grasp the nettle of confronting the real prejudice and stigma that continue to affect those who suffer from epilepsy. That prejudice harks back to the middle ages, with the idea that people with epilepsy were possessed by evil spirits as they suffered their convulsions. Such ideas have no place at all in our society as we move into the next millennium.

I assure hon. Members that we will respond to the challenge laid down by Katy Odd in "Epilepsy—The Voice from Within". In partnership with the voluntary sector, which plays such an important role—I am glad that we have been able to support its efforts with section 64 grants to assist in the development and publication of information—and with carers and epilepsy sufferers themselves, listening to the user, we will ensure that that voice is amplified throughout the service and that the standard of care that we are all entitled to expect in the new NHS is delivered.

That is our commitment to Katy Odd, to Jean Twigg and to their families, as well as to the many others who look to the House for leadership. That leadership will be forthcoming.

Question put and agreed to.

Adjourned accordingly at seventeen minutes past Eleven o'clock.

House of Commons

Thursday 18 June 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

LLOYDS TSB BILL *[Lords] (By Order)*

Order for Third Reading read.

To be read the Third time on Thursday 25 June.

Oral Answers to Questions

TRADE AND INDUSTRY

The President of the Board of Trade was asked—

Energy Policy

1. **Mr. Jim Cunningham** (Coventry, South): When she expects her Department's review of energy policy to be completed. [45049]

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): The review of energy sources for power generation is expected to reach conclusions soon, and we shall announce those conclusions in due course.

Mr. Cunningham: I congratulate my right hon. Friend on her approach to the whole question of energy. This Government are looking for a long-term policy for energy, whereas the previous Government were very much about the short term. As my right hon. Friend carries out her review, will she bear in mind the fact that the mining industry needs a fair and level playing field? When is the review due to be completed?

Mrs. Beckett: I hope that it will be very soon indeed. I thank my hon. Friend for his kind remarks. He is entirely right to say that the mining industry, and indeed energy policy as a whole, needs a level playing field in which there is fair competition so that the consumer gets the maximum benefit. Of course, that is not what we inherited from the Conservative party.

Mr. Tim Loughton (East Worthing and Shoreham): Will the Secretary of State assure my constituents in Shoreham, where a development for a gas-fired power station in Shoreham harbour is blocked by the Government's refusal to issue a section 14 consent, that that consent will be issued as soon as possible, because the development is in any case on the site of the previous power station and will bring much-needed jobs and investment to the area?

Mrs. Beckett: As I am sure the hon. Gentleman will appreciate, I cannot prejudge the outcome of the review which, as soon as it is possible to do so, will be put before the House. I have heard his comments about the position in his locality, and he will know that the Government have always said that they will consider every circumstance carefully.

Mr. Paddy Tipping (Sherwood): Will the President of the Board of Trade ensure that there is an early announcement, because the current coal contracts run out on 30 June? Despite reports to the contrary, will she ensure that the coal industry gets fairness, not favours, and has the ability to compete over the long term with other industrial sectors?

Mrs. Beckett: I know of my hon. Friend's long track record of work in this area. I share his view that it is vital for Britain's long-term future that we have a fair and level playing field and that we take a long-term strategic view of energy sources and resources. I assure my hon. Friend that that has motivated the Government throughout the review.

Mr. Tim Boswell (Daventry): In this climate, in which Ministers have to deliver at least one leak a day, can the President of the Board of Trade help us a bit with her conclusions? Will she tell the House whether, in an effort to save up to 5,000 mining jobs, she is prepared to put at risk many billions of pounds of investment, and the construction jobs that go with them, and to risk the effect that it would have on energy prices for the consumer? If she does decide after all to go for the pro-mining option, does she feel confident that the Government can meet their Kyoto obligations and their even more stringent domestic emissions targets?

Mrs. Beckett: I am sure that you would be the first to object, Madam Speaker, if I were to take the step urged on me by the hon. Gentleman—which, of course, is not a course that I ever follow—of leaking things in advance, and especially leaking things before a statement is made to the House. I strongly advise the hon. Gentleman not to take too seriously many of the things that he reads. I have seen entirely contradictory as well as quite extraordinary suggestions about the conclusions that might be in the Government's review. Certainly the Government are mindful of employment considerations in respect of energy and of the environmental considerations that lie behind the Kyoto targets. All these will be taken into account. The Conservatives left such a mess that it is taking time and proving even more difficult than we had feared to clear the situation up and come to conclusions in our review.

Airbus A3XX

2. **Mr. Gordon Prentice** (Pendle): What is the forecast United Kingdom content of the proposed Airbus A3XX; and what assistance she is giving to British Aerospace to aid its development. [45051]

The Minister for Science, Energy and Industry (Mr. John Battle): The Government have already had preliminary discussions with British Aerospace and its Airbus partners about the planned development of the A3XX. Any application for launch investment for the project will be considered on its merits.

Mr. Prentice: That is heartening news. I pay tribute to the Government for the help that they have given to Rolls-Royce for the development of the Trent engine and for Airbus. Is my hon. Friend aware that, over the next 20 years, passenger air traffic is expected to increase by a factor of three? The Airbus A3XX will carry 650 passengers in double-decker fashion. We need larger, quieter aircraft. That is another reason why the Government should support British Aerospace in developing the new aircraft.

Mr. Battle: I thank my hon. Friend, who has a track record of championing the industry on behalf of his constituents. We are well aware of the prestige and value of the project, which will take the industry much further forward technologically. It is too early to forecast sensibly the possible UK content of Airbus development, but there are major potential benefits for UK industry and I hope that our companies will be well represented in the project.

Mr. John Wilkinson (Ruislip-Northwood): Although it may be too early to forecast the UK content, is it not the case that, the more substantial the British launch aid, the more likely it is that British Aerospace and other British companies will have a significant share of the work on the aircraft? The A3XX is the only gap in the full range of aircraft offered by Airbus to the civil market that remains to be filled. Will the Government look more favourably on any application for the A3XX than on any for the future large aircraft?

Mr. Battle: Requests for proposals on the future large aircraft have been issued to Airbus, Turkish Aerospace Industries, Alenia of Italy and Flabel of Belgium on a provisional basis, pending the formation of the Airbus military company. Any application for launch investment for the A3XX will be considered on its merits, subject to rigorous appraisal and monitoring to ensure that projects do not undertake or duplicate work that could be done elsewhere. No one is in any doubt about the significance of the project.

Mr. Barry Jones (Alyn and Deeside): Some 3,600 of my constituents make the wings for all European models of the Airbus family and they hope to make the wings for the new super jumbo jet. Does my hon. Friend agree that, when he visited the factory in my constituency on Monday, he saw a modern, progressive, productive and loyal work force? They appreciated the ceremony that he carried out.

Mr. Battle: I was particularly impressed by the technical excellence of the work of the internationally competitive, leading-edge work force. That is encouraging. Airbus already provides £1 billion a year to the UK's trade balance, representing 1.5 per cent. of UK manufactured exports. We are doing well in that manufacturing sector and we hope to continue to do well for many years.

Mr. David Chidgey (Eastleigh): I am sure that the Minister realises that this is wider than a single-constituency issue, although I cannot fail to mention Aerostructures Hamble, which does a magnificent job overseas in the same markets. The British aerospace industry has a record of high added value and high skills, putting it among the leaders in British manufacturing. It is a world-class industry. Exports account for 75 per cent. of the production of our aerospace industry. That has been achieved through long-term investment over the past 30 or 40 years. Is the Minister aware that, over the past 15 years, the Government's partnership investment in the industry has declined to a fraction of the levels known in the 1980s? Does he agree that, if that continues, in 10 years' time we shall be in the sorry state of having no British ownership of the aerospace industry? What will he do about it?

Mr. Battle: To some extent, I share the hon. Gentleman's concern. We do not want to be complacent. We want to ensure that there are skills to back up the industry and that there is private sector investment in the long term. All I would add is that the Government agreed public-private partnerships with British Aerospace and Rolls-Royce that were worth £320 million of investment last year. That is not an insubstantial investment to move the industry forward.

Mr. Lindsay Hoyle (Chorley): Obviously launch aid is important. The world needs this generation of aircraft. I hope that the Government will back it and look favourably on the military version of the Airbus for the FLA.

Mr. Battle: As I commented in answer to an earlier question, the requests for proposals have been issued. The formation of the Airbus military company is pending. The Government are discussing with our partners when requests for proposals will be issued to potential suppliers under, of course, competitive arrangements. A procurement decision will be made in the light of the conclusions of the strategic defence review. My hon. Friend's points were clearly made and will be taken on board, along with those of other colleagues.

Bribery

4. **Mr. Hugh Bayley** (City of York): If she will make a statement about combating bribery in international trade. [45053]

The Minister for Competition and Consumer Affairs (Mr. Nigel Griffiths): The Government played a leading role in bringing negotiations on the Organisation for Economic Co-operation and Development bribery convention to a successful conclusion in December. We are playing an active part in the negotiations that are under way on anti-corruption measures in the European Union and the Council of Europe. We are determined to combat bribery in international trade. Corruption distorts competition and constitutes an unfair barrier to trade.

Mr. Bayley: Does my hon. Friend agree with Adair Turner of the Confederation of British Industry, who said:

"Corruption's become a big issue because it just costs business so much more these days"?

Will the Government examine the arguments for amending the law, as proposed by the Law Commission, to provide for the prosecution of United Kingdom citizens when they commit offences of bribery abroad?

Mr. Griffiths: My right hon. Friend the Home Secretary is examining the need both to clarify the statute on corruption and to bring up to date anti-corruption legislation. I shall draw my hon. Friend's remarks to his attention.

Sir Sydney Chapman (Chipping Barnet): Has the Minister estimated bribery and corruption by British companies abroad or, indeed, British personnel who work for foreign companies or multinationals—if, indeed, there is any? What powers do the Government really have to stop foreign personnel or foreign companies indulging in bribery and corruption? I know that we all want an end to it.

Mr. Griffiths: That is why we played our part in negotiations on the OECD bribery convention. I am not aware of any reliable estimates of the cost of bribery, which I know the whole House will condemn as anti-competitive and corrosive to the countries or their enterprises which may seek to offer bribes and to those who choose to take them.

Automotive Industry

5. **Ms Margaret Moran** (Luton, South): If she will make a statement about the future prospects for the automotive industry. [45055]

The Minister for Science, Energy and Industry (Mr. John Battle): Car production in Britain is increasing. This year alone, we have had announcements from Rover, Toyota and Honda, involving approximately £1 billion of new investment and creating more than 2,700 new jobs. In addition, Vauxhall's recent announcement that Luton will be one of the manufacturing locations for the replacement Vectra model should safeguard 4,000 jobs in my hon. Friend's constituency.

Ms Moran: I thank my hon. Friend for that reply. Do he and the rest of the Department of Trade and Industry accept my heartfelt thanks, and those of the whole work force, for their efforts to ensure the long-term future of Vauxhall, Luton? Is he aware, however, that there is a skills gap in some parts of the automotive and engineering industries? Will he outline what measures he intends to take to ensure the on-going competitiveness of plants such as Vauxhall and the automotive industry generally?

Mr. Battle: My hon. Friend is a doughty champion of her constituents. She is in regular contact with the Department and often brings her constituents in to meet representatives of the Department; they should be well pleased by her activities on their behalf. I take the skills gap seriously. My Department is working with the industry to identify such gaps, and we work with other Departments, including the Department for Education and Employment, to ensure that the training and skills needed to back up the industry are available. We work in partnership with industry in trying to identify its needs, especially in the metal industries, because we want to ensure that traditional skills are not squeezed out at precisely the same time as there is expansion in the industry. Britain currently has a productive and competitive car industry and we do not want it to be jeopardised by a lack of skilled labour.

Miss Anne McIntosh (Vale of York): Is the Minister aware of the damage done to the British automotive industry by unfair pricing practices and differentials and by the difficulty of making parallel imports to this country, which leads to higher prices in this country than elsewhere? Is he monitoring the impact on the automotive industry of the designs directive, especially the repairs article? That will impose a monopoly on spare parts for up to seven years, which will have damaging effects on the entire industry in this country.

Mr. Battle: I thank the hon. Lady for her question. Action against anti-competitive behaviour elsewhere in Europe is a matter for the European Commission. We welcome both the action which has been taken and the current active discussions, because we do not want our industry to be priced out unfairly. We have a strong industry: the UK is the fourth-largest car manufacturer in Europe, with eight international companies, and the sector employs 719,000 people. It is a major sector of our economy, so we do not want unfair competition to undermine it.

Mr. Robin Corbett (Birmingham, Erdington): I am sure that it was an oversight, but my hon. Friend did not mention the substantial investment by Ford in producing the new executive Jaguar at its Castle Bromwich plant in my constituency. I hope that he will find time to visit the plant in October, when it goes into pre-production. Will he say a word about the efforts made by Jaguar and other motor manufacturers to meet the properly tough and even more stringent emissions standards? What progress is being made by the group chaired by Ian McAllister of Ford?

Mr. Battle: Our Department participated in the setting up of the cleaner vehicles task force precisely to address that matter and to work towards ensuring that cars and other vehicles have a low environmental impact. The task force programme has been developed in partnership with the industry. I did not mention the Jaguar investment—£400 million in the new medium saloon car, the X200, which is to be produced in my hon. Friend's constituency—but that is because the sector is so productive and so much investment is going into it that, had I read out the whole list, you would have ruled me out of order, Madam Speaker.

Mr. Christopher Chope (Christchurch): How is the Minister's support for the car industry consistent with the Government's general approach towards the car and motorists? The Government have imposed about £9 billion of extra taxes on motorists and a new £25 first registration tax on every new car sold, yet the Minister purports to be in favour of the car industry. Will he tell his colleagues in the Department of the Environment,

Transport and the Regions that, if we have cleaner, safer and more fuel-efficient cars, there is nothing wrong with having more of them?

Mr. Battle: In welcoming the hon. Gentleman to the Dispatch Box after a period of absence, I seem to recall that the last time I crossed swords with him over the Dispatch Box was when I was an Opposition spokesman and the hon. Gentleman was the champion of the poll tax. However, I welcome him back, even though I cannot pretend always to agree with his analyses. The car industry itself is talking about low environmental impact and wants to contribute to our environmental targets. We see no contradiction in having environmental targets and an industry that works to match them to ensure cleaner air in our towns and cities.

Foresight Programme

6. **Dr. Ian Gibson** (Norwich, North): What progress is being made on the foresight programme. [45057]

The Minister for Science, Energy and Industry (Mr. John Battle): The aim of the foresight programme is to develop a practical vision of the future challenges, opportunities and needs and identify means of reaching them. It was set up by the previous Administration and we are working with the grain of the programme to use it as a catalyst for action. My right hon. Friend the President of the Board of Trade initiated a full audit of foresight activities across Government. In response, I called together a group of Ministers responsible for foresight from all Departments to provide top-level co-ordination throughout Whitehall and to drive the programme forward in Government.

Dr. Gibson: The foresight programme is clearly important for driving bridges between industry and the science base. How are Government Departments using the results of foresight to form their strategies in relation to research programmes?

Mr. Battle: Previously, the purpose of the foresight panels, which were set up in 1994, was to tackle the relationship between industry and academia. We have moved the programme in-house and, on 16 June, the President of the Board of Trade published the first full interdepartmental progress report, spelling out how each Department is getting involved in the programme. I referred earlier to the cleaner vehicles project, which is headed up by our colleagues in the Department of the Environment, Transport and the Regions and is one example of the way in which foresight will be carried into Departments to knit into the themes that are their concerns. There is a connection between Departments through the ministerial foresight group, so that the theme of foresight can be brought into our principles, practices and ideas for future action as a Government.

Rev. Martin Smyth (Belfast, South): Does the Minister accept that there have in the past been complaints from industry that, although it was moving forward, the Government were lagging? Does the recent audit state that the Government are keeping pace with industry in the foresight plans?

Mr. Battle: The idea is to work together. In March, we launched a full consultation on the next stage of foresight, to find out where it would go. We spelled out key themes, including sustainable development, future cities, crime control, skills training and the shortages emerging there, as well as consideration of aging. We have put those topics forward for consultation with industry to ensure that the Government and industry keep together. That is part of an exercise to tackle the themes together, listening to the needs of industry, recognising the potential of academic research and ensuring that we translate ideas into practical action—into products and processes that deliver an improved quality of life and new jobs, as well as generating wealth.

Low Pay Commission

7. **Mr. David Watts** (St. Helens, North): If she will make a statement about the work of the Low Pay Commission. [45058]

The Minister of State, Department of Trade and Industry (Mr. Ian McCartney): My right hon. Friend the President of the Board of Trade will make a statement to the House later this afternoon. The Low Pay Commission presented its recommendations on the national minimum wage to the Government on 27 May. The Government are grateful to the commission for its report and recommendations. The national minimum wage, along with other measures such as the working families tax credit, is part of a strategy to make work pay.

Mr. Watts: I thank my right hon. Friend for that response and look forward to hearing the full statement from the President of the Board of Trade later. Does he agree that the introduction of minimum pay will start to end poverty pay? Does he also agree that the Conservative party has a lot to be held accountable for, bearing in mind the fact that the Conservative Government delivered low pay and low skills to Britain and that this Government are trying to change that process in the short period of 12 months?

Mr. McCartney: My hon. Friend is absolutely right. First, I must tell him that I have not yet been made right honourable, but I will pass his suggestion on to the Prime Minister—that was a joke.

I will feel great pride and achievement when my right hon. Friend the President of the Board of Trade gets up at 3.30 pm. When she finishes her statement, the only people in Britain who will be losers are Conservative right hon. and hon. Members who, even at this late stage, still oppose the principle of a national minimum wage. Wherever one is in Britain, they have left us the legacy of a huge level of low-paid, unskilled, undignified labour. My right hon. Friend's statement at 3.30 pm will start the process of changing that for ever.

Mr. Ian Bruce (South Dorset): The hon. Gentleman, in again coming to the Dispatch Box and ranting on in the way we all love, clearly has sight of what will be announced at 3.30 pm—it will not fulfil his commitments to the House and to his hon. Friends. Has he written his letter of resignation yet, as he clearly will not be able to stand there and look us in the eye on this matter?

Mr. McCartney: I will stand on a box at any time and look the hon. Gentleman in the eye. I can see only one

person in the Chamber today who went to a Prime Minister to resign—the right hon. Member for Wokingham (Mr. Redwood). The difference is that, when I see my Prime Minister, I always come out with agreement. He did not, and look at him now—a mere shadow of his former self.

Sterling

8. **Mr. David Kidney** (Stafford): What assessment she had made of the impact of the current strength of sterling on the competitiveness of United Kingdom exports. [45059]

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): The Government understand exporters' concerns about the level of sterling and appreciate the difficulties that it is causing them. However, the level of sterling is not the only factor affecting the competitiveness of UK exports. In particular, business needs a stable macro-economic environment in which it can make long-term decisions. We are working in partnership with business to improve that and all aspects of British competitiveness.

Mr. Kidney: I thank my right hon. Friend for that reply. Two weeks ago, I attended the first of a series of briefings at the Foreign Office, jointly hosted by the Foreign Office and the Department of Trade and Industry, for Members of Parliament and representatives of exporters in their constituencies. The presentations that evening were excellent, especially those by the exporters, large and small, and I was left with the distinct impression that the support services for our exporters are first class. However, it was no surprise when one of the exporters raised the question of the strong pound, asking, "How are we expected to win contracts abroad when our competitors have a price advantage simply because of the differences in the value of national currencies?" How can my right hon. Friend and her Department best help British exporters to be competitive in such a climate?

Mrs. Beckett: I, too, have had many similar conversations with people in the business community, particularly exporters. They are aware of the Government's view that a stable and competitive exchange rate is what will be most beneficial to them in the long term; they are also aware that we have taken steps that we—and, indeed, the markets—believe will produce such an outcome. Of course we all recognise that, in the short term, the level of sterling can cause problems, although its effect, as shown in the trade figures, is more patchy than one might expect.

Our competitor countries have undergone similar experiences of a strong currency, in some cases for many years. We believe that the best way to tackle exchange rate problems is to strive to compete on the basis of quality, as our competitor countries did. That is what the Government continually urge British business to do in any case, as we believe that it will produce the best outcome for Britain in the long term.

Sir Peter Tapsell (Louth and Horncastle): Is it not both extraordinary and encouraging that, at a time when many of the most successful exporting countries are desperately anxious about the weakening of their currencies, we should be more concerned about the strength of ours? Is that not an enormous endorsement of the great success of the previous Government's policies?

Mrs. Beckett: I am not sure how the hon. Gentleman arrives at the conclusion in his final sentence. I certainly agree that, in the past, people have bemoaned the weakness of sterling—it is always a moot point whether a high or a low exchange rate is good or bad. Given what I know to be the breadth of his experience, however, I think that he is likely to share the view that a stable exchange rate is often the most beneficial, as it enables business to plan for the long term—we are certainly working to achieve that.

Mr. Derek Foster (Bishop Auckland): A few weeks ago, my right hon. Friend intervened speedily and decisively to win 350 extra jobs in my constituency at Black and Decker, a world-class manufacturer and exporter, but is not she a little worried that the present excessive reliance on interest rates is undermining what I assume would be her preferred economic strategy of growth being driven by exports and investment rather than consumption?

Mrs. Beckett: It has certainly been the aim of successive Governments to achieve growth driven by investments and exports. We take the view that our policies will, in the long term, bring about such an outcome. We are continually working with the business community, and we held discussions at a series of seminars, co-sponsored by the Treasury and ourselves, to try to deal with the long-seated problems that the previous Government so plainly failed to overcome.

Mr. John Redwood (Wokingham): The President of the Board of Trade is quite right to say that high sterling is not the only threat to jobs and businesses in manufacturing. Wage inflation is up; taxes are massively up; regulatory costs, imposed by the Government, are up; interest rates are up; and, yes, sterling is up as well. What is her Department's forecast of the likely number of job losses in steel, automotive development, textiles and all the main areas of manufacturing in the next couple of years?

We left all those industries in good heart after the recession of the 1990s, but the Government's policies are destroying them. The Government are losing control of the economy and doing enormous damage to manufacturing. They are creating not stability, but bust in manufacturing and an inflationary boom in everything else.

Mrs. Beckett: All I can say to the right hon. Gentleman is that, if industry had been in as good heart as he says, he would be on the Government, not the Opposition, Benches. The picture that he presents is not one that anyone would recognise. We are aware of the concerns that have been expressed in some parts of manufacturing about interest rates, but we inherited a legacy of inflationary pressures and of failure to raise interest rates when it would have been right to do so, in the run-up to the general election. We hope and believe that, over time, we shall be able to overcome that legacy.

Mr. Barry Sheerman (Huddersfield): Is not the real task for British industry to become world class? We need

more world-class companies. The Royal Society for the Encouragement of Arts, Manufactures and Commerce spent three or four years designing a working toolkit for tomorrow's company. Is it not about time that we gave it a hand to ensure that every small, medium and large enterprise can implement that toolkit, becoming innovative and successful in exporting?

Mrs. Beckett: I know of the tremendous amount of work that my hon. Friend has done, including in some cross-party groups in the House, to promote the cause of British companies and manufacturing. I certainly agree that it is enormously important to continue to discuss what can be done to improve competitiveness and to encourage people in businesses large and small to learn from each other, to benchmark the best and to spread understanding of what will best promote the competitiveness of individual companies and hence of Britain as a whole, and I shall certainly bear my hon. Friend's remarks in mind.

Part-time Workers Directive

9. **Mr. Graham Brady** (Altrincham and Sale, West): If she will make a statement on the implementation of the part–time workers directive. [45060]

The Minister of State, Department of Trade and Industry (Mr. Ian McCartney): The directive was extended to the United Kingdom on 7 April. We now have two years to implement it. During that period, we shall consider the options for how best to do so and, in particular, to ensure that both employers and employees enjoy the benefits of the directive and that the status of part-time jobs is improved. We intend to consult extensively on the best way of achieving that.

Mr. Brady: Is it the Minister's view that the terms of the directive should apply equally to casual workers as to other part-time workers, and, if so, has he made any assessment of the likely cost in casual jobs?

Mr. McCartney: The hon. Gentleman raised the same point in the Education and Employment Sub-Committee, on 1 June, when I made it clear that the directive has the potential to cover forms of casual work. The most important point about the directive is that 90 per cent. of employers have already expressed support for the principle of ensuring flexibility in business through part-time working. In addition, part-time work gives flexibility to many workers, including those who have child responsibilities, and gives them the opportunity to continue to make a contribution to an enterprise. The directive will assist competitiveness and provide good employment rights and standards in the workplace.

Mr. Peter L. Pike (Burnley): Is not the Government's implementation of the directive a clear message that the Labour Government believe that the growing number of part-time workers are entitled to fair conditions, while the Conservatives could not care less about their conditions?

Mr. McCartney: When we got rid of the previous Government, second-class citizenship for part-time workers went with them. Every worker in Britain will now have the same rights. There will be no more second-class citizens. We want people to make a contribution to the United Kingdom economy, and we shall ensure that they do.

Small and Medium Businesses

10. **Miss Melanie Johnson** (Welwyn Hatfield): What steps she is taking to promote innovation in United Kingdom small and medium enterprises. [45061]

The Minister for Small Firms, Trade and Industry (Mrs. Barbara Roche): The Department is committed to the promotion of innovation, particularly within small and medium companies. On 11 June, my right hon. Friend the President of the Board of Trade launched the 1998 round of "Smart", the grants scheme for innovation and development in small firms. Many more of the Department's schemes, such as the teaching company scheme, also operate in that area. Innovation and technology counsellors in business links also have an important role in enabling small and medium enterprises to innovate.

Miss Johnson: I thank my hon. Friend for her reply. May I tell her that Otodynamics, a company in Hatfield, recently won the Queen's award for technological achievement for its portable equipment for testing the hearing of small babies? That equipment can be used in many locations around the world because no computer or other equipment is needed. It was produced by a company begun by a husband and wife a few years ago, in conjunction with University college, London. Will my hon. Friend comment on how we can promote further projects that are likely to lead to worldwide success in technological development among small businesses? How can we promote further the use of our universities to support and help such development?

Mrs. Roche: I congratulate the business mentioned by my hon. Friend, which is a good example of what can be done when the barriers between business, finance and the academic and science side are broken down, and when the transfer of technology is encouraged. The Government are examining this area, believing that small and medium businesses, especially in the high-tech sector, have the ability to win for Britain. We are working closely with universities, financial institutions and businesses.

Mr. John Bercow (Buckingham): In seeking to promote innovation in small and medium enterprises, does the Under–Secretary agree that the European Commission's proposals for bureaucratic national works councils for companies with as few as 50 employees will offer no help to those companies, and could be a great hindrance to them? Does the hon. Lady agree that, when the President of the Board of Trade was challenged by John Humphrys on how she would cope with the Commission, her response of, "Well, er, we shall see how things go," was spectacularly feeble?

Mrs. Roche: The hon. Gentleman will forgive me for saying that I have heard the same tired old rhetoric from him before. He cannot answer the points that regulation increased under the previous Conservative Government, and that it is the Labour Government who have sought to tackle excessive regulation. The hon. Gentleman will

recall that, during the UK presidency of the European Union, we set up the Best committee, chaired by the well-known British entrepreneur Chris Evans, who has dealt with cutting back European regulation. I am sure that the hon. Gentleman would want to congratulate the Government on our achievement.

Mr. Bill O'Brien (Normanton): Will my hon. Friend have regard to the fact that mining areas now rely on small and medium businesses to create well-paid jobs; the Tory Government destroyed the mining industry and well-paid jobs? Will she do all that she can to help small and medium enterprises in Yorkshire and Humberside to develop science and technology, so that skilled and well-paid jobs can return to our area?

Mrs. Roche: I agree with my hon. Friend that small and medium enterprises are a good example of things that are helping to regenerate areas where industries have disappeared and new industries are coming in. What is good about those high-growth, high-skilled industries is that they are based on the skills that are in those communities in abundance. We shall do all that we can to support those industries, and I am delighted that recent polls show that the small business community is feeling very confident about what this Government have achieved so far.

Sterling

11. **Mr. Bob Russell** (Colchester): What steps she is taking to safeguard jobs in manufacturing industry to take account of the current strength of sterling. [45062]

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): The Government recognise the difficulties that are created for exporters and manufacturers by a strong pound. The Bank of England has taken those into account in deciding the level of interest rates, and the whole purpose of the Government's strategy is to deliver a stable macro-economic framework in which business will be better able to plan and to secure competitiveness for the long term. Ultimately, however, our ability to compete in world markets depends on Britain producing high-quality goods and services. We are working in partnership with business to develop measures that promote the competitiveness of British firms and we shall publish a White Paper in the autumn.

Mr. Russell: In the real world, there will be a feeling that that was a somewhat complacent response, as was the right hon. Lady's response to the hon. Member for Stafford (Mr. Kidney). Would the President of the Board of Trade care to comment on the fact that, this month in my constituency, Paxman Diesels had to make 10 per cent. of its work force redundant? We all know what happened under the previous Government, but many of us were hoping that a change of Government would lead to better things. Discussions with her colleagues in the Ministry of Defence in relation to the placing of orders would benefit Paxman Diesels, as would discussions with the privatised railway industry, where orders for locomotives seem to be lacking. Discussions between the President of the Board of Trade and other members of the Government might help my constituents.

Mrs. Beckett: I am well aware, as I expect that the hon. Gentleman is, that the diesel industry has been undergoing difficulties for some years. I share his view that part of the aftermath of the long-drawn-out privatisation of rail was a dearth of orders of a variety of kinds in the manufacturing industry, which affected my constituency as well as his. I assure him that I am in continual contact with colleagues who deal with other policy areas that impinge on those matters. We are all anxious to see British manufacturing succeed and we do work with such companies to try to achieve that.

Mr. Dale Campbell-Savours (Workington): Is not the simple truth that, if we had not tightened the fiscal stance—if we had followed the policies of Conservative Members—we would have had a higher exchange rate and higher interest rates?

Mrs. Beckett: My hon. Friend is, as so often, entirely right.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): Earlier this week in my constituency, one of the most modern and efficient saw mills in the country made an entire shift redundant due to difficulties that had been caused by the level of sterling. In reply to an earlier question, the President of the Board of Trade said that what was necessary was stability in exchange rates. Would she be happy with exchange rates being stable at their current level? Is that what she seeks?

Mrs. Beckett: No. If the hon. Gentleman will recall, what I said was that the Government would like stable and competitive exchange rates but, of course, difficulties do arise from time to time and no one is more concerned than Labour Members when, as a result, people lose the opportunity of employment. However, it is our determination and wish to make this economy more competitive. That, in the long run, is to the benefit of all.

Mr. John Redwood (Wokingham): Will the President accept that, when manufacturing industry is struggling with the higher taxes, higher sterling and higher wage inflation that she will do nothing about, it should at least be able to expect stability from the DTI on regulations and competition law? Is she aware that her original Competition Bill produced much fear and diversion of effort in industry? While the Opposition welcome the four fundamental concessions that Ministers have made to improve the legislation, it is still wrong. Will she look again at this muddled and meddlesome Bill to help give industry more certainty? Above all, will she consider the absence of teeth against monopolies and public sector activity that is another extraordinary feature of the Bill and that will not help business to become more competitive against this miserable background for industry?

Mrs. Beckett: I am sorry—I almost interrupted the right hon. Gentleman's speech. He accused me of being responsible for higher wage inflation that I would do nothing about. Wage settlements are very much a matter for employers in manufacturing and outside. I am interested that he thinks that the Government should be doing something about them. I look forward to hearing more. On the Competition Bill, I am never sure whether he is mischievous or just incompetent. If he paid attention to the debates on Second Reading, in Committee and in

another place, he must know that the amendments to which he referred were flagged up by the Government and that we had said that they would need to be made from the beginning. Indeed, he has been complaining about the absence of some of them for weeks.

Public Sector Workers

12. **Dr. Brian Iddon** (Bolton, South-East): How many groups of public sector workers, when dismissed unfairly, cannot appeal to an industrial tribunal. [45063]

The Minister of State, Department of Trade and Industry (Mr. Ian McCartney): Public sector employees with a contract of employment are generally able to complain of unfair dismissal to an industrial tribunal, subject to any qualifying period of continuous employment that may apply. Groups in the public sector who cannot do so include members of the armed forces and office holders who are not employees, including those in the police and the registration services.

Dr. Iddon: I declare an interest as the unremunerated patron of the National Society of Registration Officers. I thank my hon. Friend for his reply. Will he consider correcting, in liaison with the Economic Secretary, who is responsible for registration officers, the anomaly whereby registration officers cannot go to an industrial tribunal when dismissed? The registrar-general himself appears to favour reform.

Mr. McCartney: We want a system of fairness, transparency, clear standards of decision making and proper redress. I assure my hon. Friend that I shall consider the matter with my hon. Friend the Economic Secretary in the positive context in which he approached it.

Mr. Tony Baldry (Banbury): Will the Minister confirm that people in the public sector, in addition to being able to go to industrial tribunals, can usually go to the Civil Service Appeal Board? Will he seek to ensure that, when the board recommends that a person be reinstated, that person is reinstated and the recommendation not ignored, as appears to have happened in several institutions, particularly the Prison Service?

Mr. McCartney: I take on board what the hon. Gentleman says. I cannot go into individual cases. An independent assessment is made of disputes and that should remain independent of ministerial responsibility.

Balance of Trade

13. **Mr. Nick St. Aubyn** (Guildford): What assessment she has made of which Government policies have had the greatest impact on the balance of trade position since 1 May 1997. [45064]

The Minister for Small Firms, Trade and Industry (Mrs. Barbara Roche): The Government want to create the right environment to ensure that British business can thrive in both domestic and overseas markets. The most important steps that we have taken to create that framework are those to implement a new framework for macro-economic policy to secure long-term stability on the basis of low inflation and sound public finances. That should generate growth, provide employment and help trade.

Mr. St. Aubyn: The fact is that, since the Government came to power, the balance of trade has suffered a sharp and steepening decline. Does the hon. Lady not realise that the Government's high taxes have been the spur to higher wage costs and the Government's higher interest rates have cut the sort of investment that raises productivity? Will she at least concede, in the climate that the Labour Government have created, that this is no time to be implementing the minimum wage proposals; and that those who wanted to implement the proposals of the Low Pay Commission in full were extremely foolish?

Mrs. Roche: I thank the hon. Gentleman for his well-considered diatribe, but he appears to have forgotten a few things. The first is that about four fifths of sterling's appreciation occurred under the previous Government. I know that the hon. Gentleman was not a Member of the House then, so perhaps that passed him by.

The picture that the hon. Gentleman paints is not one with which industry would agree. Large and small businesses alike know that this Government are good for business, unlike the previous Government, who went from boom to bust. We are trying to establish a climate of stability and certainty—unlike the one created by the Tories.

Mr. Tam Dalyell (Linlithgow): Resisting the temptation to launch into a diatribe, may I ask the Minister to consider putting in the Library an assessment of the impact on British trade of American-led sanctions against Libya and Iran?

Mrs. Roche: I thank my hon. Friend, whom no one would ever accuse of launching diatribes—he is one of the most courteous Members in the House. I also note what he has to say. We shall accept any recommendations from him and carefully consider them.

Mr. Andrew Lansley (South Cambridgeshire): In assessing the impact of Government policies, has the hon. Lady looked at the 3i enterprise barometer, seven tenths of whose respondents are exporters? It is now negative for the first time since the end of 1992. The companies surveyed say that the

"climate is now less favourable to starting a new business or expanding existing business activity than it was a year ago."

Mrs. Roche: I do not know what it is about the Conservative party, but Tory Members seem to have terribly selective memories for facts. They forget that the CBI still expects extra volume growth. Barclays' start-up figures for the first three months of this year are more encouraging than ever; and the Lloyds bank survey has found that most businesses and new businesses say that they have enjoyed a much better macro-economic climate under this Government. I do not know what is happening to the Tory party, but I am certain that some medical expertise would come in useful.

Economic and Monetary Union

14. **Mr. Ian Stewart** (Eccles): What further steps she intends to take to give support to businesses preparing for EMU. [45065]

The Minister for Competition and Consumer Affairs (Mr. Nigel Griffiths): I am pleased to announce that, among the further steps taken, my noble Friend the Minister for Trade and Competitiveness in Europe this week published some explanatory fact sheets to support businesses in preparing for the euro; 15,000 of them have been distributed to organisations representing businesses, and to individual firms—especially small and medium enterprises.

Mr. Stewart: The Government's pragmatic approach to European monetary union is the correct one: we should join only if and when that is in Britain's interests. Will the Minister comment on the statement by Commissioner Leon Brittan last month, that the attitude and approach of the Leader of the Opposition to European monetary union is fundamentally flawed—a shrill and emotional reaction to it? Will he also join me in asking the right hon. Member for Wokingham (Mr. Redwood) whether he agrees with the Leader of the Opposition or with Sir Leon Brittan about speaking up for British interests in Europe?

Mr. Griffiths: Yes, and I shall also give the right hon. Member for Wokingham (Mr. Redmond), the shadow Secretary of State, the opportunity to agree with John Entwistle, the president of the British Chambers of Commerce, who said yesterday,

"We are for the euro."

Mr. Christopher Gill (Ludlow): Is the Minister aware of the advice that has been given to the President of the United States that it is absolute folly for the countries of the European Community to form a single currency within 12 months of trying to deal with the problems associated with the millennium bug? Will he take notice of those people in this country who are advising that, if one of those two problems could be postponed, it would be sensible to do so?

Mr. Griffiths: It is very brave of the hon. Gentleman to raise the subject of the millennium bug when the record of his party in the previous Government shows that it did nothing about it. By contrast, this Government took the necessary action and appointed Don Cruickshank to head the committee that is ensuring that business is properly prepared for the millennium. We welcome any support that can be given, however belatedly, by Conservative Members.

Mr. John Redwood (Wokingham): On a point of order, Madam Speaker.

Madam Speaker: Order. I take points of order after statements, and we have three statements today.

National Minimum Wage

3.30 pm

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): Today, the Government publish the report of the Low Pay Commission and spell out how, in our response to that report, we shall begin to end the scandal of poverty pay.

In the labour market that we inherited just over a year ago, many workers received such excessively low rates of pay that they were driven to work long hours simply to make ends meet. We all know the examples: a homeworker paid as little as 35p an hour, a cleaner paid £1.30 an hour or a security guard paid £2.35 an hour—and bring your own dog!

In addition, such low levels of pay mean that taxpayers provide massive sums of income subsidy and businesses, large and small, which are striving to compete, as Britain must, on quality and value for money, see their position undermined, not by fair competition, but by cut-throat cowboys.

With the lack of any fair and basic minimum standards at work, the gap between real hourly earnings of the lowest and highest-paid almost doubled in the past 20 years. That was the outcome of the strategy of the previous Government—Britain aimed to be merely the cheapest rather than the best, and was no longer the workshop of the world, but the sweatshop of western Europe.

This Government believe in decent minimum standards, as a spur to competing sustainably on quality, to tackle social exclusion and to make work pay. We have already made substantial progress. The working families tax credit will guarantee an income of at least £180 a week for families working full time. No family with weekly earnings of less than £220 will pay tax. Reform of national insurance contributions will reduce barriers to work. The new deal will help the young and the long-term unemployed to move from welfare to work. The "Fairness at Work" White Paper and the work of the social exclusion unit are all part of the wider strategy to reshape Britain.

The national minimum wage is a key element in that range of policies. It will help to create a better rewarded and more committed work force, itself a force for driving up standards and helping competitiveness. Experience elsewhere shows, too, the likelihood that staff turnover will be reduced and investment in training encouraged, which itself improves productivity.

We were determined from the outset that the national minimum wage must be introduced sensibly and in accordance with prevailing economic conditions. That is why we set up the Low Pay Commission, with George Bain in the chair, after only 90 days in office. The commissioners were publicly recruited following Nolan principles and drawn from among employers, employees and independents, each serving in an individual capacity.

Their work is impressive. I pay tribute to George Bain and the other commissioners, who have done a quite remarkable job. As well as studying 500 written submissions, they took oral evidence from a wide range of organisations, and held more than 200 meetings throughout the United Kingdom.

The commissioners heard from large and small employers, trade unions, individual employees including homeworkers, and a range of other interested organisations. I whole-heartedly commend their immense hard work, energy and willingness to give so freely of their time for this important task.

As we made clear in our evidence to the Low Pay Commission, the Government were particularly concerned to ensure that our national minimum wage should be set at a level that avoided the risk of adverse effects on employment, inflation and the PSBR.

We have been particularly mindful of the need to protect the position of young people. It is, in our view, essential that we avoid reducing the relative attractiveness to young people of staying on in education and training, and avoid discouraging employers from providing training for those in work. Those concerns have guided our judgment on the decisions in response to the commission's recommendations.

The Government welcome the report, and support all the commission's key recommendations, subject to consultation on some of the practical details. In particular, we accept a main rate of £3.60 per hour before deductions, with effect from April 1999. When combined with the working families tax credit and other benefits, for a one-earner couple with two children, that means an effective wage of more than £7 per hour. We accept that all those aged 16 and 17, or on formal apprenticeships, should be exempt, and we also accept the proposal to institute a development rate.

The commission proposes that that minimum rate should apply at £3.20 to all 18 to 20-year-olds, and to all workers starting a new job with a new employer and receiving accredited training. We are, however, at a critical point in the economic cycle. The Government are determined to proceed with all due caution with the introduction of that rate, especially for the crucial group of those aged 18 to 21.

We have therefore decided, for this group, to phase in the rate in two stages, with an initial transitional rate of £3 from April 1999, which will increase to £3.20 in June 2000. However, we are asking the commission to review the position of 21-year-olds again in 1999, following the implementation of the £3 transitional rate, and then to provide a further report on whether, in the light of experience to that date, the commission reconfirms its advice that 21-year-olds should be covered by the main adult rate.

I am pleased also to announce that we shall be asking the commission to continue its work monitoring and evaluating the introduction and impact of the minimum wage.

Introducing the minimum wage at the levels that I have announced today will help some 2 million workers escape from poverty pay, without adverse effects on jobs or inflation. That will include 1.4 million women; more than 1.3 million part-time workers; some 200,000 young people; about 110,000 homeworkers; approximately 175,000 lone parents who work; and some 130,000 ethnic minority workers.

The remaining Low Pay Commission recommendations deal with such technical matters as the composition and reference period for calculating the minimum wage, the handling of benefits in kind and its application to homeworkers and pieceworkers.

We fully and carefully considered those recommendations and accept them in principle, subject to consultation on the practicalities and detail of their implementation when formulating the regulations implementing the national minimum wage.

Today marks a further milestone in implementing the Government's manifesto commitments. The introduction of a national minimum wage would never have taken place under a Conservative Administration.

Several hon. Members *indicated assent.*

Mrs. Beckett: I am glad to see Conservative Members nodding.

From the outset, the Government's approach to the minimum wage has been that it must be approached in an atmosphere and a framework of partnership. The Low Pay Commission has shown that that approach was the right one. It is clear from its work that there is now an overwhelming welcome for the principle of the minimum wage. Among the few people out of step appears to be the Conservative party. I challenge the Conservatives today, on behalf of the 2 million people benefiting from these proposals, to say whether, if returned to office, they will seek to reverse the steps that we take today.

The minimum wage, with our other policies such as the working families tax credit, will help to remove the worst cases of exploitation in the workplace—cases which had a place under the Conservative party, but which have no place in a modern Britain. I commend the report to the House.

Mr. John Redwood (Wokingham): This week, we have seen prices up, mortgages up, wage inflation up—and now the Government wish to throw more petrol on those inflationary fires. If one employee gets a pay rise, others, including well-paid ones, will want one, too.

No wonder the Chancellor of the Exchequer has been out to sabotage this wages policy, because he at least knows that inflationary pay awards make no one better off. They are fool's gold. As the Government take us back to the strikes and the inflation of the 1960s, they give us a mods and rockers Government. The mods, led by the Prime Minister, believe that you can do it all with soundbites. It is as effective as putting go-faster stripes on a scooter. The rockers, led by the Chancellor, spend their time trying to break up the manifesto promises. For this statement is an act of betrayal by the Government. In the election—*[Interruption.]* Labour Members ought to listen to this, because they know that it is true. In the election campaign, Labour promised—*[Interruption.]*

Madam Speaker: Order.

Mr. Redwood: I am grateful, Madam Speaker.

In the election campaign, Labour promised a decent minimum wage for all. Today, the Labour Government tell us that no one under 18 will benefit from these proposals. They tell us that 18 to 21-year-olds will receive only a lower rate. They tell us that their idea of a decent rate is as little as £3 an hour. They even tell us that the tips put on to credit card payments will be included in the calculation. Perhaps they intend to give yet more encouragement to the black economy, outside the clutches of both the tax man and the soon-to-arrive minimum wage inspector.

We have warned the Government throughout that a minimum wage policy will not work. We have consistently argued for a minimum income rather than a minimum wage—with benefit top-ups for families that need the extra. Will the President now confirm, as I think she implied, that she agrees with our approach? Does she agree that benefits will still be needed for many people to top up these minimum wages, and will she confirm to all those people that their benefits will still be paid? Is not the beneficiary of this proposal the Government, not the person on a low income?

We told the President that she would be forced to exempt young people—otherwise, she would destroy their jobs, or their chances of a job. Will she confirm that young people are being left out of her proposals, or offered less money, because the Government now agree with us that their jobs are at risk?

Will the President tell us what forecast the Government have made of how many jobs would be lost if everyone was given the promise of £3.60 an hour, and how many jobs will be saved by treating 16 to 21-year-olds differently? She must know the figures. The report of the Low Pay Commission confirms that jobs will be lost, and prices will go up. She should tell the House and the nation how many jobs are now at risk.

Does the President agree with her right hon. Friend—at least, I thought he was her right hon. Friend—the Chancellor of the Exchequer, that wage increases destroy jobs? Does she now understand that her Low Pay Commission is a complete waste of time and money, as the Chancellor of the Exchequer takes the decisions whatever the commission may say? Will she, for once, accept my sympathy that she has been forced to eat her words and break her promise of the same minimum wage for all? Indeed, would she not be better off taking a holiday, or praying for an easier job in the reshuffle, given the way that the Chancellor interferes with the present one?

We left the Government a golden economic legacy. Today, the Government are doing their best to destroy it. The Bank of England has warned them against this policy. The Government blunder on. In their nostalgia for the 1960s and 1970s, they are taking us back to the strikes; back to the inflation; back to the bad old ways; back to the bad old days.

Mrs. Beckett: I challenged the right hon. Gentleman and the Conservative party to tell us whether they would repeal the minimum wage, but the right hon. Gentleman seemed to be torn between complaining that it did not apply at the full rate to everyone from age 16 and complaining that it applies at all. He did not tell us anything about the Opposition's proposals.

The fact of the matter is that the minimum wage is a hugely important step. As I said in the statement, it will benefit 2 million people. I should be very surprised if the right hon. Gentleman or anyone else expected that such a wage would apply to 16 and 17-year-olds. In any event, the Low Pay Commission spent a great deal of time studying those matters and it firmly believes that 16 and 17-year-olds should be exempt, as should people on formal apprenticeships. It is interesting that the right hon. Gentleman apparently disagrees, and we shall certainly bear that in mind when he talks about the impact on inflation. *[Interruption.]* The right hon. Gentleman still asks why, so clearly that is a fruitful topic to pursue.

[Mrs. Beckett]

The simple fact is that, because we have a Labour Government, 2 million people will begin to be released from poverty pay. The fact is that the Low Pay Commission will continue its work and continue to monitor the implementation of the steps. The minimum wage will not cost jobs or lead to high inflation: it will give the most exploited people in this country some relief from exploitation that clearly would have continued in perpetuity under the Conservatives.

Mr. Derek Foster (Bishop Auckland): Is my right hon. Friend aware that every Labour Member will regard the introduction of the minimum wage as a huge leap forward in the Labour party's historic crusade against unemployment and poverty? She deserves the congratulations of the whole House. Is it not ironic that the arguments for minimum pay were recognised by Churchill in 1909? Is it not obvious what an uphill task the Tories face in modernising their party?

Mrs. Beckett: My right hon. Friend is entirely correct. A sad feature of recent years is that the Conservatives have lost all sight of the principles of fairness and social justice. That is part of what put them on the Opposition Benches, and will no doubt help to keep them there.

Mr. David Chidgey (Eastleigh): It is nice to hear Sir Winston Churchill's name again mentioned with reverence from the Government Benches. Times have not changed too much.

The President of the Board of Trade will know that we support many aspects of the Low Pay Commission's work, and we welcome its report in that regard. However, I wish to raise some differences with the right hon. Lady. Does she accept the concept of the longer-term linking of the development rate for 18 to 21-year-olds only with formal education and training? What are her views on that subject? In talking about the continuing role of the Low Pay Commission, does she mean that it will be a permanent body? Will its duties include not just monitoring but recommending on future rates?

Is it not true that the Low Pay Commission has discovered that there is a need for flexibility in the national minimum wage and has used the development rate as a means of achieving that? Would it not have been better if the Low Pay Commission had been permitted in the first place to look at the variations that exist in the economies of the south-east of England and London, and the rest of the country, and examine and report on that phenomenon—the President knows that that is in the report—rather than simply concentrating on a development rate for young people?

Mrs. Beckett: The hon. Gentleman asked me a number of questions. He asked initially about linking the development rate only with accredited training. I am afraid that I could not tell from his phrasing of the question whether he was for or against it. However, that is certainly the view of the commission. *[Interruption.]* I see that the hon. Gentleman is for it. We accept the commission's view and take it very seriously. We shall continue to explore those issues.

The hon. Gentleman also asked about the continuing role of the commission. That body will continue to monitor the implementation of the minimum wage and we shall continue to seek its advice. I know that it is difficult to follow all the details when statements are made quickly, and the hon. Gentleman may not have taken on board the fact that we have already sought further advice from the Low Pay Commission about the rate for 21-year-olds in June 2000.

Finally, the hon. Gentleman asked me about allowing the commission to pursue the issue of variations between regions. The Government set their face for a national rate because of the complications of defining regional boundaries, what happens to benefit rates, and so on. Clearly, the hon. Gentleman will not have had much opportunity to study the detail of the report, but it is interesting to see from the commission's conclusions that it found in its hearings that there were far greater variations within regions than between regions. That shows just how difficult it would be to have rates that vary according to geographical location. It is partly why we share the view that there needs to be a national rate.

Mr. Dennis Skinner (Bolsover): Does my right hon. Friend agree that nobody can deny that on a day like today the political high ground is on Goverment Benches? That is more than evidenced by the response from the shadow President of the Board of Trade. Will she have another look at the 20p difference for young people? Will she also bear it in mind that every group of workers receives payments in kind of some sort? Will payments such as tips and the rest be taken into account? If such payments were taken into account for everyone, Ministers would be in serious trouble.

Mrs. Beckett: I must confess that my hon. Friend has taken me slightly by surprise—I have no recollection of being tipped, but I look forward to it.

The Low Pay Commission has recommended that payments based on output, productivity or performance should count, and that payments based on results, bonuses, tips and gratuities and so on should be taken into account if they are paid through the payroll, but not otherwise. That should reassure not only my hon. Friend but many who are slightly puzzled about the details of those matters. Obviously, there is no intention that the ordinary tip that someone leaves in, say, a restaurant will be taken into account.

Mr. Peter Bottomley (Worthing, West): Can the right hon. Lady answer questions to which many of those who may be affected want to know the answers?

First, if, in a year's time, the underlying rate of inflation remains at 3 per cent., will the extra 10p an hour be added to the £3.60 rate?

Secondly, if the rate is £3.60 or £3.70, can the right hon. Lady confirm what the Chancellor knew last night when he spoke at Great George street on the 60th anniversary of the National Institute of Economic and Social Research: that the proposed rate will have the effect of losing some 1 per cent. of employment—250,000 jobs? How is that compatible with the right hon. Lady's assertion that it will have no impact on jobs?

Finally, if someone receives an increase in pay of 30p an hour—the right hon. Lady said that basic earnings may be £7 an hour, with the extra £3.40 from benefits—how much of that 30p will be lost in terms of lost benefit? How much will the person gain from the extra 30p?

Mrs. Beckett: The hon. Gentleman has asked a number of detailed questions, which will arise during discussions

on the proposals and in the consultation. I shall simply pick out two of the major points. He asked what will happen to the rates in, say, the year 2000. The Government will take that into account as we approach that time, but we shall not make a decision about those matters now. I did not quite catch the hon. Gentleman's description, but he quoted some supposed calculations about the effect on employment. The Government do not believe that the proposals will have a disadvantageous effect. Indeed, we very much believe that they will be beneficial in stimulating productivity and stability in the work force.

I am interested and slightly surprised by the hon. Gentleman's comments, as he has always claimed to be a friend of people on low pay.

Mr. David Borrow (South Ribble): May I welcome my right hon. Friend's statement? The 2,700 constituents of mine who will benefit from her announcement will also welcome it, and will note the comments of the Conservatives—the party of poverty pay.

Can my right hon. Friend assure me that when the Low Pay Commission reviews the implementation of the minimum wage, all aspects will be reviewed, including whether there needs to be a lower rate for young workers, what that should be in relation to the adult workers' rate, the effect on industry as a whole and whether there should be a rate for young workers under the age of 18?

Mrs. Beckett: I thank my hon. Friend for his comments and for identifying the fact that many people in his constituency, as in all our constituencies, will benefit from these proposals. I can certainly assure him that when the Low Pay Commission undertakes its review, it will, of course, review all aspects of the implementation and handling of the minimum wage, including wage rates and the handling of the development rate. By then, it will have the benefit of practical experience of how the introduction of the rates has worked.

Mrs. Jacqui Lait (Beckenham): Can the right hon. Lady tell us whether she plans an audit of the burden of red tape that will be put on small and medium-sized enterprises by the national minimum wage? What advice has she received from the better regulation unit on that subject?

Mrs. Beckett: The hon. Lady seems not to be aware that, as I understand it, the better regulation task force has congratulated the Government. As for red tape, when the hon. Lady has had the opportunity to study the Low Pay Commission's report in more depth—something which I quite understand she will not have had—she will see that it makes several proposals that should greatly simplify the administration of the national minimum wage and make it easy for people to see clearly how it works and what the impact will be in their place of work.

Dr. Lynne Jones (Birmingham, Selly Oak): Having been elected to the House in 1992 on a promise of a £3.40-an-hour minimum wage, and having seen what has happened to the salary of Members of Parliament since then, I have to say that I find today's proposals—and even more so, the failure to implement the Low Pay Commission's proposals in full—bitterly disappointing. I notice that my right hon. Friend said that today's measures would be the beginning of the end of poverty pay. When does she expect that we will end it for good?

Mrs. Beckett: Anybody who tried to answer that question would be treading in very dangerous waters indeed. Of course I understand my hon. Friend's concern and her disappointment, but I am sure that she recognises the need to introduce the minimum wage at a level that will minimise the impact on employment and—[HON. MEMBERS: "Ah!"] I do not know why Conservative Members are making so much noise. When the Low Pay Commission was set up, the Government recommended that it should take these issues into account. We have always recognised that it would be possible to set the minimum wage at a level that could have an impact on employment. That is why we are confident that that is not what we are doing today.

The figure to which my hon. Friend refers was a figure reached by the deployment of a particular formula. The Government have long since come to the conclusion that it was better to proceed by means of social partnership and by practical discussions between representatives of employers of varying sizes and of the work force, and to come to an agreed view about the most practical and sensible way to implement the national minimum wage. The Government decided long ago that that was the right path to pursue. With deep respect to my hon. Friend, she fought the last election on that policy.

Mr. Eric Forth (Bromley and Chislehurst): If the work of the Low Pay Commission was as wonderful as the Secretary of State said, why did she reject some of its key recommendations?

Mrs. Beckett: The right hon. Gentleman has clearly not been paying attention. We have accepted the commission's key recommendations.

Mr. Chris Mullin (Sunderland, South): Will my right hon. Friend accept that this is a good day for those of us who believe in the redistribution of wealth and that the proposals will make a big difference to many of the people I represent? In Sunderland, many people struggle on a wage rate of £2 an hour, and the lowest rate of which I am aware is 89p an hour. Will she confirm that the most important issue is not the rate that is set, but the vigour with which it is enforced? Will she give the House an assurance that the rate that she has announced will be vigorously enforced?

Mrs. Beckett: I can certainly give my hon. Friend that assurance. I thank him for his remarks and the information that he has given the House. I notice that, for once, he silenced Conservative Members—although no doubt not for long. The national minimum wage will be implemented with vigour. As I told the hon. Member for Beckenham (Mrs. Lait), the Low Pay Commission has already turned its attention to how to ensure that everyone is clear about what the national minimum wage means for them and how they can judge whether they are receiving the proper rate of pay. The Government certainly have that in mind.

Mr. Roy Beggs (East Antrim): While I support the principle of decent minimum standards and the desire to

[Mr. Roy Beggs]

end poverty pay. I ask the President of the Board of Trade to take account of the fact that Northern Ireland, which has been identified as a low-wage economy for too long, has had increasing employment opportunities. Will she assure me that her proposals will not damage those continuing employment opportunities, and that areas of high unemployment throughout the United Kingdom, including Northern Ireland, will be closely monitored to determine the impact of the proposals?

Mrs. Beckett: I can certainly assure the hon. Gentleman that the commission took fully into account the circumstances of areas such as Northern Ireland. The commission visited Northern Ireland and took evidence. The commission is confident, as are we, that its proposals, which we have accepted, can be implemented to the considerable benefit of people in the Province and throughout the United Kingdom.

Mr. David Winnick (Walsall, North): I have some reservations about the rate for young people. No doubt there will be opportunities to pursue that. Is it not sickening that Members of Parliament with substantial incomes in addition to their parliamentary salaries should be so passionate in favour of starvation wages? Should we not take every opportunity to tell the electorate that Tory Members were willing for us to stay up all night on 9 March to fight for a principle that they believe in so passionately—that people in this country should continue to have starvation wages?

Mrs. Beckett: My hon. Friend is right. It was difficult to detect a consistent theme from the right hon. Member for Wokingham (Mr. Redwood) or from Conservative Back Benchers, but it is clear that, at the next election, the Conservative party intends to threaten 2 million of our poorest fellow citizens with wage cuts.

Mr. Philip Hammond (Runnymede and Weybridge): The right hon. Lady is not the only person to have had to eat a good portion of humble pie in these proceedings. The Minister of State, Department of Trade and Industry, the hon. Member for Makerfield (Mr. McCartney), launched a scathing attack on Conservative Members in Committee when we suggested that tips should be taken into account in calculating whether the minimum wage had been paid. The right hon. Lady has told the House that tips will be taken into account when they are paid through the payroll. Has her hon. Friend offered his resignation? Now that the rate and the details of the applicability of the minimum wage are known, what figure has the Treasury model given her for the number of jobs that will be lost as a result of its introduction?

Mrs. Beckett: I have already dealt with the issue of tips. My hon. Friend was right to say that tips will not be included. They will not be included unless they are part of proper remuneration, not a random figure. The hon. Gentleman says that I should feel humble today. I strive always to feel humble, because that is better than suffering from the conceit and arrogance of the Conservatives. Despite my efforts toward humility, what I feel today, standing at the Dispatch Box to advance and defend the national minimum wage, is pride.

Mr. Huw Edwards (Monmouth): May I welcome my right hon. Friend's statement? It represents the most important advance in employment rights since the Equal Pay Act 1970, which was also systematically opposed by the Conservative party. Will she join me in congratulating all those who campaigned for a national minimum wage—trade unions and organisations such as the Low Pay Unit—and the Ministers who took the legislation through Committee in the face of the Conservative party's continual opposition?

Mrs. Beckett: I am extremely grateful to my hon. Friend, who is entirely right. He is probably too young to remember the introduction of the Equal Pay Act, but I vividly remember it, I remember what the Conservative party said about how it would harm employment and how people would lose their jobs. I also remember that, at that time, I was living in the household of a lone parent who did not receive equal pay. The introduction of the Act by a Labour Government made a big difference to our standard of living.

Mr. Cynog Dafis (Ceredigion): Can the President of the Board of Trade tell us whether the party Whips have identified the Minister who was quoted in today's edition of *The Guardian*, who said that the Government's proposals were unacceptable because they failed to protect those who have least, while allowing very high rates of pay and increases in pay at the top level? Would it not be easier to stomach some of the Government's arguments if they were prepared to increase the higher rate of tax to bring greater resources into the public sector to provide the quality services and social investment that we desperately need? Is not it astonishing that a Labour Government are not prepared to bite that bullet?

Mrs. Beckett: The hon. Gentleman has strayed rather far from the issue of the minimum wage; he is talking about the general issue of taxation policy. I hope that he, like all of us on the Labour Benches, very much welcomes, for example, the proposals of my right hon. Friend the Chancellor of the Exchequer to introduce the working families tax credit. The hon. Gentleman is talking primarily about the public sector. He must surely have observed that large numbers of the 2 million people who will benefit from the introduction of a national minimum wage work in the private sector. That is where the worst exploitation takes place.

Mr. John McAllion (Dundee, East): Everyone accepts that young people undergoing training cannot expect to be paid the rate for the job, but few would accept that young people should be discriminated against simply because they are young people. Already, under-25s are paid a low rate of income support and are subjected to the injustice of the single-room rent allowance simply because of their age. Now, 18 to 21-year-olds will be paid a lower national minimum wage simply because of their age. How can young people take seriously our talk of trying to tackle social exclusion when we exclude them from the rights of every adult citizen simply because of their age?

Mrs. Beckett: Of course, I have every sympathy with my hon. Friend's concern to draw young people into the community and to avoid social exclusion. In a variety of ways, the Government are seeking to offer young people good training opportunities to try to ensure that they can

secure jobs. That is very much the key to their prosperity. I do not share my hon. Friend's view that it is particularly damaging to young people to be offered a development rate of the national minimum wage. As I said earlier, the Low Pay Commission looked very carefully at the area. I am confident that, despite his concerns, it has not overlooked the fact that very many young people—some 200,000—will benefit from today's announcement even at the rates that we are proposing.

Mr. Nicholas Soames (Mid-Sussex): Will the minimum wage be index-linked to inflation?

Mrs. Beckett: That has not been proposed by the Low Pay Commission; nor, indeed, is it proposed by the Government. Despite having, as I understand from the Register of Members' Interests, some seven paid jobs, I am glad that the hon. Gentleman is showing concern for the low-paid.

Mrs. Maria Fyfe (Glasgow, Maryhill): May I ask my right hon. Friend to have another look at tipping? Does she agree that when a customer tips for service, that customer does not expect the employer to skim off money for costs that ought to be paid from the profits of the business; and that if the employer is doing that, he is robbing the employee of money that the employee should have? If so, are we not getting into dangerous waters to count tips at all? Should they not be considered a top-up to a basic wage, whatever that basic wage happens to be?

Mrs. Beckett: I understand and sympathise with my hon. Friend's concern, and I can tell her that that is what is going to happen. It is intended that commissions, tips and gratuities paid through the payroll will be taken into account in assessing the national minimum wage, in the same way that they are now taken into account for taxation. That is the way these issues are handled at present, and they will continue to be handled in that way in the application of the national minimum wage.

Mr. James Paice (South-East Cambridgeshire): Will the President publish and tell the House now of any assessment that she or the Chancellor has made in respect of the restoration of differentials and the impact of her proposals on other pay?

Mrs. Beckett: The Low Pay Commission looked at the issue of the restoration of differentials and, from its careful assessment and its deep, detailed studies in the labour market, it believes that the impact on differentials would be minimal. I remind the House that, with great respect to those who are theoretical economists, the commission was not making a theoretical assessment, but was operating and taking evidence from those who have practical experience in the marketplace. It is on that basis that the commission made its observations.

Mr. John Cryer (Hornchurch): What guarantee can my right hon. Friend give that 16 to 18-year-olds will not be exploited?

Mrs. Beckett: There is a whole range of other measures that apply to 16 to 18-year-olds, including rights to training, which we believe will be beneficial to them. I can only say that we do not take the view—nor, if I may remind my hon. Friend, did the Low Pay Commission—that 16 and 17-year-olds should be included in the structures of the minimum wage.

Gillian Merron (Lincoln): In welcoming my right hon. Friend's announcement, Labour Members share her pride in seeing the arrival of the first ever national minimum wage in this country; it has been consistently opposed by the Conservatives. Can my right hon. Friend tell the House about anticipated savings in the welfare benefits bill? We have heard about the benefits to the 2 million low-paid people and the benefits resulting from the boost to the economy, but the taxpayers of this country and others will also benefit. Can my right hon. Friend give us an estimate?

Mrs. Beckett: My hon. Friend is entirely right. I know that she is one of those who, night after night, valiantly bore the heat and the burden in the Standing Committee on the Bill to get the legislation on the statute book. She is right to say that one of the beneficial effects of the legislation will be substantial savings to the taxpayer. I noticed that the shadow Secretary of State chose to dress up, in references to an overall minimum income, a call for substantial taxpayer subsidies to people who exploit by paying poverty wages. We do not share that view.

I have to tell my hon. Friend that I am not in a position to give the estimates for which she calls. It may be possible over time for people to do some calculations, but I have no figure before me for savings on the tax bill. However, we all know that, at the present time, the subsidy from taxpayers for low pay is about £1.5 billion, and we expect that substantially to reduce.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): Are the Government slightly embarrassed that the Government of the Republic of Ireland have recently proposed a minimum wage there of £4.40 per hour?

The Low Pay Commission's recommendation that the national minimum wage should be £3.70 in 2000 is the very first recommendation in its report, which seems to signify that it is seen as a key recommendation. How does the right hon. Lady square her non-acceptance of that with the fact that she says that the Government are accepting all the key recommendations?

Mrs. Beckett: First, the Republic of Ireland has different structures and different pay rates, but, if its Government were having to introduce a minimum wage today, cold, on the basis of a labour market that had been exploited and neglected as ours was under the Conservatives, I am not at all sure whether they would choose to introduce it at that rate. It is the Government's concern to get the right rate and level of introduction.

The hon. Gentleman also asked about the recommendation on the development rate. I repeat that the Low Pay Commission made a small number of key recommendations, which we have accepted. We have said that we will phase in that recommendation for that group in the first year.

Mr. Tony Baldry (Banbury): Will the President of the Board of Trade accept that if the minimum wage rate is set at or below the market rate, it will simply be otiose and, if it is set above the market rate, it will simply lead

[Mr. Tony Baldry]

to a loss of jobs? Has the right hon. Lady estimated how many jobs will be lost, has she simply not estimated that, or has she done so but is not prepared to share the estimation with the House?

Mrs. Beckett: If the hon. Gentleman is worried about employment levels, he could give up one of the six jobs that he has. He has made that point before ad nauseam and there is nothing more nauseous than listening to well-paid Conservative Members defending a system in which, as my hon. Friend the Member for Sunderland, South (Mr. Mullin) pointed out a few moments ago, some people receive sums as low as 89p an hour. I am disgusted that the Conservative party defends that.

Mr. Chris Pond (Gravesham): While not wishing to undersell my hon. Friend the Member for Sunderland, South (Mr. Mullin), may I point out that cases of 49p an hour are not uncommon? That is why Labour Members welcome my right hon. Friend's statement. Is she aware that her pride in it will be reflected in the welcome that it will receive throughout the country? Many people will think that the statement by the shadow President of the Board of Trade that the minimum wage is fool's gold is adding insult to the injury that the Conservative party created for the low-paid for so many years. Will my right hon. Friend confirm that when the Low-Pay Commission is asked to reconsider the appropriate rate for 21-year-olds, it will also be asked to consider the appropriate rate for 18 to 20-year-olds in relation to the adult rate?

Mrs. Beckett: I thank my hon. Friend for his remarks. Of course, all hon. Members—certainly those on the Labour Benches—are aware of the long and honourable record that my hon. Friend has in campaigning on the issue. I am sure that he is as pleased as we are that we are so close to achieving the introduction of a national minimum wage. He asked about the proceedings when the Low Pay Commission reconsiders the rate for 21-year-olds. We are anxious for it to begin that reconsideration during 1999, and to make early recommendations. Of course, it will be its role in general to monitor, keep under review and, from time to time, advise on rates and, indeed, the process and pattern of what is happening as we introduce the national minimum wage across the board.

Several hon. Members *rose—*

Madam Speaker: Order. Thank you, Mrs. Beckett. I am bringing this statement to a close.

Business of the House

4.17 pm

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): With permission, Madam Speaker, I should like to make a statement about the business for next week.

MONDAY 22 JUNE—Progress on remaining stages of the Crime and Disorder Bill *[Lords]*.

TUESDAY 23 JUNE—Conclusion of remaining stages of the Crime and Disorder Bill *[Lords]*.

WEDNESDAY 24 JUNE—Until 2 pm, there will be debates on the motion for the Adjournment of the House.

That will be followed in the afternoon and evening by consideration in Committee of the Human Rights Bill *[Lords]* (third allotted day).

THURSDAY 25 JUNE—Opposition Day (14th allotted day).

Until about 7 pm there will be a debate on a sittings motion for Friday 3 July in the name of the Liberal Democrats, followed by a debate on Government strategy on social welfare on a motion in the name of the Scottish National party.

FRIDAY 26 JUNE—The House will not be sitting.

The provisional business for the following week will be as follows.

MONDAY 29 JUNE—Opposition Day (15th allotted day).

The subject will be announced.

TUESDAY 30 JUNE—Progress on remaining stages of the Finance (No. 2) Bill.

WEDNESDAY 1 JULY—Until 2 pm, there will be the usual debates on the motion for the Adjournment of the House followed by completion of remaining stages of the Finance (No. 2) Bill.

THURSDAY 2 JULY—Conclusion of consideration in Committee of the Human Rights Bill *[Lords]* followed by the remaining stages of the Data Protection Bill *[Lords]*.

FRIDAY 3 JULY—Private Members' Bills.

Sir George Young (North-West Hampshire): The House is grateful to the right hon. Lady for giving next week's business and the provisional business for the following week. In addition to the business that she has announced for next week, it is likely that there will be further ministerial statements. In the light of what happened today—not for the first time, the contents of a statement were widely trailed in the press and the media—will she bring to the attention of fellow members of the Government paragraph 27 of the Ministerial Code, which was revised by the Prime Minister last July? It makes it clear that

> "When Parliament is in session, Ministers will want to bear in mind the desire of Parliament that the most important announcements of Government policy should be made, in the first instance, in Parliament."

The right hon. Lady announced that, on Monday, the House is to consider a range of amendments to the Crime and Disorder Bill, some of which relate to the age of consent. Has she seen the points of order raised by two Labour Members yesterday—in column 386 of *Hansard*—pressing for changes in the way in which the Business Committee operates so that the House can vote

on amendments that have been selected by Madam Speaker but have not been reached? Does she have sympathy with those points of order?

Two weeks ago, in response to a business question, the right hon. Lady said that the House would not sit on Saturdays for "normal business". Will she confirm that, like the establishment of an assembly in Wales and of a Parliament in Scotland, the establishment of an assembly in Northern Ireland is, indeed, the normal business of the House and that there is no question of inviting the House to sit on a Saturday to deal with it?

The House will be expecting the Government to have completed a number of reviews shortly, including the strategic defence review, the comprehensive spending review and reviews on the Child Support Agency and on pensions. Will the right hon. Lady confirm that statements will be made to the House on each of those? Will she give some idea of when they will be made, especially the statement on the comprehensive spending review? Furthermore, when can the House expect the long-awaited and much promised foreign affairs debate?

Finally, those who work in the House—and, indeed, many Labour Members—will want to know more about the plans for the summer recess. Will she shed any further light on when the House will rise for that event?

Mrs. Taylor: I shall deal first with the right hon. Gentleman's point about statements. I hope that he is not suggesting that it is only under this Government that there has been a great deal of press speculation about the contents of statements that are to be made to the House. I know that Ministers take steps to try to ensure that speculation does not get out of hand and that they are careful about what they say in advance of statements. As he is pressing for more statements, he will know that there is speculation, not least by Conservative Members, about the contents of some of the reviews. We cannot stop all speculation, but it is right that Ministers should not be party to the early release of information and that they should make relevant statements to the House—that is the procedure that we try to follow.

The right hon. Gentleman asked about consideration of the Crime and Disorder Bill on Monday and the points of order that were raised, which, I believe, concerned genuine issues. We shall have to look at how the Bill is dealt with on Monday. The Business Committee is taking on board those issues; it is trying to ensure that there are votes on Monday evening on the relevant amendments selected by Madam Speaker. Those discussions are continuing and I intend to ensure that all hon. Members know the exact order of votes on Monday—we shall try to make that factual information available to all hon. Members in advance of any votes that are called.

The right hon. Gentleman asked about reviews. I said that we will have statements, not necessarily on all the subjects that he mentioned, but on all the more important issues. They will be made, I hope, some time next month, although I cannot give dates in advance.

The right hon. Gentleman again asked for a foreign affairs debate. I have said that I hope to find time later in the Session for one. We arranged for a full day's debate on European matters last Thursday, but it was poorly attended, especially by Conservative Members, and collapsed earlier than we had expected, so I am not sure that there is always as much interest in the subject as people think.

I answered the point about sitting on Saturdays some time ago. It is not my intention that the House should sit on Saturdays, but we all have a responsibility to ensure that if there is an occasion on which the House can make special arrangements to help advance the peace process in Northern Ireland, we should do so. I do not expect anything specific, but we should always be careful about what we say on Northern Ireland issues and the responsibilities of the House in that respect.

I genuinely cannot answer the question about the recess, not least because the dates will depend on the progress of the business that is currently being conducted. The right hon. Gentleman will know from our discussions through the usual channels that not all the details have yet been agreed.

Mr. Jeremy Corbyn (Islington, North): When does my right hon. Friend expect there to be a debate on the report by the Low Pay Commission and the Government's response to it? Will she ensure that, in such a debate, there will be an opportunity to amend the Government's proposals on the rates of pay and the youth rates of pay, and that separate votes will be taken on each of the elements proposed in the package?

Mrs. Taylor: The next stage will be for the regulations to be laid. That will be done, but not in the immediate future, and I do not think it right to anticipate when such a debate might occur. I shall, of course, bear my hon. Friend's points in mind.

Mr. Paul Tyler (North Cornwall): Can the Leader of the House give us an assurance that in the discussions on the Crime and Disorder Bill there will be a full opportunity to debate the Government's proposals on dealing with football hooliganism? As a Cornishman, I am totally objective in the matter, as I believe that real men play rugby. I know that the right hon. Lady disagrees with that, but I wonder whether she has taken note of the comments made by the right hon. Member for Kensington and Chelsea (Mr. Clark), who seems to think that the flower of England's youth was defending the nation's honour. Does she accept that such a debate would allow the full range of Conservative Members' points of view to be expressed?

There are disturbing rumours—I wonder whether the Leader of the House can confirm that discussions have taken place through the usual channels—that the Conservative Opposition propose to break the bipartisan approach on Northern Ireland. Has she had any assurances from Conservative Front Benchers? Will she reaffirm her intention to try to preserve the all-party approach on such important matters?

Will the Leader of the House reiterate, on behalf of the whole House, the respect that we all have for the accuracy, integrity and independence of the House of Commons Library? She will have noted that yesterday the Prime Minister appeared to question the statistics on taxation provided by the Library. Will she acknowledge that on some occasions the Library is correct when her colleagues are wrong? For example, will she acknowledge that in the Library note of 15 June provided to my hon. Friend the Member for Gordon (Mr. Bruce),

[Mr. Paul Tyler]

the Treasury's recent document on spending is shown to be wrong and that the Government have been overgenerous by 25 per cent.?

Mrs. Taylor *rose—*

Madam Speaker: Order. We are discussing next week's business. Do I understand that the hon. Gentleman is seeking a debate on Library publications? Otherwise, he is abusing this period of discussion of next week's business.

Mrs. Taylor: I am tempted to say, "Not next week."

When my right hon. Friend the Prime Minister made his comments yesterday, he was raising the issue of the presumptions that had been fed into the questions that were asked to obtain that information.

On the serious point about bipartisanship on Northern Ireland, we all have significant responsibilities. The Prime Minister's statement at Question Time yesterday reinforced that extremely well and right hon. and hon. Members on both sides of the House should heed his words.

On the subject of football hooliganism, I should emphasise that it was hooliganism by English supporters; we should not include the Scots. I was alarmed, outraged and amused to a ridiculous extent that anyone could come out with the comments made by the right hon. Member for Kensington and Chelsea (Mr. Clark). He clearly was not speaking along the same lines as his own Front-Bench team, with whom it may be possible to have an element of bipartisanship—if the right hon. Gentleman is excluded.

Mr. Joe Ashton (Bassetlaw): May I thank the Leader of the House and you, Madam Speaker, for her and your generous protection of the interests of Back Benchers as regards Monday's business? I raised a point of order yesterday on whether the Business Committee could make it possible, when the age of consent clause is moved, for time to be allowed for other Back-Bench amendments. I was glad to hear the Leader of the House say that that will be considered and it is good to know that our rights will be protected.

Mrs. Taylor: I am grateful to my hon. Friend. I cannot guarantee that all amendments will be voted on, as that will depend on selection, but we shall try to arrange matters so that as many significant issues as possible are voted on. I shall try to ensure that all hon. Members are properly informed of the sequence of votes.

Mr. Ian Bruce (South Dorset): Can the Leader of the House describe the terms of reference of Sir Thomas Legg's inquiry into the arms to Sierra Leone affair? In particular, do they allow him to look into the arming of Nigerian soldiers, who were the main part of the so-called peacekeeping force in Sierra Leone? It is possible that those arms were later used to keep down the people of Nigeria after their President died.

Mrs. Taylor: I do not believe that we will have a debate on that matter in the near future. When the terms of reference were set out, my right hon. Friend the Foreign Secretary said that if Sir Thomas Legg wanted the terms extended to cover any other relevant point, he could ask for that to happen. It is therefore clear that relevant information will not be denied to Sir Thomas Legg.

Mr. John McDonnell (Hayes and Harlington): Has my right hon. Friend had an opportunity to consider timetabling a fuller debate on the "Fairness at Work" White Paper? She will be aware that I have raised industrial relations issues confronting several of my constituents in recent weeks, particularly in a dispute at Noon's. I have been visited by a group of constituents who work at American Airlines, where fairly intensive intimidation has been waged against them by the management team of Paul Mallard, Janice Cowell and Beniot Perignon. It has involved intimidation of people on sick leave, accusations of petty dishonesty and manipulation of the staff relations handbook to ensure that staff are slimmed down before a merger with British Airways. I urge an early debate on industrial relations so that that matter can be exposed in full.

Mrs. Taylor: My hon. Friend has consistently raised matters affecting his constituency. I know from other interventions that he has pursued these cases vigorously. I cannot promise him the debate that he wants for reasons that he well understands. Perhaps he might apply for an Adjournment debate. I also remind him that there will be a three-hour open Adjournment debate just before the summer recess. If he has not found time to raise the matter before then, that might be a suitable occasion on which to do so.

Rev. Martin Smyth (Belfast, South): The usual channels have been mentioned. It is possible that on Monday 29 June the Government may wish to make a statement on the Northern Ireland elections. Bearing it in mind that since the referendum there has been no contact with the Ulster Unionists Whips Office before 12 noon and that it is impossible to travel across in time for a statement after that time, would it be possible to give us early notice, not just through the usual channels, but directly?

Mrs. Taylor: It is impossible to inform every hon. Member directly when a statement is to be made, but I understand the hon. Gentleman's concerns and I shall bear them in mind.

Mr. Tam Dalyell (Linlithgow): When the shadow Leader of the House asked for a foreign affairs debate, it was with some justice that my right hon. Friend referred to the poor attendance at Thursday night's debate on Europe. As one who took part and asked questions about Kosovo, may I ask whether we may have a statement before there is any idea of an air strike or military intervention and before British service men are in any way committed, rather than waiting until it is a fait accompli? Can we have an undertaking that there will be no action other than under the authority of the United Nations and with the acquiescence, at least, of the Russians?

Mrs. Taylor: My hon. Friend has a long-term interest in such issues. I recall his asking me that the House be kept informed of the possible activity of British troops in another area. I cannot give an absolute undertaking that

an oral statement will be made before any decision to deploy troops but, obviously, we take keeping the House properly informed of any decisions very seriously. We will always endeavour to give the House information at the earliest possible opportunity.

Mr. John Wilkinson (Ruislip-Northwood): May we have a statement early next week from the Deputy Prime Minister on London Underground? Since he made his last statement, has not uncertainty about the future of the system grown rather than diminished—no one knows who is going to take on the franchises to operate the infrastructure? Were not Londoners seriously inconvenienced by industrial action on Monday and Tuesday largely because of that uncertainty, created by the Deputy Prime Minister himself?

Mrs. Taylor: I do not accept that that is the reason for the problems. All hon. Members and everyone who uses the tube in London are aware of the vast problems of underinvestment over many years when the hon. Gentleman's party were in government. My right hon. Friend the Deputy Prime Minister has kept the House informed and I do not see any prospect of an early debate.

Mr. Ivor Caplin (Hove): I wonder whether my right hon. Friend, through the usual channels and before next week's Opposition day debate, can say why the Liberal Democrats chose just two of the private Members' Bills that are listed for 3 July and perhaps did not consider the Bills that came above those two in the ballot.

Mrs. Taylor: That, of course, is a question that the Liberal Democrats will have to answer. I understand the concerns of hon. Members who have worthy private Members' Bills that have been excluded from the Liberal Democrat motion, but the Liberal Democrats will have to answer for themselves. However, I hope that no one is under any illusion that Thursday's business will guarantee the passage of any individual private Member's Bill. That is not the case.

Mr. John Bercow (Buckingham): Given the Government's support for a statutory right of interest on the late payment of commercial debt and Ministers' professed belief in justice and equity, why can we not have an early further statement from the President of the Board of Trade, which would give her the opportunity to explain what she failed to explain today—why the Government opposed amendment No. 41 to the National Minimum Wage Bill? That amendment would have given employees the right to claim interest on minimum wages that were not paid or paid late—an amendment that I tabled and the Government failed to support.

Mrs. Taylor: I understand the hon. Gentleman's frustration if he cannot always get in to ask every question that he wants to ask, but my right hon. Friend the President of the Board of Trade's statement was comprehensive and well received.

Mr. John Cryer (Hornchurch): I should like to add my voice to the requests for an early debate on the Low Pay Commission report and the Government's recommendations. It will include, I hope, an opportunity to amend the national minimum wage legislation. I urge my right hon. Friend to take no notice of the comments of the Conservative Front Bench about the Government's treatment of the House. The shadow Leader of the House was a member of a Government who treated this place with absolute contempt for 18 years, who trailed legislation before anyone knew about it and whose general record on the treatment of the House of Commons was lamentable.

Mrs. Taylor: Many Conservative Members have very short memories. My hon. Friend is right to draw attention to the previous Government's track record on ignoring the House. We try to make statements on important issues here—in line with established convention.

Mr. Andrew Stunell (Hazel Grove): Will the Leader of the House make time for a debate on early-day motion 1264 on the Nationwide building society?

[*That this House regrets that the Nationwide Building Society has again been forced to ballot its members on its future as a mutual so soon after the last attempt to convert the society to a bank was rejected by its membership; recognises that building societies are widely trusted by consumers, and notes that they provide essential diversity on the high street, accounting for a growing share of the market; further notes that, as they do not have to pay dividends to external shareholders they can offer cheaper mortgages and better returns on savings; and urges the members of the Nationwide Building Society once again to vote to retain its mutual status.*]

Will the right hon. Lady ask the Secretary of State for Trade and Industry to explain to the House whether the Government will take the necessary measures to stop the annual round of predation by those who are trying to destroy the mutual sector?

Mrs. Taylor: I understand the interest many hon. Members take in this matter. We recognise that there must be diversity and competition in the savings and loans market. I cannot promise the debate that the hon. Gentleman wants. I am sure that, with the ingenuity that he has quickly developed as a new Member, he will find other ways to raise the matter.

Mr. Gordon Prentice (Pendle): We read in the press today that Britain is to slash its nuclear arsenal and will not buy seven new Trident warheads at a cost of £100 million. That is immensely heartening, but even if the reports are untrue is there not a case for an early debate on nuclear proliferation, especially given what has happened in southern Asia? If we cannot have a debate, surely a statement would be in order, especially if the reports are true.

Mrs. Taylor: My hon. Friend refers to speculation about the possible final outcome of the strategic defence review. I have just said that I do not think that Ministers should talk about such issues in advance of statements, but I understand why he puts the matter in the context of southern Asia. I cannot guarantee a debate in the near future, but I have said previously that we will spend time debating defence matters in this Session.

Mr. Nicholas Soames (Mid–Sussex): Is the right hon. Lady aware that many tens of thousands of commuters were put to the most gross inconvenience this week by

[Mr. Nicholas Soames]

the irresponsible, selfish attitude of employees of London Underground? In view of the Government's intimate relationship with the National Union of Rail, Maritime and Transport Workers, will she allow a debate on some of the extraordinary Spanish practices—and bad working practices—of union members in London Underground so that we can find a way to encourage a more liberal attitude to work?

Mrs. Taylor: I am not sure what the hon. Gentleman means by a more liberal attitude to work. Industrial relations are a matter for London Transport. It would not be right for the Government to intervene directly in negotiations between London Transport and the unions.

Mr. Paul Flynn (Newport, West): Following the news that the Government's views on quarantine regulations will probably not be announced until the autumn, is there not a need for an urgent debate on these cruel, unfair and irrational rules, which are more likely to bring disease into the country than the reformed system used in other countries, such as Sweden? Is my right hon. Friend aware of the plight of many people who do not wish to inflict quarantine on their companion animals? In the past 25 years, not one quarantined animal has been discovered with rabies, but 13 people have come into the country with rabies. It would be more rational to put holidaymakers into Strangeways when they come from abroad than to continue with the present system.

Mrs. Taylor: I can see that that appeals to some Opposition Members. A consultation on quarantine rules is taking place. It is a serious subject. Concerns have been raised on both sides of the issue. The Agriculture Committee has published a significant report. It is right that Ministers should consider all the evidence. The House will be kept informed when decisions have been taken.

Dr. Evan Harris (Oxford, West and Abingdon): In the light of the collapse late yesterday of the prosecution case against nine of my constituents—asylum seekers at Campsfield house—because of what could politely be described as the incompetence and inconsistency of the Group 4 prosecution witnesses, will the Home Secretary make a statement early next week on the Government's recent decision to extend Group 4's contract and the award for good practice given by a Home Office Minister to Group 4 at Campsfield? Could the statement include the Government's position on the use of prisons for asylum seekers, which has been condemned by the United Nations High Commissioner for Refugees and Sir David Ramsbotham? To my horror, five innocent asylum seekers have been sent to prison, where they are being detained while their cases are determined.

Mrs. Taylor: The decision to mount prosecutions against nine defendants was taken by the Crown Prosecution Service after an investigation by Thames Valley police. It is right that the accused should be acquitted if the evidence presented in court is insufficient to support a guilty verdict. I understand that after the collapse of the trial, Group 4 will review the evidence that emerged and conduct, if appropriate, an inquiry into what went on. It is best that I leave it there at this stage. There are no plans for an immediate statement from the Home Office.

Mr. Crispin Blunt (Reigate): As I tabled a second group of amendments for the debate on the age of consent, may I join the hon. Member for Bassetlaw (Mr. Ashton) in thanking the Leader of the House for her consideration for Back Benchers in respect of Monday's debate? What is her best estimate of when we will get the information that she said she would make available about when the votes will be taken?

Mrs. Taylor: I am grateful for the hon. Gentleman's comments. I remind him that I said that we could not guarantee a vote on any specific issue. That depends on other people and, thankfully, is not in my hands. On making the information available, once the Business Committee has completed its work and selection is concluded, it will be possible to make the information available. I imagine that it will available early on Monday afternoon and certainly quite soon after the debate starts.

Bristol Royal Infirmary

4.47 pm

The Secretary of State for Health (Mr. Frank Dobson): With permission, I should like to make a statement on children's heart surgery at Bristol royal infirmary.

I promised that once the General Medical Council had completed its disciplinary proceedings against the three doctors concerned, the Government would establish an independent inquiry into children's heart surgery at the infirmary. On 29 May, the GMC announced that it had concluded that many of the charges against the doctors were proved. It has taken further time to consider what action to take against the doctors concerned. Today, it has struck off two of them, Mr. Wisheart and Dr. Roylance, and censured Mr. Dhasmana. I have therefore taken the earliest possible opportunity to come to the House to announce that I have decided to set up a public inquiry into children's heart surgery at Bristol royal infirmary.

The inquiry will be established under section 84 of the National Health Service Act 1977. I hope that everyone concerned will co-operate with it. The inquiry will be chaired by Professor Ian Kennedy, professor of health law, ethics and policy at University college London. He is an eminent lawyer and expert in medical, legal and ethical issues. He has written extensively on problems arising from the care of severely disabled new-born babies. He has chaired the expert advisory group on the ethics of xenotransplantation and the advisory group on rabies and quarantine. He was a member of the expert advisory group on AIDS.

Under the National Health Service Act 1977, as chairman of the public inquiry, Professor Kennedy will have the power to require witnesses to attend the inquiry, to give evidence on oath and to produce documents. Criminal penalties are available against any who refuse to do so.

I intend to announce the other members of the inquiry and its detailed terms of reference very soon. Today I can make it clear that the inquiry will examine all aspects of what went wrong at Bristol. It will identify any professional, management and organisational failures and make recommendations to safeguard patients and their families in future.

I have had three meetings with the representatives of parents of children who died or suffered brain damage following heart surgery at Bristol royal infirmary. I was deeply impressed by their grief at what had happened to their children, by their dissatisfaction with how they—the parents—had been treated since, and by their disillusion with the clinical, professional and management arrangements which failed to deliver the standards of treatment and care that everyone has come to expect from the national health service. We owe it to them to ensure that the public inquiry gets to the bottom of what went wrong in Bristol—that all the facts are exposed and responsibility is identified. We also owe it to them to try to complete the inquiry within a reasonable period so that they can make a new start in their lives. We owe it to them and everyone else in our country to make sure that lessons are learned so that such a tragedy never occurs again.

The Government are not going to wait for the outcome of the inquiry before taking action to put in place new machinery for setting and maintaining clinical standards in the national health service. As we spelled out in December in our White Paper, "The New NHS", we are introducing a whole range of measures.

We will establish a national institute for clinical excellence to set national standards. No such organisation exists at present. We will place a duty of clinical governance on NHS trusts. They do not have such a duty at present. To make sure that the new national standards are being met, we will establish a commission for health improvement. There is no such organisation at present. We will require all hospital doctors to participate in national external audit. There is no such requirement at present.

We will enable all patients and their GPs to get information on treatment success rates at their local hospital. They have no such right at the moment. All those measures have been welcomed by the Bristol parents. They have been welcomed by the medical, nursing and midwifery professions. They will be included in our forthcoming national health service Bill. Where legally possible, we will proceed with some of the changes even before the Bill becomes law.

As I said when I met them last Friday to the representatives of the Bristol parents, the measures already in train and any further changes which result from the public inquiry will be too late to save their children; but I think I was speaking on behalf of us all when I expressed to the parents my hope that they would gain at least some small consolation from the knowledge that the lessons learned from what their children had suffered should mean that nothing like it ever happens again.

Miss Ann Widdecombe (Maidstone and The Weald): The Opposition broadly welcome the Secretary of State's statement and the measures that he proposes to take. In particular, we welcome the speed with which he is setting up the promised independent inquiry. We also wish to extend our sympathy to the parents and relatives of all the children who died; and I can assure the Secretary of State that the Opposition will assist in any way we can in preventing such a tragedy from occurring again. I of course accept that neither he nor anyone else can give absolute guarantees.

I have some specific questions which I hope the Secretary of State will accept in the spirit of co-operation that I have just outlined. The role played by the chief executive of the hospital gives rise to concern. Recently, the Secretary of State said that under future auditing arrangements doctors will have to share their results with their senior colleagues—but who will guard the guardians? Clearly in this case such a procedure would not have worked.

The right hon. Gentleman has already announced his intention to publish mortality rates for hospitals, another measure that the Opposition have broadly welcomed. How is it intended to interpret such results, to make that interpretation comprehensible, and to make it available to the public? Transparency is essential—we welcome it—but by itself it is no use, unless it is backed up by the choice to allow patients to go elsewhere. Given the Secretary of State's arrangements for primary care groups and for the ways in which doctors will have to follow the contract patterns laid down by PCGs, how will he maintain the choice which must follow transparency?

The right hon. Gentleman will also, I am sure, accept that many agencies, not just the doctors or the hospital, were involved in this case—among them the health

[Miss Ann Widdecombe]

authority, the Department of Health, whose advice was apparently disregarded, and the Royal College of Surgeons. Will the inquiry examine the role played by each and every agency and body involved in this case; and will it then consider the appropriateness of self-regulation?

For how long is the inquiry expected to sit, and roughly when may we expect its results? Will the inquiry be able to recommend disciplinary action, if appropriate, except in the cases of those who have already been the subject of the General Medical Council inquiry?

The right hon. Gentleman rightly says that one issue thrown up by the case concerns due information being available to parents or other responsible adults, but clearly they must know not just the success rates at their local hospital but the success rates elsewhere for equivalent operations with equivalent chances of success. Will he make the giving of that sort of information absolutely mandatory for surgery of this order of magnitude?

Mr. Dobson: The chief executive in this case is one of the doctors who was subject to disciplinary proceedings, so, to some extent at least, his role as a medical practitioner has been dealt with by the GMC. His roles as chief executive and as a doctor will be the subject of investigation by the inquiry.

The right hon. Lady asked whether hospital arrangements would be adequate and whether people would, in effect, police themselves. I thought that I had made it clear in my statement that that would not happen. For the first time in the history of the NHS, we shall place a duty of clinical governance on the chief executive of every trust. Mr. Roylance did not have that duty before. We will put in place a system of national audit for all doctors' activities in every hospital, and establish a commission for health improvement which will ensure that national standards, once set, are kept. For the first time in the history of the NHS there will be people outside the hospitals checking—that is a step forward.

It is only right and proper from everyone's point of view that mortality statistics should be sensibly comparable. A system that compared mortality rates for standard operations with rates for extremely difficult, complex operations—often carried out on patients who are profoundly ill for other reasons—would be extremely foolish. That is why we have sought throughout our considerations to carry with us the people in the medical profession who are determined to raise standards.

The statistics will be available, for the very first time, to patients and GPs, who have never before had access to the figures. There will thus be greater choice and better-informed choice than ever before.

The inquiry will be able to look at every aspect of what happened in Bristol and come up with recommendations in respect of Bristol—including disciplinary proceedings if that is thought right—and in respect of ensuring more generally that such incidents never happen again.

Finally, Professor Kennedy and I would like to keep the proceedings of the inquiry as short as possible, commensurate with doing a thorough job. I hope that the lawyers involved in it will bear it in mind that one of the inquiry's objectives is to draw a line under all this so that all the families involved can start their lives over again.

Dr. Doug Naysmith (Bristol, North-West): On behalf of the people of Bristol and the south-west, I thank my right hon. Friend and welcome his statement. I assure him that this sad, sorrowful and, in some respects, sordid affair has been of great concern to patients and parents in my constituency and other parts of Bristol. We should not forget to congratulate Steve Bolsin, one of the anaesthetists concerned, who played a great part in bringing the affair to public recognition.

Does my right hon. Friend agree that public inquiries sometimes take far too long, to the benefit of no one except, perhaps, lawyers? Will he assure me that he will try to ensure that the inquiry reports as soon as possible and that its terms of reference are drawn accordingly? Does he agree also that the Government's policies on external clinical audit, quality consultation and a commission for health improvement will ensure that such tragedies will be much less likely to occur in future?

Mr. Dobson: I welcome my hon. Friend back to the House after his illness, and I hope that he will maintain his usual rude health.

I share my hon. Friend's concern, which I have already expressed, about the possibility of the inquiry dragging on at enormous length. The chairman of the inquiry will have to exercise discipline, but there must be a great deal of self-discipline from the legal advisers of those who are represented. I repeat that we must get on with the inquiry as quickly as possible—provided, at all times, that people have the opportunity to have their say in the matter. One of the objections of the parents all along is that they have not been able to have their say.

I welcome my hon. Friend's support for our proposals for raising quality of performance in the national health service, which we have been discussing at length and in great detail with the representatives of the medical, nursing and midwifery professions. They share our hopes and aspirations that we can make sure that the arrangements in the national health service augment those in the professions, and that the professions' arrangements are considerably smartened up.

Dr. Evan Harris (Oxford, West and Abingdon): The Liberal Democrats broadly welcome the statement and warmly welcome the announcement of the public inquiry and the choice of its chairman.

My hon. Friend the Member for North Devon (Mr. Harvey), who has been intimately involved in dealing with the families' concerns on this matter, is at the General Medical Council with his constituents and regrets that he cannot be here. He has asked me to pass on his thanks for the setting up of the inquiry.

Is there some way of ensuring that the inquiry has a smooth progress so that, at each stage, there is an end in sight for bereaved families and so that there is no doubt about whether their concerns will ever be heard? If the national audit is to be made compulsory for medical staff, will there be support in terms of resources, particularly extra staff and consultants, in the light of the British Medical Association's warning yesterday about the shortage of consultants and the stress and pressure under which medical staff work?

Do the Government have any plans for specific protection for medical whistleblowers, such as the anaesthetist involved in this case, because there is still, I regret to say, a culture of fear, particularly among junior medical staff, about expressing concerns about the competence of their seniors? It would reassure many families, as well as NHS staff, if the Government could demonstrate that they are aware of that problem and will tackle it.

Mr. Dobson: I thank the hon. Gentleman for welcoming the appointment of Professor Kennedy. It has been my object since I have had contact with the parents to try to make sure that any process of inquiry satisfies them and—however hurt they may be by what has happened to their children—in the end leaves them feeling that at least they have had the opportunity to be heard and to find out what happened to their children and who was responsible.

External audit has the support of the medical profession. The hon. Gentleman jumps too quickly in asking for further resources. Doing things properly is cheaper than doing them badly. If the operations in Bristol had been a success, millions of pounds would have been saved, as well as the lives of the children concerned.

Staff should no longer be too frightened to speak out—other than those at the top who may be trying to stop people speaking out—because we have told all health authorities and trusts that they must not apply the gagging clauses on staff that were introduced when the previous Government were in power.

Dan Norris (Wansdyke): The General Medical Council's inquiry heard that, on at least three occasions, senior civil servants in the Department of Health were informed of the tragedy that was unfolding. Despite those warnings, the then Secretary of State was not informed and the operations continued. Will my right hon. Friend reassure the House that the public inquiry, which is very much welcomed, will leave no stone unturned in finding the truth, even if that means that stones must be turned in the Department of Health?

Mr. Dobson: I thank my hon. Friend for his point, and I know that some of the parents concerned would like to thank him for his actions on their behalf. The inquiry will be failing in its duties if it does not identify shortcomings wherever they occurred, including at the highest or lowest level in the Department of Health. The inquiry is independent; it must examine all aspects of what went wrong because, if we are to prevent mistakes in future, we must identify what went wrong this time and make sure that the new arrangements will prevent it from happening again.

Mrs. Angela Browning (Tiverton and Honiton): I welcome the Secretary of State's announcement. He will know that it will be particularly welcomed by parents in my constituency.

My question concerns the inquiry's remit, particularly with regard to whistleblowers. Because of the nature and severity of this case, the GMC has taken specific action. When the conclusions are brought before the right hon. Gentleman, will he take into account the need for a system whereby the information on staff records, particularly those of doctors at all levels—which one hopes would be made available as a result of such an inquiry—will also be made known when they apply for jobs in other hospitals and other areas?

Mr. Dobson: The hon. Lady has raised that point with me in relation to the failure of the breast cancer screening system at the Royal Devon and Exeter hospital. We hope to deal with that matter in the measures that we are introducing to improve clinical standards in the national health service. The present arrangements for checking the background of doctors who move from one hospital to another have proved to be inadequate in several cases, and that clearly needs to be sorted out.

We need to ensure that professional credit is gained by all concerned seeking to secure the highest clinical standards, so that it is clear that the ethics of the profession are to consider, first, the interests of the patients and, in all circumstances, not to allow that ethical obligation to be overwhelmed by any sense of loyalty to colleagues or concern about the reputation of the hospital. That seems to have been a problem in Bristol and other areas.

Ms Jean Corston (Bristol, East): I welcome my right hon. Friend's statement and hope that it will bring to an end the sorry tale surrounding paediatric cardiac surgery in Bristol. Does he agree that the remit of the inquiry should include the future position of chief executives of health care trusts? One of the difficulties that many of us had was that we knew that the then chief executive was part of the same group of surgeons, who were acting in a self-protective way.

Reference has been made to whistleblowers. As long as I live, I shall never forget the look on the face of Dr. Steve Bolsin, the anaesthetist in the case, when he came to see me and the Financial Secretary to the Treasury, my hon. Friend the Member for Bristol, South (Dawn Primarolo)—who is in her place—and said, "If you were going to put a child to sleep tomorrow, how would you feel if you felt pretty certain that the child would not wake up?" He is not simply a whistleblower; he is the one person to emerge from the case with any credit. The great tragedy is that his undoubted skill and commitment have been lost to this country, because he was squeezed out of anaesthetics in the United Kingdom and has had to earn his living in Australia.

Does my right hon. Friend agree that parents sending their children for paediatric cardiac surgery at Bristol now need have no qualms, because of the excellent work of Dr. Ash Pawade and his team?

Mr. Dobson: On the principled stand of the anaesthetist to whom my hon. Friend referred, he is, as she says, one of the few people who comes out with any credit. I hope that his role and the question of how he came to be pushed out will be adequately covered by the inquiry, and that those responsible for pushing him out will be identified.

With regard to the future position of chief executives, it is our intention to place on all health trusts an obligation of clinical governance, so the chief executive will have that personal obligation. I hope that that will strengthen the position of chief executives and break any

[Mr. Dobson]

relationships with former colleagues. They will have to stand separately on clinical standards, as they do on finance. That can only benefit patients.

Mr. Ian Bruce (South Dorset): I, too, welcome the Secretary of State's statement. The most important point for the future relates to medical and clinical audit. Will the right hon. Gentleman examine the scheme that was introduced by the previous Government but which sank without trace, and learn from the apparent mistakes in that system? He may know that for many years, on behalf of my constituent, Dr. Pull, I have been trying to get clinical audit set up. Will he look into the matter of resources? He said that more resources were not needed, but unless he grabs hold of some resources and makes sure that they are used for medical audit, that money will simply go into direct patient care. In the long term, clinical audit will save money and lives.

Mr. Dobson: It is the case that the previous Government set in train arrangements for clinical audit but, as the hon. Gentleman said, little came of that and it cost a large sum of money. There is clinical audit at present in the health service. Some of it is improving, but most of it is voluntary. It is consuming large sums, and is not well organised or comprehensive. That is why our proposals for changes in clinical governance, the establishment of the commission for health improvement and the other measures that I mentioned in my statement should improve matters, introduce better organisation and ensure that the money going into medical audit is spent to some effect, rather than being frittered away, as has happened in the past.

Mr. Tam Dalyell (Linlithgow): As one of those who has met Professor Kennedy in another context, may I welcome the establishment of an inquiry and his headship of it? It will be important not just to Bristol, but nationally. May I, however, sound a note of caution? Let us hope that what happened in Bristol will not spill over and become a disincentive to surgeons to undertake risky operations. That is a worry of some of my distinguished surgeon constituents working in Edinburgh.

Let us be cautious about the idea that there has been great success in Scotland for the publication of hospital mortality rates. Some of us think that league tables are better suited to football than to mortality rates in hospitals.

Finally, can my right hon. Friend comment on the attendance of a member of his Department at the lecture at the Royal Society of Medicine by Lord Justice Sir Philip Otton on medical negligence? I have sent my right hon. Friend a draft of the lecture, in the hope that the issue of medical negligence will be opened up in the light of the lecture by Sir Philip Otton, who probably has more experience on the subject than anyone else in Britain.

Mr. Dobson: As ever, my hon. Friend raises a number of cogent points and identifies dilemmas that we all face. It is not intended that the publication of mortality or other performance figures should deter doctors from performing risky operations, if such operations are needed. Our intention—and our discussions with the medical profession suggest that doctors agree—is to ensure that any statistics that are published properly distinguish between the relatively simple operation on a relatively healthy patient and the immensely complex operation on a relatively unhealthy patient. That can be done, provided that the analysis is confined to cardiac surgery. We cannot compare hip joint replacements with cardiac surgery, as some people in the consumer movement seem to suggest.

We all have doubts about publishing information about the outcomes of operations but, if the medical profession and the management of hospitals are to have the information available to them as part of the process of raising standards, it is only legitimate to allow general practitioners and patients also to have access to that information.

Mr. Dalyell: It all depends on who does the interpretation, and how it is done.

Mr. Dobson: We must remember that no patient gets access direct to a surgeon; patients' access is only through a general practitioner, who should be able to conduct the necessary interpretation. I share my hon. Friend's concern about that.

On my hon. Friend's separate point about medical negligence, I am profoundly concerned at the growing involvement of the legal profession in medical negligence matters related to the national health service. The bills keep soaring and we must act. First, we must try to reduce the number of legitimate complaints. That is one of the reasons why we are trying to raise quality. Next, we must put in place arrangements to ensure that, if something goes wrong, patients get a prompt explanation and apology and, if there has been negligence on the part of people in the national health service, patients receive legitimate compensation without having to resort to the courts. It is worth putting it on record that when people have resorted to the courts in cases of medical negligence and there is a judgment by the court, 80 per cent. of the cases are lost. In eight out of 10 cases, people were told by lawyers that they stood a good chance, but when the case came to court, it failed.

Mr. Nicholas Soames (Mid–Sussex): I congratulate the right hon. Gentleman on the speed with which he has reacted, which I am sure will go some way to assuage the anguish of the parents of the children involved in this tragic case. I also warmly congratulate him on the steps that he has taken to ensure more effective and transparent clinical monitoring. Does he agree that it is very important that people realise that this case, although a terrible tragedy, is very much not the norm, and that the points made by the hon. Member for Linlithgow (Mr. Dalyell) need to be well taken? Does he agree that, generally, the doctors involved in such surgery in this country are absolutely brilliant and do a fantastic and remarkable job, for which we should all be very grateful?

Mr. Dobson: I agree with what the hon. Gentleman says. It is indeed the case that most people in this country, rightly, have confidence in the quality of treatment and care that they will receive in the national health service. That is of immense credit to all the people who provide that care; we want to help them improve it.

I would not wish to do anything that made people feel that they were at greater risk than they really are, but I should make a further point. In the nature of things, major

operations are risky. Things do sometimes go wrong. They will always continue to go wrong. We have a duty to put in place a system that very quickly picks up when things are going wrong and does something about it. That attribute was singularly lacking in Bristol.

Mr. David Drew (Stroud): May I, like other hon. Members, very much welcome my right hon. Friend's statement? I am sure that he is aware that the impact of the tragedy goes well beyond the immediate Bristol area, and affects the whole of the south-west. One of the criticisms voiced about the GMC inquiry was that the parents who were able to give evidence came from a fairly selective group. Will he ensure that parents who have perhaps been unable to give evidence get the opportunity to talk to the inquiry?

Mr. Dobson: Yes, I certainly shall. Having talked to representatives of the parents three times, I know that they are greatly concerned to ensure that all those parents who wish to have a say, have a say, and in some cases to find out in considerable detail what happened to their child. But there are other parents who positively do not want to go into the detail of what happened to their child. We must try to ensure that, at the end of the inquiry, all the parents feel that they have had a fair say, and that the inquiry has got to the truth. If we can do so, it will be a very useful achievement, and I hope that it will bring some comfort to the parents.

Dr. Tony Wright (Cannock Chase): I congratulate my right hon. Friend on his statement. However, as a parent of a child who died of cardiac surgery during the time of the Bristol cases—although, fortunately, not in Bristol—and who tried at the time to get performance data on the centre where the operation was performed and failed, and indeed was refused; and who subsequently in the House has tried to get general performance data on the national health service in general and failed, may I say to my right hon. Friend that the Bristol case, although appalling, has wider lessons for the national health service?

Does my right hon. Friend accept that there has been a conspiracy of silence, involving both the professionals and the politicians, on the issue of clinical performance? Will he therefore ensure that the terms of the inquiry that he announced today are broad enough to deal with that issue? Finally, as an immediate response to the Bristol case, will he today put in place provision to ensure that the performance data for all the centres performing paediatric cardiac surgery are now made available to parents?

Mr. Dobson: As my hon. Friend knows, I have been aware of his family circumstances, and I know the efforts that he has been making in this matter. To some extent there has been a conspiracy of silence. I believe that, in many cases, it has been an unconscious conspiracy of silence, in that people have felt, "We never gave the figures in the past; why should we give them now?" However, in fairness to the medical profession—certainly since we came to power—my ministerial colleagues and I would say that the profession has never been as committed as it now is to raising performance standards, recognising that targets will have to be set and agreeing to put in place arrangements to ensure that those targets are met.

In the end, we must depend on the surgeons to set the standards. It is no good asking anyone else, "What is the best way to do a liver transplant?" The only person one can get the standard from is the person who does liver transplants. Having set the standard, though, they must maintain those standards; that is the important point.

I cannot agree casually, at the Dispatch Box, to release figures for children's heart operations throughout the country, partly for the reasons that my hon. Friend the Member for Linlithgow (Mr. Dalyell) gave. If the material has not been prepared in a form that is properly comparable, it could be extremely misleading. I want to ensure that the information is put together in a properly comparable way and made available, but I must take great care to ensure that the idea of assembling and publishing that information is not brought into disrepute by publishing misleading figures early in the process.

Mr. Paul Flynn (Newport, West): I thank my right hon. Friend on behalf of the many families in south Wales, including my constituency, who were bereaved in this dreadful way. The worst part of their torment is the belief that their child's life may have been sacrificed to improve the skills of surgeons who were semi-competent and never became competent.

The right hon. Member for Maidstone and The Weald (Miss Widdecombe) asks who will guard the guardians. The sad fact is that we do not even have guardians in our health service now. For many years many hon. Members, including my hon. Friend the Member for Cannock Chase (Dr. Wright), have been asking for systems of audit, of examination, and of transparency, similar to those that are available in Scandinavian countries, to be set up in our health service.

I ask my right hon. Friend to consider the fact that throughout the health service, we have that information. We have information on, for example, the number of drugs used and the dreadful over-prescription of drugs among elderly people. I urge him to channel all his energies in that direction and not to be distracted by some of the other superficial measures of the efficiency of the health service, because it is in transparency that the greater reforms will take place.

Mr. Dobson: I think I can safely say to my hon. Friend that my ministerial team and I have devoted a huge amount of effort, thought and time to consulting the professions on how best to assemble accurate and useful data which will lead to raised standards of performance in the health service, and which will be meaningful, and not misleading, to members of the public—and to general practitioners. We have put a great deal of effort into that, and we intend to continue to do so. Generally speaking, the statistical system within the Department of Health is deplorable; that is one reason why we need to take great care in publishing almost any information that it has, because it could be very, very misleading.

Mr. Robert McCartney (North Down): I join other hon. Members in congratulating the Secretary of State on the measures that the Government have undertaken to take to deal with this very important problem. As someone who, for more than 30 years, has practised in medical negligence cases, I endorse his observation that some 80 per cent. of legal medical negligence cases fail. However, those who grant legal aid in many such cases

[Mr. Robert McCartney]

are under a duty merely to determine whether the evidence shows not a case that is bound to win, but a prima facie case. Many members of the legal profession sometimes encourage litigation when it is not altogether justified.

In relation to the issue of league tables, it is very important that we compare like with like. Not simply cardiovascular surgery but other operations within that specific discipline vary greatly in the degree of expertise that is necessary to ensure success. One could easily find that the centres of absolute excellence are engaged in the most high-risk surgery and are at the frontier of surgical progress. One would hesitate to engage in any measures that brought about the practice of defensive medicine or defensive surgery. That point must be kept carefully in view.

Mr. Dobson: I welcome the views of any lawyer who is willing to accept that, the more we can manage to keep lawyers out of the health service, the better. There are several hospitals in my constituency, including Great Ormond Street hospital for sick children. For many sick children, it is the hospital of last resort. The surgeons at that hospital sometimes operate on children who have had two or three operations at one or more other hospitals and they frequently do not succeed in preserving the health or saving the lives of the children concerned. Therefore, I have always been acutely aware of the necessity, when looking at any production or publication of figures, of ensuring that the complexity of operations and the state of the patients are reflected properly.

The president of the Royal College of Surgeons and the immediate past president support our proposals. I believe that we are proceeding fairly quickly and making substantial efforts to carry with us the people who, in the end, must do the operations. The last thing I want is for surgeons in the operating theatre to be thinking, "What will the lawyers or the jury think?" They should be thinking only, "What is best for the patient, here and now?"

Point of Order

5.32 pm

Mr. Peter Robinson (Belfast, East): On a point of order, Madam Speaker. On Wednesday 6 May, during Prime Minister's questions, the Leader of the Opposition sought to gain an undertaking from the Prime Minister in relation to the Government's intentions as far as the release of prisoners was concerned. Column 711 of *Hansard* shows that he asked:

"Does he"—

that is, the Prime Minister—

"agree that prisoners should not be released early until the organisations to which they belong have substantially decommissioned their weapons?"—[*Official Report*, 6 May 1998; Vol. 311, c. 711.]

A Press Association report of the Prime Minister's response shows that, early in his response, he said:

"The answer to your question is, yes, of course it is the case that both in respect of taking seats in the government of Northern Ireland and the early release of prisoners".

Those words are not contained in the *Hansard* of that day's proceedings. I checked with the video recording unit of the House, and I found that it is the Press Association report and not *Hansard* that is accurate.

The words that are important and significant have been expunged from the record of the House. Clearly, someone acting for, or on behalf of, the Prime Minister has tampered with the record of proceedings in the House. Is it in order for such a serious extraction and deletion from the record of proceedings to take place by the Government, or indeed by any other Member of the House?

Sir George Young (North–West Hampshire): Further to that point of order, Madam Speaker. The hon. Member for Belfast, East (Mr. Robinson) has raised an important issue that could impact on the peace process in Northern Ireland, and which could have implications for the integrity of our proceedings in the House. As the stakes are quite high, is not the best way to proceed for you, Madam Speaker, to ask the Editor of *Hansard* for a full report into the issue that has been raised, and for you then to report back to the House?

Madam Speaker: I intend to do just that. We shall now proceed.

Mr. William Ross (East Londonderry): Further to that point of order, Madam Speaker.

Madam Speaker: No, I have given a ruling. I am very grateful to the hon. Members who have raised the matter with me. I have the documentation, and I intend to look at it as soon as I am able to do so.

Orders of the Day

Northern Ireland (Sentences) Bill

As amended (in the Committee), considered.

Clause 3

APPLICATIONS

5.34 pm

The Secretary of State for Northern Ireland (Marjorie Mowlam): I beg to move amendment No. 2, in page 2, line 40, at end insert

'in implementing the Decommissioning section of the agreement reached at multi-party talks on Northern Ireland set out in Command Paper 3883'.

Madam Speaker: With this, it will be convenient to discuss amendment No. 1, in page 2, line 40, at end insert—

'(e) has already decommissioned a substantial proportion of its illegally held firearms, ammunition and explosives in accordance with the provisions of the Northern Ireland Arms Decommissioning Act 1997 and is fulfilling a decommissioning timetable which will ensure that it has completed decommissioning before 22nd May 2000.'.

Marjorie Mowlam: Amendment No. 2 touches on the factors that the Bill requires me to take into account in deciding whether an organisation should be designated under clause 3(8). The four factors in clause 3(9) translate into the Bill the four factors set out in the speech of my right hon. Friend the Prime Minister at Balmoral in Belfast during the heart of the referendum campaign on 14 May. He promised that the Bill would contain them, and it does.

The amendment follows helpful discussions between the Government and the right hon. Member for Upper Bann (Mr. Trimble) and his party. The right hon. Gentleman has put the point to the Government quite fairly that, while the four factors currently set out in clause 3(9) fully reflect the Prime Minister's speech, an addition to clause 3(9)(d) could helpfully put it beyond any doubt that the full co-operation referred to there was

"in implementing the Decommissioning section"

of the Good Friday agreement.

The Government have made it clear all along that we take a flexible approach to the Bill. We want to proceed, as far as possible, on the basis of consensus—as we always sought to do in supporting the previous Government. When there are amendments that are consistent with the agreement, we shall naturally want to consider them carefully. This was such a point, and I am grateful to the right hon. Member for Upper Bann for raising it in a helpful manner. We can respond to amendments in line with the agreement, but we cannot add to or take away from the agreement, or insert preconditions or tests that are not there.

Mr. Andrew Hunter (Basingstoke): Will the Secretary of State give way?

Marjorie Mowlam: I shall finish this point; then I shall certainly give way.

That would be to do exactly what we had told others cannot be done: to pick and choose among those bits of the agreement we like and those that we do not like. The fact is that all sides have bits they like in the agreement and bits that they do not like.

Mr. Hunter: In light of her comments about amendments that are consistent with the agreement being essentially acceptable to the Government, I fail to understand why, last Monday, amendment No. 1—which quoted paragraph 3 of page 20 of the decommissioning section of the agreement more or less exactly—was found unacceptable. It was virtually a quotation from the agreement.

Marjorie Mowlam: The key word is "virtually". The hon. Gentleman knows as well as anyone that words make a difference in politics in Northern Ireland. When there has been consistency between amendments and the agreement, we have accepted them—in fact, we have accepted three or four amendments in the past week. When there is no such consistency, we have made that clear.

The whole agreement is what is important—cherry-picking is not a possibility. Therefore, I think that the only way forward is to see progress in implementing the agreement in toto. People can then see that, although they may find some parts of the agreement difficult—everyone faces some difficulties—progress is being made in implementing all elements of the agreement. It is very important that everyone knows that there must be progress in implementing all sections of the agreement. I hope that the amendment standing in my name makes that clear.

Mr. Jeffrey Donaldson (Lagan Valley): I thank the Secretary of State for giving way. Amendment No. 21, which was tabled by the right hon. Member for Upper Bann (Mr. Trimble)—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. We are not considering amendment No. 21, because it has not been selected. Therefore, the hon. Member for Lagan Valley (Mr. Donaldson) cannot mention it.

Marjorie Mowlam: Thank you, Mr. Deputy Speaker.

It may be helpful if I say something about how I intend to approach the operation of clauses 3(8) and (9). The agreement requires:

"Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements."

That test is reproduced in clause 3(8)(b).

Clause 3(9) requires me "in particular" to "take into account" four separate factors. That fully reflects what the Prime Minister promised in his Balmoral speech on 14 May, when he said:

"In clarifying whether the terms and spirit of the Agreement are being met and whether violence has genuinely been given up for good, there are a range of factors to take into account."

He then set out the four factors now reproduced in legislative language.

Some hon. Members have expressed concern about the phrase, "take into account", albeit the very language used by the Prime Minister during the referendum campaign. In reaching the overall judgment required of me under the

[Marjorie Mowlam]

Bill on which terrorist organisations to designate, I shall treat the four factors in clause 3(9) extremely seriously. As the Prime Minister said in his Balmoral speech:

"These factors provide evidence upon which to base an overall judgement—a judgement which will necessarily become more rigorous over time."

Mr. Douglas Hogg (Sleaford and North Hykeham): Can the Secretary of State help the House by saying what her approach will be as regards subsections (8) and (9)? She will know that the powers are permissive. Is she in a position to give the House an undertaking to the effect that, if the organisations are, in her judgment, terrorist organisations within the criteria set out in subsection (9), she will then specify them as terrorist organisations? As she will appreciate, the Bill does not impose an obligation on her to do so.

Marjorie Mowlam: I take the right hon. and learned Gentleman's point. What I am doing is specifying those organisations that are on ceasefire. By default, those that are not part of that are not on ceasefire, and their prisoners will not be considered for release.

Mr. Hogg: I think that the right hon. Lady is taking my point, but it would be enormously helpful if she could tell the House that, if she concludes that the organisation in question offends against the criteria set out in subsection (9), she will specify it as a terrorist organisation.

Marjorie Mowlam: Let me be straight with the right hon. and learned Gentleman: he is trying to return to the debate we had last week on proscription. That is not what the amendment is about. Proscription relates to the emergency provisions Act and the prevention of terrorism Act; the amendments relate specifically to the ceasefire.

The fact that the four factors are set out clearly in the Bill means that I cannot and shall not ignore them. I shall treat them with the seriousness and weight demanded in reaching a decision on whether a particular organisation has or has not established a complete and unequivocal ceasefire. I shall do so not just because the factors are in the Bill, and not just because the Prime Minister expects it, but above all because the people of Northern Ireland rightly expect the most careful examination based on those factors, to establish whether violence has indeed been given up for good.

Several hon. Members *rose—*

Marjorie Mowlam: I have already taken a fair number of interventions.

The decision will be for me, and me alone. However, it will clearly be appropriate for me, bearing in mind the four factors set out in the Bill, to listen to the advice of the Chief Constable, the General Office Commanding and my other security advisers. I shall also take into account any relevant reports from the International Commission on Decommissioning. It may be helpful if I make it clear that the Bill does not give the International Commission on Decommissioning any new function or deciding role in relation to the release of prisoners. It is for me to make judgments in those areas, taking into account the available information on a range of factors.

As the Good Friday agreement states, the International Commission on Decommissioning already has the task of monitoring, reviewing and verifying progress on the decommissioning of illegal arms, and reporting to both Governments at regular intervals. My judgment will be informed by those reports as well as by a wide range of other information, but the decision on which organisations to designate as terrorist organisations for the purposes of the Bill is mine alone. It cannot be shared with another body.

Mr. Andrew Robathan (Blaby): The Secretary of State has stated that the IRA and Sinn Fein are inextricably linked. As she would know, an organisation called Direct Action Against Drugs is very much involved in violence in west Belfast. Has she been advised by the RUC that Direct Action Against Drugs is a front for, or in any other way involved with, the IRA? If she has, will she take that into account?

Marjorie Mowlam: We have made it clear a number of times in the House that discussing specific security information is not helpful. As I have stated on numerous occasions, if I have information from my advisers—security, GOC, or Army, I will act in line with the factors in the agreement. I have just stated forcefully that that is what I intend to do. I will not shirk from that responsibility. I have taken those decisions in working up to the Good Friday agreement.

We have said that, if organisations breached the ceasefire, we would throw them out of the talks. Two of them did so, and I did. Thus, those actions have been taken, and we shall take them again. The hon. Gentleman's example of a terrorist organisation using proxy organisations is stated as one of the four factors, and it is on the face of the Bill.

Mr. Robert McCartney (North Down): Will the Secretary of State give way?

Marjorie Mowlam: If the hon. and learned Gentleman will forgive me, I should like to make a little more progress. I have taken a lot of interventions and we have a three-hour debate before us when hon. Members will have time to speak.

The tough decisions that I have just stated will be taken. I shall be prepared to take them in line with the factors that I have outlined in the Bill.

I shall resume my seat so that others can participate in the debate. I commend the amendment to the House.

5.45 pm

Rev. Martin Smyth (Belfast, South): I welcome the advance that the Government have made, which has been brought about because of the pressure maintained in the House and elsewhere. It would be wrong of me not to welcome it. We understand the points that the Secretary of State has made. However, I believe that we have not gone far enough.

During our debate on Monday, we were told that we should take the Bill as an act of faith—I thought that we were debating an Act of Parliament. In an Act of Parliament, the regulations and demands should be clear so that there are no misunderstandings. Therefore clarity, as well as flexibility, is extremely important in dealing

with an agreement. At times, I felt that the Government had adopted as their motto that old adage that it is better to travel hopefully than to arrive. We must clarify some of our thinking.

My hon. Friends and other hon. Members have tabled an amendment that strengthens the Government's hand, and makes it abundantly clear what is required of people. I have been disappointed with some of the ministerial replies, particularly during yesterday's debate, when there was a tendency to use an argument ad hominem, dealing with the person who was speaking rather than the issues. That is always a sign of a weak argument.

As a result, we have come full circle: this evening, issues about security have been raised—they were not specific, but asked for direct understanding—and we have been told that the Government are not in a position to discuss the advice that security chiefs give. We were dealing with our understanding of what was happening in the community, which is widely known. Books have been written about it.

The Minister of State appears to disagree with me. Perhaps he is unaware that two members of public in Northern Ireland are engaged in a lawsuit in the United States over libel appearing in a book from Sinn Fein sources.

To suggest that people do not know what is happening implies that the Minister is living on a different plane from the rest of us. We have lived with it for 30 years, and we know what is happening. We are aware of the tragedy. We have only to look around the House to see a coat of arms to remind us of what has happened over the 30 years. We will not take that kind of lecturing.

I do not know whether I am misreading the situation, but it seems that we have a Government who wallow in leaks as the spin doctors go to town to try to mislead and confuse the electorate, and that, when we raise issues in the House, we are simply discounted. I should therefore like to underline why we believe it is necessary to strengthen the legislation.

Some hon. Members will know the acronym TUAS—tactical use of the armed struggle. Some years back, the official IRA realised that it was going nowhere with the armed struggle, and decided that it would specialise again in the political arena. It did not say, however, that it was doing away with its weapons; it said that they were not useful at that moment, and that the political arena was where it could advance most.

Significantly, the weapons have been used over the years for intimidation, violence and fund raising for the official IRA. It moved its political front from republican clubs to the Workers party, and then had to change again to the Democratic Left when it was revealed that the Workers party was being funded by some of the night work of the official IRA, using intimidation and weaponry. It is because of our experience that we believe it is important that the legislation should be strengthened.

I pay tribute, and have paid tribute, to members of the Workers party who have paid a tremendous price for their attempt to move into the political arena. I welcome any movement in that direction, but we have to have evidence that it is more than a glib assurance that they are moving into the political arena.

That is why, in September 1993, when Sinn Fein-IRA were telling the Government of the time that they were standing in the way of peace, I challenged Sinn Fein-IRA, if they really wished to take the path of peace, to take the first steps, because the Government were not waging war on the people of Ireland, any more than the Government are waging war now. We have always talked about criminal terrorism, but those involved said it was a war. I challenged Sinn Fein-IRA: if their members wished to become bona fide politicians, they had to turn away from the use of weapons and become like the rest of us, using the tongue and our other facilities to advance our case.

Four and three quarter years later, not one weapon has been handed in, because, we are told, it looks like surrendering. Those involved need not hand one weapon to the British Army or the Royal Ulster Constabulary. They can hand weapons back where most of them already are, in the Republic of Ireland. They can hand them back to the Garda Siochana or to the pan-nationalist front which co-operated in bringing them into the political field, or to those who, through TACA, at an early stage helped to raise funds for and arm the Provisional IRA. There is no need to surrender; they can hand the weapons back. However, no one can tell me that ground-to-air missiles and Semtex are defensive weapons; they are weapons of offence.

If Sinn Fein-IRA were going down the road of peace, this resolution would help them to move forward. I should have liked the Government to go further than the rather wide terms of the amendment, as we were told at an earlier stage that the resolution was already in the Bill. They have now tabled the amendment, perhaps as a varnish to please certain people, so that, as the leader of my party, my right hon. Friend the Member for Upper Bann (Mr. Trimble) says, they believe that they have gained a concession as a result of the pressure applied within and outside the House.

Rev. Ian Paisley (North Antrim): I shall speak to amendment No. 1 which stands in the name of the Unionists and some of their colleagues in the Conservative party. It makes the position absolutely clear. It deals with the issue up front, so that ordinary people can understand what we are about. It states that the Secretary of State shall take into account whether an organisation

"has already decommissioned a substantial proportion of its illegally held firearms, ammunition and explosives in accordance with the provisions of the Northern Ireland Arms Decommissioning Act 1997 and is fulfilling a decommissioning timetable which will ensure that it has completed decommissioning before 22nd May 2000."

The spokesman for the official Opposition asked the Minister twice yesterday whether he could say that, under the terms of the Act, as of 22 May 2000 it could be the case that not one weapon had been handed back. We go to all this trouble in the House to put the legislation together and enact it as an Act of Parliament of the United Kingdom, Great Britain and Northern Ireland, yet the Minister was not prepared to say what is a fact—that, as at the year 2000, all the prisoners will be out but not one gun need have been surrendered.

[Rev. Ian Paisley]

There has been much argument in the House about what the Prime Minister did or did not say, but what is important is the question he was asked. The Leader of the Opposition asked him:

"I also welcome the assurances that he has given in the past about the conditions to be attached to the early release of prisoners. Does he agree that prisoners should not be released early until the organisations to which they belong have substantially decommissioned their weapons?"

According to *Hansard*, the Prime Minister said:

"It is essential that any agreement is signed up to in full. The only organisations that can qualify to take seats in the government of Northern Ireland and can expect the early release of prisoners are those that have given up violence for good."—[*Official Report*, 6 May 1998; Vol. 311, c. 711.]

I went to the archives of the House today and listened to what the Prime Minister did say. What did he say? In answer to the question, he said:

"The answer to your question is, yes".

What was that question? The question referred to substantial decommissioning of weapons. The Prime Minister added:

"of course it is the case that both in respect of taking seats in the government of Northern Ireland and the early release of prisoners".

He said that organisations could not take seats until there was substantial decommissioning, and that prisoners could not be released until there was substantial decommissioning.

Why has that disappeared? Why do the Government not stand by what the Prime Minister said? They went to Northern Ireland to campaign, and wrote on the walls what would happen. We all know that no such thing could happen. We had an agreement, which cannot be altered. It is a multi-party agreement. It cannot be altered by the Prime Minister or by the right hon. Member for Upper Bann (Mr. Trimble). It stands, and it has to stand. I do not often agree with the hon. Member for Hull, North (Mr. McNamara), but what he has said in the House on this issue is right. The agreement cannot be changed.

In the referendum, people were asked to vote on the strength of promises made by the Prime Minister. We now find that the Prime Minister could not meet those promises, and they disappeared from *Hansard*.

6 pm

Mr. Deputy Speaker: Order. Perhaps the hon. Gentleman knows that Madam Speaker is looking into that matter. We shall not come to any conclusions until Madam Speaker reports back to the House.

Rev. Ian Paisley: With respect, I have a right in the House to say what I know. If people say that what I have said is not right, they can look at the video and hear the words. As a Member of Parliament, I have a right to go to the archives, listen to the tapes and say what I saw. I am glad that—

Mr. Deputy Speaker: Order. I know what the hon. Gentleman is saying, and I do not want to take any rights away from him, but I appeal to him. The hon. Member for Belfast, East (Mr. Robinson) raised a point of order with Madam Speaker. Madam Speaker is going to look into the matter. Why do we not leave it until a conclusion is arrived at? That is all that I am saying.

Rev. Ian Paisley: I am happy to accept what you are saying, Mr. Deputy Speaker. I was going to refer to the right hon. Member for Upper Bann, who is telling the people of Northern Ireland that he has secured concessions. He and his hon. Friend the Member for Fermanagh and South Tyrone (Mr. Maginnis) put out a statement—

Mr. Peter Robinson: Does my hon. Friend agree that the significance of the subject matter about which he was speaking is that the words in the amendment are the same as those uttered by the Prime Minister? We could have the absurd situation of the Government voting against the words that the Prime Minister used in his undertaking.

Rev. Ian Paisley: My hon. Friend has put it concisely, and has struck the nail on the head. Statements were put out last night in Northern Ireland by Members of Parliament who are not here, just as they were not here on Monday or yesterday. If they want to make a case, this is the place to argue it. This is the debating chamber of the United Kingdom of Great Britain and Northern Ireland. They cannot come to defend what they are telling the people of my Province. My people are entitled to know the truth. Where does the truth lie? The people of Northern Ireland know that many of them were conned at the referendum, because they voted for things that were promised but could not be delivered.

Mr. Robert McCartney: Does the hon. Gentleman recollect the question that I asked the Prime Minister? As the hon. Member for Hull, North (Mr. McNamara) has said, we are dealing with a multi-party agreement that cannot be altered, varied or amended without the consent of all the parties. The Prime Minister's answer was a complete fudge. There was a suggestion that the Government could do that which they are now saying they cannot do.

Rev. Ian Paisley: My hon. and learned Friend is correct. Surely the people of Northern Ireland are entitled to know the truth. We are told that what the Prime Minister said can be carried out under the agreement.

Mr. William Ross (East Londonderry): The hon. Gentleman will recall that, during his look through the archives of the House, he also looked at *Hansard* of 15 June, when the Minister said:

"The important thing is that what we are proposing is wholly compatible with the discussions surrounding the agreement, with what was said by the participants to the agreement and with the undertakings given at that time."—[*Official Report*, 15 June 1998; Vol. 314, c. 45-46.]

That must mean that the Government amendment is compatible with the undertakings given at that time—to whomsoever they may have been given—and that the clear statements in amendment No. 1 are not.

Rev. Ian Paisley: Yes, I take that argument. The Government say that they are doing nothing new, but they are adding an amendment to the Bill. The right hon. Member for Upper Bann and his friends are saying that

they have won a tremendous concession which means that we can all lie happily in our beds, there will be decommissioning, it will be radical, and before one man leaves prison, all will be well.

It will not be so. We know the evidence that came before the Select Committee on Northern Ireland Affairs yesterday. We know that the Maze prison is going to close. We know that prisoners are already being allocated a time to leave. Everybody knows that. The Secretary of State might say that that is not happening, but she has said before that things would not happen and they did. This will happen.

The agreement on decommissioning does not say anything about what the Government say it means. The participants at the talks do not claim to be members of illegal organisations. Of course we know that some of them front such organisations, and we do not believe what they say. All they are asked to do is

"to continue to work constructively".

That means that they must have been working constructively in the past. They never got any guns, but they were working hard and breaking sweat

"constructively and in good faith with the Independent Commission".

They are also asked

"to use any influence they may have".

They are not asked to use the influence that they have, but

"any influence they may have".

The agreement almost admits that they have no influence. Why do they not say, "We will use the influence we have"? It is all up in the air. The men will come out of the prisons, the arsenals will be there, and if they do not get their way, they will go to the arsenals. Some of us will then have the sad duty of attending the funerals.

The hon. Member for Belfast, South (Rev. Martin Smyth) said the reality about what we are going through in Northern Ireland. We are going through an agony. People are realising that the murderers of their kith and kin may be out in a few months. What comfort can we give those people? The only comfort we can give them is to keep those who murdered their kith and kin behind the walls.

Mr. Donaldson: Is the hon. Gentleman aware that families of the victims of violence in Northern Ireland are already receiving phone calls from republicans telling them that the murderers are coming out, and are coming for them next? That is a frightening, terrible situation that those families have to suffer. The Minister may not like the fact, but I have such families in my constituency.

Mr. Deputy Speaker: Order. I appeal to hon. Members. The hon. Member for North Antrim (Rev. Ian Paisley) is an experienced Member of Parliament. We have two amendments before us about decommissioning, not about people staying in gaol or getting out of gaol. We should not go any wider than that. Third Reading is coming up, when hon. Members may want to go wider, but they should not do so when debating the amendments.

Rev. Ian Paisley: I shall satisfy you, Sir; I have finished what I have to say. I am sure that everybody will be happy. All I can say is that these things run into the very quick of people in Northern Ireland. Sometimes people in the House do not realise that. They would if they had experienced our circumstances over the past 20 years. I was in the House when Labour Members spoke with great passion about the tragedy in Birmingham. Why should we in Northern Ireland be judged for speaking passionately, as we must if we are to be faithful to the people who sent us here to represent them?

Mr. Hogg: As you have reminded us, Mr. Deputy Speaker, there are two amendments before the House, and I shall say something about them both.

It would be wrong to accept amendment No. 1, to which the hon. Member for North Antrim (Rev. Ian Paisley) spoke so passionately. If it is put to the vote, I shall oppose it. Although amendment No. 2 is of very little value, it is consistent with the language of the agreement and, on that basis, I shall not oppose it.

We are concerned with the relationship that should exist between the process of decommissioning and the release of prisoners. Several right hon. and hon. Members are seeking to create an explicit linkage between the process of decommissioning and the release of prisoners. I have a great deal of sympathy for the attitudes, thoughts and passions that underlie that argument. The release of prisoners, many of whom have committed the most odious of crimes, is very difficult to stomach. However, I take a somewhat different approach.

The House should first ask itself what is in the agreement—to identify the terms. Then, the House needs to ask itself whether the Bill is a fair reflection of the terms of the agreement. I commend that process to the House. It is all the more important that we should do just that and no more because the people of the Province were asked to vote in a referendum on the terms of the agreement.

It is true that the Prime Minister put a gloss on the terms of the agreement. I agree with the hon. Member for North Antrim that the gloss was implausible. I think that the Prime Minister was trying to persuade people to vote for the agreement by purporting to support an interpretation of the agreement that does not lie on the face of the agreement. I do not think that that was a respectable thing to do. That said, all of us who read the agreement knew full well that there was no linkage in it between decommissioning and the release of prisoners.

Mr. Robert McCartney: Does the right hon. and learned Gentleman accept that a fundamental and persuasive element in achieving the yes vote for the agreement, which everyone is said to support, was the behaviour of the Prime Minister in suggesting and implying that he could do something which, consistent with the terms of that agreement, he could not do? That was a fraud.

Mr. Deputy Speaker: Order.

Mr. McCartney: I withdraw that remark.

Mr. Deputy Speaker: Order. Will the hon. and learned Gentleman please sit down? First, he has a habit of going on for far too long in an intervention. Secondly, he should not associate a right hon. Member of the House with

[Mr. Deputy Speaker]

the term "fraud". The Prime Minister is a Member of the House. The hon. and learned Gentleman knows the courtesies of the House. If he is going to attack anyone, he must use moderate language and should at least notify the hon. Member concerned.

Mr. McCartney *rose—*

Mr. Deputy Speaker: Order. The hon. and learned Gentleman has finished his intervention.

Mr. Hogg: If I may, I should like to respond to the observations of the hon. and learned Member for North Down (Mr. McCartney). It is right that the Prime Minister placed an interpretation on the language of the agreement that is not to be found in the agreement. It is also likely that a number of people—but not the majority—to whom he was speaking misunderstood the nature of the agreement as a consequence of what he said. Truth to tell, anybody who read the agreement knows full well that there is no linkage between decommissioning and the release of prisoners.

6.15 pm

Mr. Robathan: Does my right hon. and learned Friend, to whom I am listening very closely, agree that the agreement had to be all-embracing and a little vague so that everyone would come on board? The decommissioning part is very clear; I know that it is not specifically linked to prisoners. None the less, the document needs interpreting. I need it interpreting to a certain extent. Interpretation can surely come from no better person than the Prime Minister of the United Kingdom.

Mr. Hogg: I do not agree with my hon. Friend. It is true that the agreement was couched in somewhat ambivalent language—and that was intentional. The only provision on prisoners is to be found in paragraph 2 on page 25 of the agreement. There, there is linkage between a ceasefire and the release of prisoners, but there is no linkage between the release of prisoners and decommissioning. *[Interruption.]* My hon. Friend is not right. He should look to the paragraph that deals with decommissioning, which is to be found on page 20. He will find in paragraph 3 that it was contemplated that the process of decommissioning would go on for an extended period. There can be no question in the agreement of decommissioning being a condition precedent to the release of prisoners. I for one—and I hope the House, too—will not try unilaterally to vary the agreement by importing new terms. If we do that, the House should be sure that others will, particularly the IRA and other terrorist organisations. I am against such a process, although I understand and respect the motives.

I say to Ulster Members, with whom I have the greatest sympathy and often associate myself, that the House should not create conditions precedent that are not verifiable. Amendment No. 1 refers to substantial decommissioning as a condition precedent. What is meant by that? More particularly, how does one verify it? It is true that there are intelligence reports on how many weapons or explosives that this or that group may have, but there is no way of determining as a fact whether decommissioning has happened at all or whether it is substantial or slight. It would be an absolute nonsense to put on the statute a condition precedent that is incapable of verification.

Mr. David Winnick (Walsall, North): The right hon. and learned Gentleman and I, and everyone else, agree that, so far as possible, decommissioning should take place, and we want it to take place. Even if, as we all hope, the IRA—we have every reason to question this—decides to decommission arms, would not the response, certainly of those who are opposed to the agreement, and perhaps ourselves, be to ask: how do we know what is left? If it decommissions 10 or 15 per cent., opponents—including ourselves for that matter—would obviously say that 85 per cent. was left. Verification is indeed very important.

Mr. Hogg: I agree with the hon. Gentleman; I do not think that there is any difference between us on that point. The issue is not capable of definition in any meaningful sense.

Rev. Ian Paisley: The right hon. and learned Gentleman's own leader used that, so he should have an argument with his leader. The right hon. Member for Richmond, Yorks (Mr. Hague) said to the Prime Minister:

"until the organisations to which they belong have substantially decommissioned their weapons".—[*Official Report*, 6 May 1998; Vol. 311, c. 711.]

What does that mean? The right hon. and learned Gentleman's own leader should tell him what "substantially" and "radically" mean.

Mr. Hogg: I owe it to the House to give my best interpretation of the law and of the facts as we have to face them. That is what I am doing. I am telling the House—the hon. Member for North Antrim in particular—that the phrase "substantial decommissioning" is incapable of verification and, for that reason, among others, should not be put on the face of the statute. My own belief is that, although decommissioning may follow a cessation of murder and violence, it cannot be a precondition; it may be a condition subsequent, but it will never be a precondition.

Amendment No. 2 is a pretty harmless amendment. For at least two reasons, I think that it achieves virtually nothing. It may not be meant to, and I am prepared not to oppose it on that basis, but let us be clear that it achieves nothing. We are determining here the designation of terrorist organisations. The provisions in subsections (8) and (9) are permissive, not mandatory: there is no requirement on the Secretary of State to designate as terrorist an organisation that falls foul of subsection (9). I asked the Secretary of State to give an undertaking to the House that she would designate an organisation as a terrorist organisation if it fell foul of subsection (9), but she pushed me aside and failed to give that undertaking.

In any event, the phrase "have regard to"—or "take account of"; they mean the same—means nothing in legal terms. It merely means that the Secretary of State must consider the point, not that she is bound by factual conclusions that flow from it. I concede that her amendment is consistent with the spirit of the agreement, but let us plainly state that it adds nothing whatsoever to

the Bill. I shall not oppose the right hon. Lady's amendment, but I am bound to say that it is of little weight.

Mr. Robathan: I always listen to my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) with great interest. He made an eloquent and logical speech, but it was overly legalistic, given that the issue is one of interpretation. We must look closely at the interpretation of the agreement. I suggest that, in the referendum, the voters of Northern Ireland were looking to the interpretation given to them by the Prime Minister. In my opinion—the Secretary of State might disagree—they believed that there must be a linkage between prisoner releases and decommissioning.

I have read the agreement closely and I should like to quote one line, from paragraph 1, on decommissioning:

"the resolution of the decommissioning issue is an indispensable part of the process of negotiation"—

"the resolution", not the start of the process. Of course people can hide a pike in the thatch and of course there are illegal weapons—there are illegal weapons scattered across the United Kingdom and, regrettably, they are used in crime every day—but we can make a sensible stab at knowing how much decommissioning has taken place. So far, nothing has taken place.

On 1 September 1994, the IRA declared a ceasefire. We were all pleased, because it must be better that there is peace than that there is war; but, on 9 February 1996, it ended. Then, there was another ceasefire; but, come the end of last year, two people were killed and the ceasefire ended again. For the deaths of those two people, the IRA was given three weeks out of the talks. That was not a particularly fierce punishment. Sinn Fein is still part of the process and is likely to take part in elections and to have representatives elected to the assembly in the near future.

During the whole process, there has been no end to the punishment beatings, nor an end to the use of weapons in those punishment beatings and in other violent incidents. It is not only the IRA—we know that some loyalist organisations are involved. In response to an intervention from me, the Secretary of State said that she had expelled Sinn Fein and the UDP—I think it was the UDP—from the talks, but that was not sufficient and they have continued their violence. It had no impact on the violence committed by paramilitaries.

I put it to the Secretary of State that peace requires firm foundations and that there is a fudge on the issue before us. In her heart, she knows—I am sure that she has been told—that Direct Action Against Drugs is a proxy organisation in west Belfast for the IRA. Everybody else thinks so and, if the right hon. Lady does not believe me, she should go and ask people on the streets of west Belfast, because they will tell her the same thing. I do not merely call the Secretary of State a right hon. Lady, for I believe that she is an honourable, well-meaning and well-intentioned person, but if she does not accept that I am speaking the truth, she is deluding herself.

There has been no decommissioning. How can we pretend that the IRA has given up violence when it has kept up its violence and kept its weapons? The Secretary of State has said that the IRA and Sinn Fein are inextricably linked. The IRA has said throughout that it will use the ballot box and the Armalite, but it cannot use both in a democratic society; it must give up the Armalite and that is what the clause is all about. We should be saying, "Give up the Armalite and then your prisoners can be released—at the same time, if necessary."

The allegation made by the hon. Gentleman from the DUP is so serious that it strikes at the heart of this institution. If it is true, I am ashamed of the Government of the United Kingdom.

Mr. Deputy Speaker: Order. To which allegation is the hon. Gentleman referring?

Mr. Robathan: You may not have been in the Chamber, Mr. Deputy Speaker, but there has been an allegation that *Hansard* has been tampered with.

Mr. Deputy Speaker: I was here and Madam Speaker stated that she would look into the matter. The hon. Member for Belfast, East (Mr. Robinson) asked if Madam Speaker would look into it, it is being looked into and Madam Speaker will report back to the House. Let us leave it there. It has nothing to do with the amendment that we are debating—the hon. Member for Blaby (Mr. Robathan) was in the Chamber when I spoke to the hon. Member for Lagan Valley (Mr. Donaldson).

Mr. Robathan: Is it your ruling that we may not refer to points of order on that issue?

Mr. Deputy Speaker: It is my ruling that the matter is being looked into by Madam Speaker. Let us leave it at that. The hon. Gentleman should not mention an allegation that has been put before Madam Speaker and that she has promised to look into.

Mr. Robathan: So is it your ruling, Mr. Deputy Speaker, that one may not refer to something that is being looked into by Madam Speaker?

Mr. Deputy Speaker: My ruling is that the hon. Gentleman should be quiet on that matter and get on with discussing the amendment. I cannot make it any simpler than that.

Mr. Robathan: The Prime Minister has stated—

Mr. Winnick: Grow up.

Mr. Robathan: The hon. Gentleman, who shouts from a sedentary position, should examine his conscience carefully on the issue. If the allegation is true, he should hang his head in shame.

The Prime Minister stated, in the past and again yesterday, that decommissioning is a vital part of the process and we all know that that is true. Everybody in the House believes that peace should come to Northern Ireland, but the Bill is currently a fudge—a con is being played. Yes, decommissioning is a vital part of the process, but it is not in the Bill. I hope that decommissioning will take place and that weapons will be handed in. If that does not happen, there will be no peace in Northern Ireland and we shall have to revisit the issue time and again. Peace cannot be built on a fudge or a con, but, without decommissioning appearing on the face of the Bill, I fear that that is what we are trying to do.

Mr. Robert McCartney: I shall deal first with the legal propositions advanced by the right hon. and learned

[Mr. Robert McCartney]

Member for Sleaford and North Hykeham (Mr. Hogg), which appear to be excessively dependent on legal interpretations of the agreement. Most hon. Members would accept that the agreement is not only a document whose meaning can be interpreted legally, but a highly political document. It is the political aspects of the document on the issue of decommissioning that form the subject matter of amendment No. 2.

I agree with the hon. Member for Hull, North (Mr. McNamara) and it is my submission that whatever the agreement means—it is open to interpretation—cannot be altered, varied or amended by any single party, because it is a multi-party agreement. Of course, that does not deal with what the agreement actually means. I take issue with claim of the right hon. and learned Member for Sleaford and North Hykeham that the people of Northern Ireland, who are the subject of this agreement, knew what it was all about. Frankly, very few people in Northern Ireland know exactly what it is all about and I suggest that it was never intended that they should know. Perhaps there was a golden age of the English language, when its purpose was to convey nuances and meanings in the clearest possible terms, but the agreement is an example of how language can be used to obscure and obfuscate meaning.

The question as regards amendment No. 2 is whether there is any linkage between decommissioning and the release of prisoners. The Bill provides for the release of prisoners on certain terms. The object of the amendment is to introduce a new term or condition—that they may be released only if the organisation that they represent

"has already decommissioned a substantial proportion of its illegally held firearms".

It is my belief and legal interpretation—I am at one with the right hon. and learned Member for Sleaford and North Hykeham and the hon. Member for Hull, North on this—that decommissioning cannot be made a precondition or linkage for the release of prisoners.

6.30 pm

However, the real issue is whether the people of Northern Ireland were persuaded by the pledges of the Prime Minister that that was exactly what the agreement meant. Indeed, it can be suggested that, in the last two days before 22 May when the referendum vote was held, enormous pressure was put on the electorate in Northern Ireland to accept and believe, first, that decommissioning would take place in its entirety within two years and, secondly, that it would have to commence before members of Sinn Fein could take their places in executive posts in government and terrorist prisoners could be released. That is what they believed and that is what substantially swung the vote.

What is the Government's present position? What are they going to do? Are they going to observe the strict terms of the agreement and refuse to alter it—to say that we cannot cherry-pick and must accept it as a whole and that decommissioning cannot be linked to the release of prisoners, which is one side of the coin—or, will they honour the Prime Minister's pledges, which effectively secured a large yes vote on the basis that he and his Government could deliver what they are now suggesting that they cannot? That is the real issue and it is a moral as well as a legal issue for the House.

A point of order has been raised, which Madam Speaker has accepted and will rule upon. She will rule upon the propriety of the conduct that gave rise to it. I submit, Mr. Deputy Speaker, that that does not prevent hon. Members from referring to the factual circumstance. The propriety or otherwise is a matter for Madam Speaker and she has properly reserved that decision to herself. It is not for us to comment or even speculate on what she may or may not do, but it is open to hon. Members to speak factually of what is known and it is known that, on the face of the *Hansard* record for the appropriate date—6 May—the Leader of the Opposition asked certain questions and the Prime Minister gave certain answers. On the basis of what the hon. Member for North Antrim (Rev. Ian Paisley) stated, it is open to the House to know that, having gone to the archives of the House, listened to the tape and seen the video, he made a factual statement that the Prime Minister then said that decommissioning—and substantial decommissioning—would be necessary prerequisites to either Sinn Fein members taking their place in executive posts in government or prisoners being released.

The propriety of the conflict is indeed a matter entirely for Madam Speaker. However, those are the facts and they illustrate vividly and dramatically the essential issue—is the agreement a multi-party agreement that cannot be altered? I believed that to be the case and that is the basis on which I put question after question to the Prime Minister at the time. I believe that that is the true basis of this agreement.

The Prime Minister entered into a truly Faustian bargain when, in the two days before the referendum vote in desperate circumstances, he gave pledges that he is now called upon, like Dr. Faust with Mephistopheles, to deliver upon. The Government, the Prime Minister, the Secretary of State and concerned Ministers must now address themselves to that.

Marjorie Mowlam: At the beginning of the debate, the hon. Member for Belfast, South (Rev. Martin Smyth) talked about information and the question of security in an answer that I gave earlier. I listened to what he said, but I do not change my view. Security is very important in Northern Ireland and, if there is any question of the first job that I have, which is to give people security, I am afraid that I shall stick to that position. He also asked for clarity and I support what he said. There is not a fudge between democracy and terror. The Prime Minister's words and what we have put on the face of the Bill make it very clear.

The hon. Member for Blaby (Mr. Robathan) also raised that point. If we are talking of fudges, he said that we ought to be clearer in our position on Sinn Fein-IRA and then talked about the previous Government. In 1995, that Government continued to release prisoners when the ceasefire stopped. Did they change their position when they were not even on ceasefire? No, so if we are talking about consistency, let us consider it across the board.

The hon. Member for North Antrim (Rev. Ian Paisley) asked whether all the prisoners would be out in two years without any decommissioning. As has been said a number of times in the House this week, not all the prisoners will be let out, only those associated with an organisation on ceasefire. A number of stringent safeguards are attached. In addition, I have powers to vary the two-year cut-off

depending on the circumstances. As we have said on numerous occasions, we shall make a judgment. I cannot prejudge it, but it will be made.

Therefore, I must make it clear that we cannot accept amendment No. 1, which is not consistent with the terms of the agreement. I am sorry, I forgot to mention the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg). Even though I do not agree with the thrust of his remarks, he made some important statements.

We cannot accept amendment No. 1 and, in commending amendment No. 2 to the House, I would say to the official Opposition that I well understand the anxieties that they have expressed in Committee and why, as a result—despite wishing the Good Friday agreement well—some Conservative Members may find it impossible to support the legislation. However, we should never forget that the real authors of the agreement are not us—not the Government—but the parties and people of Northern Ireland. They negotiated the Good Friday agreement, for which the arrangements were a key element, and they endorsed it in a referendum. In so doing, they knew the difficulties ahead. It is not for us to turn round to them and say, "You got it wrong—go back and think again."

Now that the parties and people of Northern Ireland have decided to grasp their future and to mould it themselves, difficult as that task is, they are looking to hon. Members on both sides of the House to support them where we can, not to exploit for political advantage their chance for a peaceful future.

Amendment agreed to.

Amendment proposed: No. 1, in page 2, line 40, at end insert—

'(e) has already decommissioned a substantial proportion of its illegally held firearms, ammunition and explosives in accordance with the provisions of the Northern Ireland Arms Decommissioning Act 1997 and is fulfilling a decommissioning timetable which will ensure that it has completed decommissioning before 22nd May 2000.'.—*[Rev. Ian Paisley.]*

Question put, That the amendment be made:—

The House divided: Ayes 12, Noes 260.

Division No. 309] **[6.40 pm**

AYES

Beggs, Roy
Brady, Graham
Donaldson, Jeffrey
Forsythe, Clifford
Hunter, Andrew
McCartney, Robert *(N Down)*
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Peter *(Belfast E)*
Ross, William *(E Lond'y)*
Smyth, Rev Martin *(Belfast S)*
Swayne, Desmond

Tellers for the Ayes:
Rev. Ian Paisley and
Mr. William Thompson.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Ashton, Joe
Atherton, Ms Candy
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Boateng, Paul
Borrow, David
Brake, Tom
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Bruce, Malcolm *(Gordon)*
Burden, Richard
Burgon, Colin
Burnett, John
Butler, Mrs Christine
Byers, Stephen
Cable, Dr Vincent
Campbell, Alan *(Tynemouth)*
Campbell, Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cotter, Brian
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Denham, John
Dismore, Andrew
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Edwards, Huw
Ellman, Mrs Louise
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hoey, Kate
Hogg, Rt Hon Douglas
Hoon, Geoffrey
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Ingram, Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Ms Tessa
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Liddell, Mrs Helen
Linton, Martin
Livingstone, Ken
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian

Michael, Alun
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Radice, Giles
Raynsford, Nick
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stuart, Ms Gisela
Stunell, Andrew
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Twigg, Stephen *(Enfield)*
Vaz, Keith
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Alan W *(E Carmarthen)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Greg Pope and
Ms Bridget Prentice.

Question accordingly negatived.

Schedule 3

SENTENCES PASSED OUTSIDE NORTHERN IRELAND

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): I beg to move amendment No. 3, in page 13, line 38, at end insert—

'or certificate under paragraph 9 of Schedule 12 to that Act (transitional provisions);

( ) any certificate issued by the Lord Justice General in relation to the prisoner under section 16(2) of the Crime and Punishment (Scotland) Act 1997 or paragraph 6 of Schedule 6 to the Prisoners and Criminal Proceedings (Scotland) Act 1993 (transitional provisions);

( ) any order made in relation to the prisoner under section 2 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (duty to release designated life prisoners);'.

Mr. Deputy Speaker (Mr. Michael Lord): With this, it will be convenient to discuss Government amendment No. 4.

Mr. Ingram: The amendments are technical, and I hope that I will not need to expound on them at any great length, but I am prepared to do so if hon. Members want to have a debate.

Amendment No. 3 amends paragraph 6. The present effect of the paragraph is that the commissioners must have regard to different information from that set out in clause 7 when they are considering the release of life prisoners transferred to Northern Ireland from Great Britain. In such circumstances, the commissioners must have regard to any direction of the Parole Board for the release of a discretionary life prisoner, any other information that the Secretary of State submits, such as information about the tariff of a mandatory life prisoner—*[Interruption.]*

Mr. Deputy Speaker: Order. The general buzz of conversation is making it difficult to hear the Minister. I would be grateful if hon. Members would listen to him. *[Interruption.]*

Mr. Ingram: I thought that I heard someone saying, "Thank goodness for that," because it was better not to be able to hear me. I was about to say that the commissioners must have regard to that extra information as well as to their previous decisions.

Amendment No. 3 simply provides the equivalent Scottish provisions to those already referred to in paragraph 6 for England and Wales. That means that the commissioners must have regard to the same sort of information in respect of life prisoners transferred from Scotland to Northern Ireland as for those transferred from England and Wales to Northern Ireland. That is logical and fair and I commend the amendment to the House.

Amendment No. 4 amends clause 12(4), which is an interpretation provision providing that references in the Bill to a sentence of imprisonment for life include references to a sentence of detention at the Secretary of State's pleasure. Amendment No. 4 simply adds the equivalent provision for Scotland.

Amendment agreed to.

Amendment made: No. 4, in page 13, line 47, at end insert

'or detention for life or without limit of time under section 205(2) of the Criminal Procedure (Scotland) Act 1995.'.—*[Mr. Ingram.]*

Order for Third Reading read.

6.53 pm

Marjorie Mowlam: I beg to move, That the Bill be now read the Third time.

The debate in Committee and on Report clearly showed the genuine concerns of many right hon. and hon. Members about the operation of the scheme. Before the Bill was published, I had meetings with representatives of several parties to discuss issues raised by the Bill. Those discussions were helpful to me and, I hope, to those whom I met.

Many right hon. and hon. Members tabled amendments that were considered in Committee and on Report. In each case, our careful consideration was on the basis that any amendments must be fully consistent with the Good Friday agreement, which was endorsed by 71 per cent. of the people of Northern Ireland. We cannot and should not rewrite that agreement, but when points have been made that are helpful and could improve the terms of the Bill, we have certainly taken them on board.

Tonight, we considered on Report a Government amendment that was suggested by the right hon. Member for Upper Bann (Mr. Trimble), who expressed the hope that the legal terms of the Bill might be able to reflect more of the language that the Prime Minister used in his speech at Balmoral on 14 May. I accepted what the right hon. Gentleman said and tabled the amendment. I also tabled a Government amendment in response to arguments that he made on Second Reading about the operation of clause 8. I accepted those arguments and I believe that the Bill has been improved as a consequence of his contribution.

The right hon. Member for Upper Bann said:

"We must take the Stormont agreement as a whole, and should not pick and choose."—[*Official Report*, 16 June 1998; Vol. 313, c. 1096-97.]

That is right. If we cherry-picked and wrote extra provisions into the Bill that were not in the agreement, we would be departing from that agreement and would lose all moral authority to hold others fully to the commitments that they have made.

I also accepted amendments tabled by members of other parties. For example, Lord Alderdice asked for the Bill to allow victims to ask for information about releases, and the hon. Member for Harrogate and Knaresborough (Mr. Willis) spoke on that issue on Second Reading. We added a new clause in Committee to address their concerns.

The hon. Member for North–East Cambridgeshire (Mr. Moss) spoke in favour of an amendment to require that a lawyer appointed to the sentence review body should have a United Kingdom qualification, and of another to require the procedure for varying the two-year cut-off period to be subject to affirmative resolution. Again, we accepted those amendments on the basis that they improved the Bill and were consistent with the agreement.

Under the Bill, I am given powers to say which organisations have not established, or are not maintaining, complete and unequivocal ceasefires. With the agreement of the House, I can move forward or back the two-year cut-off date. I also have powers to suspend the scheme entirely. Hon. Members have asked about the circumstances in which I might use those powers. As I said, I cannot prejudge such decisions now, but I shall certainly face them squarely in the future.

In Committee, my hon. Friend the Member for Islington, North (Mr. Corbyn) asked about the position of prisoners who allege that they have been the subject of miscarriages of justice. As the Minister of State, my hon. Friend the Member for East Kilbride (Mr. Ingram), said, the matter is not covered by the Bill; he has written a letter today covering the other matters that were raised, and a copy has been placed in the Library.

In Committee, the right hon. Member for Penrith and The Border (Mr. Maclean) asked whether the Bill gave adequate protection to sensitive material. Given the sensitivity of security information and the requirement to protect individuals, that is an important matter, and my hon. Friend the Minister of State undertook to reflect on it. Having considered the issue, I can assure the House that there is no doubt that the requirement in clause 11 for the commissioners to give reasons is qualified by paragraph 5(1)(e) of schedule 2 and that a rule made under the schedule will give protection to sensitive information such as that to which the right hon. Gentleman referred.

Much of our debate has been dominated by assertions that the Bill failed to reflect commitments given by the Government in advance of the referendum on 22 May. As I have said repeatedly, there is not a single shred of truth in that accusation.

As my right hon. Friend the Prime Minister said in the House yesterday, we have done

"precisely what we said we would do."—[*Official Report*, 17 June 1998; Vol. 314, c. 363.]

That being so, I want to express my disappointment that the bipartisan approach that has served the process so well for many years may be in doubt tonight. I hope that it will not be ended. As an Opposition, we were always determined to ensure that the search for peace in Northern Ireland was not made even more difficult by arguments and by confusing signals being sent across the Floor of the House. I know how much the previous Government valued the stance that we took, as I did theirs. I am sorry if that approach is on the way out, as we have been constructive and open in our approach to the Bill, particularly on proposals that enhance and improve the Bill within the terms of the Good Friday agreement.

The Bill contains serious provisions and I shall take my responsibilities very seriously in putting them into practice. On 22 May the people of Northern Ireland decided to grasp their future and to shape it. They look now to both sides of the House to see what we can do to support them. I am sure that they will welcome our determination to implement the agreement—their agreement—in full and in good faith.

7 pm

Mr. Andrew MacKay (Bracknell): From my time as the parliamentary private secretary to the Secretary of State for Northern Ireland in the 1980s through to my present responsibilities as shadow Secretary of State and official Opposition spokesman, I have shared the view of the Secretary of State that there should, wherever possible, be a bipartisan approach to matters concerning Northern Ireland. That is in the interests both of the Province, and of a lasting settlement.

I hope that the House will agree, however, that no Opposition can give a blank cheque to a Government. Certainly, when we were in government, the Opposition did not give us a blank cheque. The House will recall the number of occasions on which the Opposition voted against or failed to support the prevention of terrorism Act. In my view, that was regrettable, and it damaged the peace process at that time.

I do not lightly advise my colleagues to vote against Third Reading. In so doing, therefore, I want to stress to the Secretary of State in particular, and the House in general, that we wish wherever possible to support the Government, and to continue the bipartisan policy. She has that assurance from me across the Floor of the House. Our voting against what we believe to be a fatally flawed Bill tonight will in no way stop our supporting the Government in their search for a lasting settlement.

I want to explain why we believe the Bill to be fundamentally flawed. We have one objection to it, and one objection only. However, it is a fundamental objection that goes to the root of the legislation. As drafted, and without the amendment that I unsuccessfully moved on Monday, the Secretary of State and her successors have only to "take into account" whether

[Mr. Andrew MacKay]

paramilitary organisations are decommissioning. In the Bill's words, with which I do not quarrel, the Secretary of State should "take into account" whether they are "co-operating" with the decommissioning commission. That means that prisoners could be released without that co-operation. To put it at its worst—I hope, pray and believe that this would not happen under the present Secretary of State, but it could happen under the Bill—every terrorist prisoner could be released in Northern Ireland without one single gun being decommissioned, and not one ounce of Semtex being handed in.

Our amendment was modest, constructive and moderate. It did not say, as some of our critics would have liked, that there should be decommissioning before any prisoner is released. Instead, we said simply that paramilitary organisations must satisfy the Secretary of State that they are co-operating with the commission before any prisoner is released. That is reasonable and fair, but it was rejected. The only ground that the Secretary of State gave for rejecting that moderate amendment was—she said—that it goes beyond the agreement. If that were so, I, as a supporter of the agreement, would not have moved it. My interpretation of the part of the agreement that concerns the release of prisoners is that there was a direct linkage between early release and total renunciation of violence. I have always maintained that any reasonable person would believe that total renunciation of violence must include decommissioning.

I do not want the House to take my word on that point. My right hon. Friend the Leader of the Opposition posed exactly the same question on Wednesday 6 May to the Prime Minister. I shall not dwell on the point of order made by the hon. Member for Belfast, East (Mr. Robinson), because Madam Speaker is quite rightly looking into that, and we shall have an urgent report on how there appears to have been a strange change in *Hansard*.

Mr. Ingram: Only alleged.

Mr. MacKay: The Minister of State speaks from a sedentary position. Let me say to him that I have listened to the recording, because I did not believe that that could possibly have happened. I have listened to and seen the video, and I can tell him that it did happen.

Let me quote from another answer given that day by the Prime Minister. My right hon. Friend the Leader of the Opposition said:

"Opposition Members will argue strongly that the IRA cannot have prisoners released if it does not give up its guns and explosives."

The Prime Minister replied:

"Again, I agree with the right hon. Gentleman. It is essential that organisations that want to benefit from the early release of prisoners should give up violence. Decommissioning is part of that".—[*Official Report*, 6 May 1998; Vol. 311, c. 711.]

I agreed with the Prime Minister then, and I agree with him now. The Prime Minister and I believe that that was the correct interpretation of the agreement.

More importantly, what the Prime Minister said on the Floor of the House on 6 May was widely and rightly reported in the Province in every newspaper. It was because of the Prime Minister's welcome assurance that the people of Northern Ireland voted yes in the referendum. My right hon. Friend the Leader of the Opposition and I were campaigning for a yes vote during the crucial last days of the referendum, and we heard large numbers of ordinary, decent people in both communities say, "Now we have the assurances on decommissioning and prisoner release, we are prepared, at this late stage, to support the referendum and vote yes."

This has become a matter of trust. Politicians should do as they say. In particular, the Prime Minister, when at the Dispatch Box, knowing full well that his words would be very carefully listened to by the people of Northern Ireland, who were about to vote in the referendum, should have given assurances that would be translated into legislation. That did not happen, and the Bill is fundamentally flawed.

Sir Brian Mawhinney (North-West Cambridgeshire): I am grateful to my hon. Friend for giving way. He and I have talked formally and informally about these matters on many occasions, and we share an on-the-record support for the agreement and a concern that it is not robust enough on prisoner release and decommissioning. Can he help me with a point about his argument? Is he inviting the Opposition to vote against Third Reading because the Bill accurately reflects the agreement, and he thinks that the agreement is inadequate? Or is he asking us to vote against it because the Bill does not accurately reflect the agreement, and he thinks that it should? In either case, we are being asked to vote against a Bill that puts into law an important part of the agreement—neither he nor I are happy with that part of it—but he says that by voting against it, we will not be voting against a bipartisan approach. Will my hon. Friend clarify the position?

Mr. MacKay: I am grateful to my right hon. Friend, whose experience and record in serving his country in Northern Ireland as a Minister and as parliamentary private secretary, like me, to my right hon. Friend the Member for Bridgwater (Mr. King)—in fact, I succeeded him in the 1980s in that role—is second to none in the House. I am very happy to answer his question and to put a little more flesh on the bones of my brief speech on Third Reading. My interpretation of the agreement that linked explicitly the earlier release of prisoners, which we are talking about in this legislation, to the complete renunciation of violence was that that included decommissioning. As I have said, that is not just my view; it was the view of the Prime Minister in answer to a series of questions on the Floor of the House on 6 May.

Therefore, I am not asking the House tonight in any shape or form to break the agreement that my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) and I strongly support. Nor am I suggesting that, if my amendment were passed, it would be outside the agreement; I believe that it would not be. That is vital.

My right hon. Friend the Member for North-West Cambridgeshire asked a further question about the bipartisan approach. He and I are firm supporters of, wherever possible, maintaining a bipartisan approach on these matters. As I said at the outset of my remarks, wherever possible, we will do so, but we do have a duty to the House as an Opposition and we do have a duty to the people of Northern Ireland. If we believe that the Bill

is fundamentally flawed and that there is a breach of trust—I do not like saying this, but I happen to believe that it is true, if we read *Hansard*, that there has been a breach of trust by the Prime Minister—we are obliged to vote against the Bill. We hope that the other place amends it and that, when it is amended, the Government will have had time to reflect and be able to see that what we are trying to do is constructive and realistic within the agreement and in the interests of the people of Northern Ireland. Therefore, I urge my colleagues to vote against the Bill.

7.11 pm

Mr. Kevin McNamara (Hull, North): I listened with sadness to the speech of the hon. Member for Bracknell (Mr. MacKay), who speaks for the Opposition, because I believe two things. First, he is seeking radically to alter, by his attitude and by the amendment that he has tabled in the House, the terms of the agreement that was made on Good Friday. In doing that, it is possible that he is opening a Pandora's box. If he were to be successful, every party to that agreement would be able to say, "It is not robust enough here, it is not strong enough there. We want this concession. We did not really mean this. We really meant that. The Prime Minister said this. The Leader of the Opposition has said that." We are having textual criticism upon textual criticism in attempts to improve the whole situation.

That is a very dangerous thing to do because there are parties that are not represented in the House which are parties to that agreement, which signed it in good faith and which felt that they were able to turn to their supporters and say, "On the basis of this, we can give up involving ourselves in violence. On the basis of this agreement, of what we have been shown and of what we were shown in the briefing paper on this issue at the time, we can give up violence." To seek to alter it now would be a very dangerous thing.

Secondly, I feel sad about the speech of the hon. Member for Bracknell because I remember other occasions when Secretaries of State for Northern Ireland were engaged in very delicate negotiations and things happened that the Opposition could, if they had wished, have had a great deal of fun with; they could have caused much embarrassment to the Government of the day. I can think of at least one occasion involving the right hon. Member for Cities of London and Westminster (Mr. Brooke), who was attacked by the Unionist parties over a particular incident. I got up and said that, as far as we were concerned, this was in no way a resigning matter because the object of those parties' criticism was not the particular thing that had happened, but a desire to delay or to prevent peace talks from going on.

I remember other occasions when the then Secretary of State for Northern Ireland, now Lord Mayhew, suffered much criticism in this House, particularly when it was revealed that, despite the Prime Minister of the day saying that talks with the IRA would have turned his stomach, he and the then Secretary of State were, in fact, talking with the IRA. On that occasion, we refused again because we felt that the peace process was even more important than that.

The hon. Member for Bracknell will say that we voted against the prevention of terrorism Act. That is true; we did. We voted against it because we did not think that it was helping the peace process, but there is a world of difference between seeking to wreck the Government when they are involved in peace talks and dealing with matters on which this party had had a particular fixed position for well over a decade.

I want to finish on just two points. It is a question of trust. The question is now: can we trust the Leader of the Opposition on this matter? I do not think so, but I want to talk briefly about a situation in which a Conservative Government were engaged because it is a precedent. It concerns Rhodesia.

Following the Rhodesian peace talks, the Zimbabwe Act 1979 contained this statement:

"No criminal proceedings . . . shall be instituted . . . in respect of any act done on or after 11th November 1965 in the conduct or on the orders of any organisation having the purpose of resisting, frustrating or overthrowing the administration purporting to be the Government of Rhodesia or

any act done . . . for the purpose of resisting or combating any such organisation"

Mr. Deputy Speaker: Order. I think that the hon. Gentleman has made his point. He is now straying rather too wide of the Third Reading.

Mr. McNamara: The point that I am seeking to make—I listen carefully to what you say, Mr. Deputy Speaker—is that this Bill places restrictions on the release of prisoners and their acts. When the Opposition were in government, they gave a complete amnesty to all who were concerned in some of the worst atrocities that had been committed in that area. That amnesty also applied to acts helping the rebel regime in this country, and many people from that regime were seeking to break the provisions that had been made by the United Nations and the Government at that time.

Therefore, I make the point that, at that time, there was no criticism from the then Opposition, but every applause and support of the Government of the day in making the peace process. The conduct of the Government when they were in opposition, and the action of the Opposition over Zimbabwe and elsewhere should be emulated because peace is far too important to be put at risk by cherry-picking in this way. If we consider the opinions of the people of Northern Ireland, the thing that they put top of their list is not decommissioning. It is not release of prisoners. It is peace.

7.18 pm

Mr. Phil Willis (Harrogate and Knaresborough): Having come to this portfolio fairly recently, it has been most interesting over the three days to hear about the experience in terms of the Bill of so many right hon. and hon. Members.

It is an extremely important Bill, in more ways than one, because this is the first real challenge to the spirit of the Belfast agreement. People in Northern Ireland expected that the agreement would be put into operation by the Government and would be supported, largely with debate, by right hon. and hon. Members.

I must put on record the position of the Liberal Democrat party and speak for our Alliance party partners in Northern Ireland. We whole-heartedly support the Belfast agreement, not simply because our friends were involved in the process but because the people who spent

[Mr. Phil Willis]

two years arguing to get it supported it, and 71 per cent. of the people supported it in a referendum. We support it on the basis that there is no cherry-picking and that it is a complete document. Hon. Members have made that point time and again. The Secretary of State went to great pains to make it. We support it on that basis, not on that of the Prime Minister's comments at Balmoral or anywhere else. The Prime Minister is right to comment on any legislation or agreement. The people of Northern Ireland expect that. It would have been impossible for him to go to Northern Ireland during the peace process or referendum and keep his mouth closed. To have expected that would have been ludicrous.

The position of some hon. Members and political parties is interesting. Democratic Unionist party Members and some official Unionist Members were honest and honourable throughout the process. They read the documents and the agreement and they opposed it. During the referendum, they went on to the streets, knocked on people's doors and said, "This is our interpretation of the document. Do not support it." They had several reasons for that. I said in an earlier debate that I was in Northern Ireland soon after the referendum and met republicans from the Province and the Republic of Ireland who had voted no. They had done so honourably because they did not believe that the agreement could be put into operation. However, I do not believe that the official Opposition have done themselves justice with the position that they have taken.

The hon. Member for Bracknell (Mr. MacKay) and the right hon. Member for Richmond, Yorks (Mr. Hague) campaigned in Northern Ireland during the referendum. I take my hat off to them. They campaigned on the basis of the Belfast agreement. That was what they were telling people to support. That was an honourable position. We must accept that when they campaigned for it, that was what they believed. Understanding the agreement, they realised that that was what would be put into legislation.

We believe that the Belfast agreement is reflected in the Bill. Even those hon. Members who have so vigorously opposed the Bill accept that the Belfast agreement is interpreted accurately in it. If the Conservatives were prepared to campaign for a yes vote—I believe that this is the point that the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) was making—on the basis of the Belfast agreement, why are they threatening bipartisan agreement by telling their Members to vote against it? We must conclude that they have decided, for reasons best known to themselves, to take a hard line on the release of prisoners, linking it inextricably to decommissioning. They must know that demanding full or partial decommissioning before the release of prisoners would stop the peace process in its tracks.

The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) was right. The word "partial" cannot be interpreted in law because it is impossible to define. Without a known starting point, it is impossible to ascertain who has given up what and whether it is substantial. I earnestly hope, in view of the conciliatory comments made by the hon. Member for Bracknell in his Third Reading speech, that the Opposition will think again. I hope that many Conservative Members will use their conscience on the matter and not follow the leadership.

The key issue for us is not decommissioning. The hon. Member for Hull, North (Mr. McNamara) rightly noted that the statement on prisoners says:

"Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements."

Without a complete ceasefire being maintained, we do not have a peace. Irrespective of decommissioning and the idea that weapons could all be taken out, if peace breaks down and people return to armed struggle, then as the Chief Constable of Northern Ireland has often said, there could be rearmament within weeks or months, with more sophisticated weaponry than before. It is peace that will make the gun, the bullet and the Semtex redundant. It is the good will of those who signed the agreement and who voted in the referendum that will make them disappear from Northern Ireland. Unless we believe that, this House is merely part of a charade or game and we are deceiving ourselves and the people of Northern Ireland. Some people do not believe it.

Mr. Robathan: Would the hon. Gentleman say that he is not concerned about the possession of illegal weapons, whether on the mainland or in Northern Ireland?

Mr. Willis: With respect, that is one of the most stupid comments that I have heard.

Mr. Robathan: Then answer it.

Mr. Willis: I shall answer straightforwardly. Of course I am concerned.

Mr. Robathan: He said that he was not.

Mr. Willis: No. The hon. Gentleman has had plenty of time to speak today. He is in disagreement with virtually all his colleagues. He should listen to what I am saying. The reason why the bipartisan agreement must not break down is that it is the road to peace that is important. The fact that we have got so many people to rally round the Belfast agreement is important. If the Bill reflects the Belfast agreement, why throw it away?

We are grateful to the Government for including clause 14. There are those who feel that notifying victims is not a good idea. We do not share that belief. There are clearly problems, and we trust that the Government will use the clause sensitively.

The hon. and learned Member for North Down (Mr. McCartney) said:

"Contrary to what he said, the IRA has not been defeated in any manner—many of us in Northern Ireland suspect that that is because no real effort has ever been made to defeat it."—[*Official Report*, 15 June 1998; Vol. 314, c. 57.]

I took great exception to that comment, as I am sure do other hon. Members. I see that the hon. and learned Gentleman is in his place. I hope that he will reflect on that in his speech. According to the research paper that we were given for the Bill, 955 members of the RUC or the armed forces have been killed in the struggle and more than 14,600 have been injured. To say that successive Governments have not been determined to defeat terrorism is a slur on their names. I trust that he will reflect and withdraw that remark.

7.28 pm

Mr. Winnick: I am glad that the Government have acted swiftly to implement part of the Good Friday agreement. The Bill was absolutely necessary as a precondition of implementation.

I have no wish to minimise the terrible terrorist crimes committed by those held in prison in Northern Ireland and the rest of Britain. We in the west midlands have also suffered from terrorism. I need not remind the House that, on 21 November 1974, 25 people, around half of them under the age of 25, were butchered there by the IRA. We understand terrorism as well as anyone else—although I concede that Northern Ireland has borne the brunt of the terrible atrocities over the years.

I take the view that the real division, here and in Northern Ireland, is between those who are for the agreement and those who are determined to wreck it. Some hon. Members were against the agreement and against the negotiations—they campaigned in that fashion before the referendum. They have no wish to see the agreement succeed; they think it a bad agreement and they want it destroyed. But I believe that the overwhelming majority in the House, including the official Opposition, take a different view.

Mr. MacKay *indicated assent.*

Mr. Winnick: Like us, the Opposition believe that this is the best chance for Northern Ireland for a very long time—I would say, since partition in 1920. The danger in voting against the Bill is that it will send all the wrong signals to the people of Northern Ireland and give encouragement to those who want to wreck the agreement.

The *Belfast Telegraph* agrees that this is the best chance for peace, even though it finds flaws in the agreement. It warns, too, of the dangers of sending the wrong signals, concluding:

"Whatever flaws the agreement has, it represents Northern Ireland's best chance of securing a lasting peace."

It goes without saying that the official Opposition are not about to change their minds tonight. Despite that, I continue to hope that the bipartisan approach will not be destroyed. Time and again during our 18 years of opposition, people outside asked us why we always seemed to agree with the Conservative Government on Northern Ireland. We replied that we believed that that Government's policies on Northern Ireland were right: to combat terrorism, just as the previous Labour Government had done, and just as we will continue to do if terrorism returns. We saw the problem as a conflict between democracy and terrorism. There was no doubt where Labour stood—we were on the side of democracy. Even though we may have been misunderstood at times, I have no regrets about our support for the Conservative policies in combating terrorism during those years.

Despite the Conservatives' voting intentions tonight, I hope that, in the days and months ahead, we will remain a largely united House of Commons on these issues. The future will be difficult; however much we favour the agreement, its implementation will be fraught with difficulty. If it is to be successful, we need a continuing bipartisan policy. There are no guarantees that the agreement will work, but we must all do our utmost to bring to Northern Ireland the lasting peace which its people deserve.

7.33 pm

Mr. Donaldson: Like the hon. Member for Bracknell (Mr. MacKay), my party believes the Bill to be fundamentally flawed. I say that not because I voted against the agreement, as a resident of Northern Ireland, but because the Bill is fundamentally flawed in terms of the agreement that was reached.

I shall confine myself in this speech to decommissioning, which, once again, the Government have fudged. The requirements that the Bill places on the Secretary of State are riddled with ambiguity. Throughout these debates, my party has sought to find out what the Government mean when they say that they will try to determine whether these organisations are "co-operating fully" with the decommissioning body. The Secretary of State and the Minister have failed lamentably to tell the House what that means.

I remind the Government that they are accountable to the House of Commons. The Secretary of State has been charged, under the Bill, with responsibility for ensuring that the terrorist organisations deliver peace. She is thus accountable to the House, and, in the weeks, months and years ahead, we will certainly hold her to account. If she fails in her responsibility to deliver the aims of the Bill, weak as they are, we will ensure that that is brought to the attention of the House. And if, as I suspect will happen, prisoners are released and no guns are handed over, we will bring that to the attention of the House time and again—until the Government live up to their responsibilities to the people of Northern Ireland to ensure that the guns are actually decommissioned.

Mr. Tony McWalter (Hemel Hempstead): What does the hon. Gentleman have in mind—two tonnes of Semtex by Tuesday? That at least would be a lot more specific. The Secretary of State is trying to assess the bona fides of these organisations, not just to examine the material manifestations. She is concerned with whether an organisation ever intends to return to violence, and that can be established only in much more subtle ways.

Mr. Donaldson: I participated in the talks process from beginning to end—

Mr. McNamara: And walked out.

Mr. Donaldson: I did not walk out. The talks had concluded when I left—the hon. Gentleman should get his facts right. I did not support the agreement, and I am entitled not to, as were the many in Northern Ireland who shared that view. This is, after all, a democratic society.

When the IRA's representatives were invited to the talks on the basis of a so-called unequivocal ceasefire, it was breached on numerous occasions—even murders took place. It was only when my party brought that to the attention of the Government, and after much delay, that the Government finally decided that Sinn Fein should be put in the sin bin—for a mere two weeks for two murders.

Mr. Robert McCartney: Does the hon. Gentleman agree that the first party to be put out of the talks, the UDP, was put out only after the UFF, which it was fronting, had committed three murders, and after the Chief Constable had publicly stated that that organisation was responsible for the murders?

[Mr. Robert McCartney]

Mr. Donaldson: That is indeed an accurate assessment.

I hope that Members understand why we are extremely dubious about the Government's ability to deliver in terms of holding terrorists to account. Throughout the talks process, the Government's record of holding terrorists to account was lamentable. I repeat that if there is no decommissioning while prisoners continued to be released, we shall return to the House and ask the Secretary of State what, in her opinion, represents full co-operation with the decommissioning body, in the terms of the Bill. I hope that in future the Secretary of State will be able to answer that question because, to date, we have not received an answer.

I hope that hon. Members understand that, in the absence of a definition of what represents full co-operation with the decommissioning body, we have to remain sceptical about the Government's intentions in holding the terrorist organisations to account. We have been told that we cannot cherry-pick the agreement. Well, decommissioning is an integral part of the agreement. The IRA has said publicly that it will not decommission its weapons, yet, by the end of the summer, IRA prisoners will have been released as a result of the Bill, and no weapons will have been handed over. There is an inequity there, and it is the terrorists who will cherry-pick the agreement.

It is the terrorists who will enjoy the benefits, have their prisoners released and get seats in the Government of Northern Ireland. Yet they will renege on their part of the agreement. Will the Government hold them to account? Can the House be sure that the Government will insist that the terrorist organisations deliver on their part of the agreement? Nothing that I have heard from the Government in the past few days convinces me that they will do so. I regret that we have not been able to secure the clear linkages that are necessary.

We hear much talk about peace. I live in Northern Ireland and represent a constituency that, like many in Northern Ireland, has experienced terrorist violence. Indeed, only recently, during the referendum campaign, a large bomb was planted in Lisburn in my constituency. I am grateful to the security forces for defusing it before there was loss of life and damage to property.

The threat of violence remains. The threat of terrorism remains. We need to be convinced that we shall have real peace. Hon. Members argue that what is necessary to obtain real peace is the bona fides of the terrorist organisations. The people of Northern Ireland do not accept the bona fides of terrorists, because terrorists are those who sneak up in the dark and shoot people in the back. How can one take the word of such people?

The House and the Government have a responsibility to the people who live in Northern Ireland, whom they govern and for whom they legislate, to ensure that terrorism is held to account and that when people obtain the benefits of the democratic process, they give up violence for good. That must include the decommissioning of their weapons. My party will watch with interest how the Government, particularly the Secretary of State, fulfil their obligations under the Bill. We shall look to them to hold the terrorists to account, and if they do not, we will hold the Government to account in the House of Commons.

7.42 pm

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush): The first point that I want to make to Tory Members, although it is probably too late, is that they should think again. They are doing themselves no good by giving a slap in the face to the Secretary of State and her team, who have done so much not only to build and deliver an agreement in Northern Ireland, but to build on the work started by the previous Conservative Prime Minister, the right hon. Member for Huntingdon (Mr. Major). A number of Back-Bench Conservative Members, including the right hon. Member for Cities of London and Westminster (Mr. Brooke), must know that the Tory party is deeply damaging itself tonight.

The Unionists, in arguing against the Bill tonight and tabling amendment No. 1, which was voted down, have at least consistency on their side. I wonder why Conservative Members did not vote with them, given that the amendment asked for the decommissioning of weapons. They are not even being consistent. The Unionist Members who have spoken tonight spoke, campaigned and voted against the agreement. The tide of history will leave them behind, and people will find it difficult to understand why they could not compromise, but, by God, at least they will not go down as being grossly inconsistent and giving a slap in the face to people who have worked so hard to deliver the agreement that, in no small part, was started by the previous Conservative Secretary of State and Prime Minister.

Mr. MacKay: Let me explain clearly to the hon. Gentleman that we supported the Government on Second Reading on the principle of the Bill, which we assumed would be amended in the modest way that we wanted. It is totally consistent and right for us to have voted for Second Reading and now to vote against Third Reading because our amendment was not accepted. The hon. Gentleman has been in the House long enough to understand that, and I suggest that he does not try to play politics.

Mr. Soley: That is a pathetic playing with words on a matter that is far too important for such comments. I remind the hon. Gentleman that the previous Government were struggling to survive during their last few years in office. As I said on a number of occasions, the previous Prime Minister and Secretary of State made a brave effort to deal with the Northern Ireland problem. My colleagues will remember the leak of the framework document, caused by a Unionist to damage the Conservative Government. What a wonderful opportunity that was for the Labour party. We could have torn into that document, ripped it apart and caused the Tory party a great deal of damage. We did not.

What about the exposure of the secret talks? Hon. Members will remember the great promises by Conservative leaders at the time that they would not talk to the IRA. But they did so again and again. The Labour party could have made hay with that and done enormous damage to the Tory party, but it did not do so.

What about the release of prisoners—the very issue which we are discussing tonight? That was started by the previous Conservative Government and Prime Minister. The peace process came to an end, and the prisoners continued to be released—the very action that

Conservative Members tell us they will vote against tonight. The Conservative Government continued to release prisoners and we supported them because we put the people of Northern Ireland before our personal interest, even though, at that time, if there had been an election, we would probably have won it with an even bigger majority than we have now, if that is possible.

Hon. Members have been saying that the people of Northern Ireland have been conned. Every single household in Northern Ireland received a copy of the agreement. I have met people from Northern Ireland over many years. At times, they have been badly led—and badly misled—and significant minorities of both communities, Unionist and republican, have indulged in killing. One point that some hon. Members need to remember about language is that the killing has been almost equal between Unionist and republican paramilitaries. In the past five years, Unionists have been killing significantly more than republicans.

Mr. William Thompson (West Tyrone): Unionists?

Mr. Soley: Yes, the Unionist paramilitary groups, as they call themselves.

Mr. McWalter: Will my hon. Friend give way?

Mr. Soley: Not at the moment. They call themselves Unionist paramilitary groups. *[Interruption.]* I am content to know that they have killed in the numbers that they describe and that we all know to be true—between 110 and 120 people have been killed by Unionist paramilitary groups in the past five years.

Mr. Roy Beggs (East Antrim): On a point of order, Mr. Deputy Speaker. Is it in order for a Member deliberately to mislead the House? There are no Unionist paramilitary groups.

Mr. Deputy Speaker: Hon. Members are responsible for their own speeches.

Mr. Soley: I am content with the words that I am using. About 80 people have been killed by the republican community. That is why we have to be very careful with our language. Every time we condemn terrorism, it is not only—as one or two Conservative Members would like—the IRA that we must condemn, but all killing. If one is killed by a terrorist, the blood one spills is human. We must condemn it all.

We must remember that when the Northern Irish people got the document through their door, they read and understood it and, more importantly, they knew that one of the most difficult issues would be prisoner release. However, they voted for it because they wanted to leap ahead out of the darkness of the past. They did that, and we should support them tonight. The Tories should make it clear that they will support the people of Northern Ireland and stop playing politics with the lives of other people.

7.49 pm

Mr. Hogg: I am afraid that tonight I cannot accept the advice of my hon. Friend the Member for Bracknell (Mr. MacKay), and I want to explain why.

I do not oppose the Bill, on the contrary, I support it, because it is a fair reflection of the agreement that was made between many parties, and which was supported in the referendum. I do not agree with the argument that the agreement provides for linkage as between the process of decommissioning and the release of prisoners.

Mr. Donaldson: The Bill does.

Mr. Hogg: The Bill does not provide for an explicit linkage because there is not an explicit linkage. There never was a linkage in the agreement. That may be a pity. It is extremely unpalatable that prisoners who have committed the most odious offences are to be released early. I find that as odious as any other hon. Member, but that is the price that the people of the Province agreed to pay in order to secure the prospect of murder and violence ceasing.

I am reluctant to support any unilateral variation of the agreement. If we do that, others will start to unpick the agreement—in particular, the terrorist organisations—and that will bring about a destruction of the agreement, and thus the end of the prospect of violence and murder ceasing.

I spoke briefly on linkage on Report. It is suggested that we should create an explicit linkage between decommissioning and the release of prisoners. I do not believe that we should do that because, as I said on Report, we cannot verify—

Mr. MacKay: We have not said that.

Mr. Hogg: That is an interpretation that I placed on what my hon. Friend said.

Mr. MacKay: My right hon. and learned Friend is putting the wrong interpretation on what I said and clearly was not listening as attentively as usual. I shall explain exactly what my amendment proposes, because he was not here when I moved it on Monday. The paramilitary organisations will have to satisfy the Secretary of State that they are co-operating with the decommissioning commission. That phrase is taken directly from the Bill. I am sure that my right hon. and learned Friend will accept that that is not the same interpretation as he has given, and I am sure that he would want to put that right for the House.

Mr. Hogg: I am being asked today by my hon. Friend to do a different thing, which is to say that because the Bill does not provide explicitly for decommissioning, we should oppose the Bill. According to his construction of paragraph 2 on page 25, the concept of unequivocal ceasefire incorporates within it the process of decommissioning. That is the argument that he advanced to the House. I understand the intellectual process; I simply do not agree with it.

The commitment that is provided for in the agreement, in so far as there is any linkage to the release of prisoners, is the commitment to a ceasefire, not to decommissioning. Paragraph 3 on page 20 deals in greater detail with decommissioning. There, the obligation is on the parties to the agreement to use their best endeavours to bring

[Mr. Hogg]

about a decommissioning within a two-year term—in other words, an extended period—which is quite different from what we are being asked to support.

Mr. Dominic Grieve (Beaconsfield): I have followed the argument of my right hon. and learned Friend carefully. In paragraph 2 on page 25 the word "unequivocal" is used. What does "unequivocal" mean in the context of the agreement? Does he agree that it is at least arguable that, in the context of the agreement, which must be taken as a whole, "unequivocal" must also cover any act that would tend to detract from the validity of the ceasefire, which must include participating in the decommissioning process?

Mr. Hogg: It is not that I do not understand the arguments, and my hon. Friend has advanced his in an extremely attractive manner. I see that if there was an active preparation of the weaponry, there would be no unequivocal ceasefire.

However, the fact that there is an accumulation of weaponry does not, of itself, show that a party is not committed to the ceasefire. The question is whether the weapons are buried under the ground, or are being burnished up for use. If the latter, there is not an unequivocal commitment to a ceasefire.

My argument is, first, that there is no linkage in the agreement, and I am against unilaterally varying the agreement. Secondly, the point that I was making when my hon. Friend the Member for Bracknell intervened on me—I make no complaint—is that the concept of decommissioning is impossible to verify. There are intelligence reports about how much weaponry and explosives individual terrorist organisations may have, but it is not possible to determine at any stage whether there has been a substantial or a partial decommissioning. One cannot prove that.

Therefore, such a condition should not be made a condition precedent to the cessation of murder and violence. It may follow. We all hope that peace will be maintained, and decommissioning will follow. The error is to make of the concept of decommissioning a condition precedent, because that is not verifiable; nor will it be delivered.

I hope that, by our vote tonight, we will not do anything that puts at risk the prospect of the people of Northern Ireland seeing an end to murder and violence.

7.56 pm

Mr. Peter Robinson (Belfast, East): I am delighted to follow the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), because I agree with some of the conclusions that he reached.

The right hon. and learned Gentleman was right to say in his earlier remarks that the people of Northern Ireland received copies of the agreement and that they read it, but he stretched matters a little too far when he suggested that having read it they immediately understood it and voted on that understanding. He may well reach that conclusion with his legal knowledge and his background in the House, but on the doorstep, over and over again, it became apparent that many people did not understand the legalese and Northern Ireland Office-speak in the document.

During the referendum campaign, the interpretation of the document became important. Many hon. Members recognised during the passage of the Bill that a significant feature of the outcome of the referendum was the undertakings given by the Prime Minister to the people of Northern Ireland. I read the document and came to precisely the same conclusions as the right hon. and learned Gentleman and other hon. Members about what it meant. I informed the people of Northern Ireland what I believed the Government meant for their future.

The hon. Member for Ealing, Acton and Shepherd's Bush (Mr. Soley) suggests that those of us who asked people to vote against the agreement will be left behind by history. I owe more to those who elect me than simply to follow the view that 71 per cent. of the people of Northern Ireland may hold. When they elect me, they elect me to exercise my judgment on these matters. My judgment is that the agreement will not provide peace and stability for the people of Northern Ireland.

As a democrat, I have to accept that 71 per cent. of the people in Northern Ireland concluded otherwise, but they concluded otherwise because of assurances given to them by the Prime Minister of the United Kingdom. I know that not only because of our doorstep canvassers and the distinct change that took place in the week before the referendum.

The Northern Ireland Office knows that what I am saying is true because its polls and focus groups were telling it precisely the same thing. The very last polls that it received showed that up to 40 per cent. of the population of Northern Ireland might vote against in the referendum because of the issues that we are discussing tonight. The Northern Ireland Office knew that things were moving in that direction. Something had to be done and the Prime Minister was wheeled into Northern Ireland to give assurances to the people of Northern Ireland so that they might vote in favour of the agreement.

What assurances were given? I do not want to tangle with you, Mr. Deputy Speaker, so I shall not go into the detail of the matter that I raised as a point of order earlier. Suffice it to say that press reports make it clear that the Prime Minister, in this House, made a clear and unambiguous statement that before any early release took place there would have to be substantial decommissioning. That is what he said. I have watched the video; that is clearly what the Prime Minister conveyed. Not only was it in the video and in the press report, but the editorial of one of Northern Ireland's leading newspapers used the Prime Minister's remarks to argue in favour of a positive response in the referendum. So, clearly, that was one of the factors that the people of Northern Ireland took into account when they voted.

It simply is not good enough, therefore, to say, "The people had the agreement; they understood it—or should have—so the vote is on the basis of the agreement." They voted on the agreement as it was interpreted to them. As I believe we all know from politics, there are few scripts that cannot be interpreted in different ways by different people, and who else would the people of Northern Ireland have listened to, to discover how the agreement would be implemented, but the Prime Minister of the United Kingdom—the very person who would have to introduce the legislation to implement it?

The hon. Member for Ealing, Acton and Shepherd's Bush is right to say that the Bill accurately reflects my interpretation—and his—of the agreement, but it does not accurately reflect the interpretation of the agreement as given to the people of Northern Ireland by the Prime Minister. Therefore, those pledges have been broken. The people of Northern Ireland have a right to believe that they were conned—betrayed—by the Prime Minister. If they have been conned on that first issue arising from the agreement, they have a right to be in fear and trepidation of what will happen when the settlement Bill is introduced to deal with the other issues.

We therefore tabled a series of amendments to test the Government's credentials. We tabled an amendment that asked that terrorists should renounce violence before they were allowed out of gaol. The Government would not allow that amendment to be made. Just imagine it: terrorists are allowed to be released from gaol early, with years of their sentence to be completed, without ever renouncing violence.

We tabled an amendment to make into reality another pledge given by the Prime Minister—the one he signed his name to on a poster hoarding—that violence was over for good. We wanted to include the word "permanent" in relation to the ceasefire. Again, the Government did not accept that amendment.

We advanced the proposition that before anyone was released, actual decommissioning had to be in progress; the Government voted against that. We asked that if a prisoner was released but their organisation returned to violence, they should be recalled to prison; the Government voted against that as well.

What changes have the Government made? Some people—admittedly very few—in Northern Ireland are jumping for joy, spinning it to the people of Northern Ireland that something significant has happened. One newspaper had the audacity to report that there had been an arms coup as far as these people were concerned—that something great had happened; that the Government were making significant changes. The changes that they have made are anaemic, watery and meaningless. They do not go to the key issues of the Bill and will not protect the people of Northern Ireland in any way.

For all those reasons, if it is not already obvious, I shall vote against the Bill's Third Reading.

8.4 pm

Mr. Grieve: The Bill's purpose is to implement one part of the agreement. I subscribe to and support the agreement. As I have said, I have supported it on the basis that it is the best agreement that could be achieved and it might lead to peace. I have also supported it on the basis of the Government's repeated utterances—which have not been challenged or departed from in any way—that the agreement is to be looked at as a whole.

The area of dispute between us is whether we are allowed, in passing the legislation necessary for the release of prisoners, to have regard to the totality of the agreement, starting with the ringing declaration about the abandonment of the use or threat of force, and carrying on through the various sections that include an explicit requirement to carry out a decommissioning process over a two-year period.

In the run-up to the debate, I listened carefully to the Prime Minister's words on a number of occasions about how the agreement might properly be interpreted. I say to the Secretary of State that he left me in no doubt, until yesterday, when he answered a question I asked him at Prime Minister's Question Time, that the interpretation of the agreement that could be used in passing legislation for the release of prisoners included safeguards to link it to decommissioning.

In some ways, the issue is narrow. The Secretary of State retains a discretion—which she has, properly, placed in the Bill—that enables her to look at the totality of the agreement in deciding whether prisoners should be released and whether they qualify for release. It is an important safeguard and I have had every occasion, in the debate and previously, to respect her judgment and integrity on that issue. Nevertheless, ultimately this is a parliamentary matter. The question is, is this a matter for the discretion of the Government through their Ministers, or is this a matter where Parliament, looking at the agreement and interpreting it properly, incorporates the safeguard explicitly itself?

It is a narrow point and I very much hope that, over the next two years, it may turn out to be a point of merely academic interest. I, for myself, shall continue to support the Government along the peace process path, however difficult that may be, in the implementation of the agreement, but when it comes to the narrow issue of whether this Parliament and this House should introduce the safeguard itself, I am fortified, if by nothing else, by the words of the Prime Minister on several occasions and—this is where I disagree with my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg)—by my interpretation of what is possible in the scope of the agreement. We are not in a position to refer the agreement to a judge to decide whether I am being creative or my right hon. and learned Friend is being too narrow, so I must follow my judgment and my conscience.

I am mindful of the fact that the issue has been a key issue in the Northern Ireland referendum campaign. Perhaps surprisingly, it became an important issue and raised its head, toward the end, as the real stumbling block to achieving consensus. It must therefore be especially important for the House to ensure that the safeguards that people expected, and which they were given every indication would be there, are in the Bill if at all possible.

Sir Robert Smith (West Aberdeenshire and Kincardine): I think I partly understand where the hon. Gentleman is coming from, but whereas he said that it was quite important that Parliament should reflect the agreement, some of his colleagues seem to want Parliament to reflect the Prime Minister's interpretation of the agreement. Surely it is far more important that Parliament reflects the interpretation of the agreement that many hon. Members on both sides of the House seem to think is not in accord with what the Conservative party would like to do tonight.

Mr. Grieve: My interpretation of the agreement, in light of the fact that it was agreed by all parties that it must be considered as a whole, is that it is open to the House to put in the explicit link. The Government tell me that that is not so. All I can say is that, prior to the debate, the Prime Minister gave every indication that it was possible to do that. Whether the Prime Minister was mistaken and has changed his mind or whether some other interpretation may be placed on the issue, I know not.

[Mr. Grieve]

I must follow my own judgment, and I believe that, if the House wished, it could introduce the link without breaking the agreement.

Mr. Robert McCartney: Is the hon. Gentleman aware that in the four days prior to the vote on the agreement, the Government—and the Prime Minister specifically—were acutely aware that the two issues that would change the voting pattern were decommissioning and the release of the prisoners and that those two issues were linked?

Mr. Grieve: Yes, I am aware of that. I listened to the speeches and I read the transcript of debates in the House. I cannot say any more than that: I believe that we may do it if we wish.

At the end of the day, the Opposition's goal may be achieved through the Secretary of State's exercising her discretion in the matter. However, it will be at her discretion and outwith our control. That is the narrow issue of disagreement. The Secretary of State may rely on my support in trying to carry through the peace process. However, as I think that it is my duty to introduce the safeguard in the House, I regret that I cannot support the Government tonight.

8.11 pm

Mr. Laurence Robertson (Tewkesbury): I approach the matter from the fundamental position of objecting to the creation of a new category of prisoner in the United Kingdom. That is one of the main reasons why I shall vote against the Bill tonight.

I would have liked the Bill to link decommissioning with the release of prisoners for two reasons. First, I believe that the electorate in Northern Ireland have been misled—I shall not go into that issue more deeply as it has been covered already. Secondly, if we are releasing prisoners, I believe that this is the best opportunity that we shall have of securing decommissioning. The Minister said last night that he hoped to see decommissioning in the future. What will we trade at that point to secure decommissioning—the Government will have surrendered their ace without receiving anything in return?

The Government may claim that they are getting something in return: ceasefires and peace, but they are of value only if they are genuine and permanent. I invite hon. Members to cast their minds back to an earlier IRA ceasefire when the Sinn Fein president reminded a crowd who had gathered that the IRA had not gone away. Would he have said that, and would his remarks have been relevant, if the IRA had decommissioned at that point? I suggest that if the IRA had decommissioned, the ground would have been swept from under him and he would not have been able to make statements such as that.

Why would any organisation want to retain arms? There can be only two reasons: either it wants to use the weapons again in the future or it intends to use them as a threat to move Northern Ireland further down the road to a united Ireland—which I believe this agreement takes us some way towards.

8.13 pm

Mr. Graham Brady (Altrincham and Sale, West): I oppose the Bill and I am pleased to follow my hon. Friend the Member for Tewkesbury (Mr. Robertson) in so doing. I had not intended to speak, but I believe that some of the remarks that have been made cannot go unchallenged. I refer to the suggestion, made by several Labour Members, that those who oppose the Bill are attempting to seek some party advantage. That is the most disgraceful allegation that they could make.

I am proud that the Conservative party intends to vote against the Bill tonight, but I would not vote for the Bill even if my party was. That is not a position that I adopt lightly. The hon. Member for Harrogate and Knaresborough (Mr. Willis) challenged Conservative Members to vote according to their consciences. That is what I shall do. In all conscience, I cannot vote for a Bill that will lead to the release of some of the most evil murderers—from either side of the divide—who have committed appalling crimes. I would find it difficult to vote for the Bill even if it linked their release to the decommissioning of weapons. I cannot, in conscience, vote for a Bill that will allow such people back on the streets of the United Kingdom when the weapons are still available for them to use.

Many hon. Members have implied that there is only one side to the issue. I ask them to consider carefully, as I believe this is the most important Bill to be debated in my short time in this place. If I am here for a great many years, I dare say that it will still be the most important matter that we have debated.

Tonight we are considering whether we should release people who live in a free, open and democratic country but who, instead of resorting to democracy, have chosen to resort to murder and to torture. The hon. Member for Hull, North (Mr. McNamara) was quite mistaken to draw an analogy with the situation in Rhodesia, where people were not living in an open and free democracy. We are talking about people who had a choice to participate in our democracy, but turned their back on it. I have no confidence that if they are released following the passage of this Bill—when there are still many tonnes of weapons hidden in Northern Ireland and available for their use—they will not return to that path of murder and torture.

8.16 pm

Mr. Ingram: We have had a very detailed debate following a series of detailed discussions about specific amendments. I shall deal with the fundamental point at issue, which was raised by the hon. Member for Bracknell (Mr. MacKay), the official Opposition spokesman on Northern Ireland. He told us that he is calling upon his party to vote against the Bill. In so doing, the Opposition are voting against the implementation of the element of the agreement with which the Bill deals—despite the fact that the agreement was negotiated by the Northern Ireland parties and endorsed by 71 per cent. of the people of Northern Ireland.

The official Opposition will be joined today only by those Northern Ireland Members who have consistently opposed the agreement. Those Northern Ireland Members are entitled to carry their opposition into the House—they, at least, have been consistent. The official Opposition claim to support the agreement yet, in voting against implementing this part of it, they will not be supported by a single Northern Ireland Member who supports the agreement. Mark this, Mr. Deputy Speaker: those who negotiated the agreement and who campaigned in Northern Ireland for its endorsement are not opposing the

measure tonight. The official Opposition have isolated themselves from those who support the agreement. Tonight they will share the Lobby only with those who voted no.

The hon. Member for Bracknell also raised the spectre of every prisoner being released before any weapons are decommissioned. We are talking about a two-year period. Other hon. Members have referred to 1995, when the Conservative Government introduced legislation as part of the process of moving forward the peace package. That legislation has resulted in the release of 240 terrorist prisoners, but not one ounce of Semtex or one bullet was handed in and not one gun was decommissioned. The Conservative Government continued with that legislation when the ceasefire had broken down and when they had the power, under the legislation, to rescind the order. They did not do so. Did the Labour party in opposition criticise them? No, we did not, because we understood the sensitivity, difficulties and complexities of moving the peace process forward.

The thrust of the Opposition spokesman's argument and the position that he and his party now adopt are based on naked political opportunism and a blatant attack on the Prime Minister. The hon. Gentleman puts party interest before the interests of peace; whenever he has risen to speak from the Dispatch Box—to move amendments or on Third Reading—he has attacked a Prime Minister who has given untold time and energy to putting together a peace package, who has assisted in brokering that peace package, and whose efforts brought about a massive yes vote on 22 May.

Those who campaigned for a no vote in the referendum have said that the Prime Minister conned the people of Northern Ireland. Are they saying that their constituents are easily conned and do not understand that we are dealing with a very difficult issue? Is the hon. Member for Belfast, East (Mr. Robinson) the only person who can pick up the document and explain it on the doorstep to all the simple people who seem unable to read it for themselves? I have been a Northern Ireland Minister for more than a year now, and I have met many intelligent, ordinary working people. I understand what they are saying, and I know that they understand what the Government are trying to achieve. I think that they also understood that the previous Prime Minister gave his support during the referendum, and campaigned for a yes vote alongside the present Prime Minister. That was important in achieving the overwhelming yes vote on 22 May.

My hon. Friend the Member for Hull, North (Mr. McNamara) set out his background—the dealings that he had when he was Opposition spokesman on Northern Ireland. He knows the depth and level of support that the Labour party gave previous Administrations during his time in office. That applied also to previous shadow Secretaries of State for Northern Ireland. All those who have been engaged in the process know how difficult it is. They know that difficult decisions have had to be taken, and that if the wrong word is said or the wrong action taken, everything could be thrown off the rails. Everyone who has ever been engaged in these matters knows that peace is not an event but a complex process. It is not just about people voting in a referendum, or just about an agreement being signed by the parties. It is about trying to implement aspects of the agreement, taking it forward bit by bit, and linking together parts that must be linked together.

We are at the very first step of dealing with the agreement. In many ways, this Bill is the most complex piece of legislation because it strikes an essential chord in the minds and hearts of the people of Northern Ireland. We all recognise that. No one thinks that the Bill is easy. It is incredibly complex and difficult, but it rests on the integrity of Ministers to take it forward. That may be challenged by some in the House, but I doubt whether it would be challenged by the official Opposition—they have not yet stooped to that level in their criticism of Ministers.

However, another important key element is the fact that we live in a democracy where accountability applies. The Bill gives the Secretary of State the power and discretion to interpret those aspects that are set forth, and to make the decisions. In dealing with the issues on which she has made a judgment, she will be held accountable to the House of Commons. Accountability comes into play once the whole package has been implemented—not just the Bill but the agreement as a whole.

I am sorry that hon. Members from Northern Ireland have made it their determined wish and will to stop the agreement.

Mr. Desmond Swayne (New Forest, West): Does the Minister accept that the right hon. Member for Upper Bann (Mr. Trimble) voted against the Bill on Second Reading? What does he think has happened between Second Reading and Third Reading which would have induced the right hon. Gentleman, who supported the agreement and campaigned valiantly for it, to change his mind?

Mr. Ingram: I have attended all the debates on the Bill and I have not noticed the hon. Gentleman's presence very often. If he were genuinely interested in the flow of the debate, he would know that some of the amendments that have been debated were important. He would also know that some of the amendments had been brokered with the Ulster Unionist party and its leadership to deal with the difficulties that they highlighted in the Bill, and that those amendments resulted in changes to the Bill. In her opening remarks, my right hon. Friend the Secretary of State set out the changes. I do not recall the hon. Gentleman's presence in the Chamber when the opening speech was made. I may be wrong; if the hon. Gentleman was here, clearly he has not been listening.

My hon. Friend the Member for Hull, North told the House about the support that the Labour party in opposition gave to the Conservative Government. I highlighted one good example—the 1995 Act on the early release of prisoners.

May I deal with some of the other comments that have been made in the debate? I thank the hon. Member for Harrogate and Knaresborough (Mr. Willis) for his continued interest, and that of his party. He articulated some of the arguments advanced by the Liberal Democrats to try to bring about changes to the Bill. We have made a major change to the Bill to deal with the sensitive issue of victims.

I also thank my hon. Friends the Members for Walsall, North (Mr. Winnick) and for Ealing, Acton and Shepherd's Bush (Mr. Soley). Because of their

[Mr. Ingram]

long-standing interest in Northern Ireland affairs, they made telling contributions to the debate.

The hon. Member for Lagan Valley (Mr. Donaldson) was supposed to be the main spokesperson for the Ulster Unionist party in opposition to the Bill. As the debate progressed, however, other hon. Members tried to take on that mantle. He, too, seems to want to play politics with peace. He has set himself up as a "no" man, and his party decided to say no to him over the assembly. Thus his own party has cast judgment on him.

I pay tribute to the reasoned and powerful case advanced by the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), who pointed out the deep dangers of cherry-picking from the agreement. He also pointed out the fundamentally flawed reasoning of the Opposition spokesman. I only hope that other right hon. and hon. Members listened to his reasoned arguments. Clearly, those who have experience in the House and deep knowledge of what has happened and can happen in Northern Ireland have listened carefully to the debate, and I am sure that the hon. Member for Bracknell will not get all his right hon. and hon. Friends into his Lobby this evening. He already knows one of his very experienced colleagues who has decided not to join him.

Mr. MacKay: How did the Minister vote on the prevention of terrorism Act?

Mr. Ingram: I have been asked that before. I suggest that the hon. Gentleman looks at the voting records—*[Interruption.]* I shall not debate with hon. Members who call from a sedentary position. I have discussed the matter in previous debates. The right hon. and learned Member for Sleaford and North Hykeham has put peace first and said that on this occasion his party must come second.

The hon. Member for Beaconsfield (Mr. Grieve) asked who makes the judgments in this matter. As I said earlier, the initial judgment rests solely with the Secretary of State, based on the detailed advice that she will receive from a variety of sources. Clearly, we are talking about matters that cannot always be easily shared at the time with the House, or, indeed, with any hon. Members who may be interested, but, at the end of the day, once the judgment has been taken and the die is cast, the House has a right to hold the Secretary of State and the Prime Minister to account for their actions. Neither of my right hon. Friends has ever shirked that. We have held ourselves accountable at the Dispatch Box on the agreement and in taking forward this Bill.

I believe that the hon. Member for Beaconsfield is a genuine seeker after truth. He has probed and pushed as the Bill has progressed. I am sorry that he has not accepted the reasoning behind the legislation and what we are trying to do through it, but I hope that he will listen to the right hon. and learned Member for Sleaford and North Hykeham and that, before he enters the Lobby, he may just change his mind. If he is a genuine seeker after truth, he still has time to identify what the truth is and what the right judgment is.

The Bill has been debated in the House four times in eight days. Many right hon. and hon. Members have been present throughout and have spoken many times. Each time those opposed to the provisions of the Bill have set out their arguments, either my right hon. Friend or I have responded. We have sought to give full answers to the questions put to us, and we have sought to explain the Bill in full. We have never ducked any question. The answers that we have given may not have been acceptable, but we have set out the reasoning behind the legislation and the difficulties associated with it.

We have accepted Opposition amendments and tabled our own amendments, based on the arguments that have been advanced. In a sense, that is not what the debate has been about. It has been about whether the British Government should seek to implement in full the Good Friday agreement. Let me leave the House in no doubt that it is my intention and that of the Government that the agreement will be implemented in full. The agreement was negotiated in good faith and will be implemented in good faith. The people of Northern Ireland voted on a complete document, and we shall implement the complete document.

I commend the Bill to the House.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 215, Noes 116.

Division No. 310] **[8.31 pm**

AYES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Atherton, Ms Candy
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Bennett, Andrew F
Betts, Clive
Blair, Rt Hon Tony
Blears, Ms Hazel
Borrow, David
Brake, Tom
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Bruce, Malcolm *(Gordon)*
Burden, Richard
Burnett, John
Butler, Mrs Christine
Byers, Stephen
Cable, Dr Vincent
Campbell, Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coffey, Ms Ann
Colman, Tony
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cotter, Brian
Cox, Tom
Cranston, Ross
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Denham, John
Dismore, Andrew
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Edwards, Huw
Efford, Clive
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Follett, Barbara
Foster, Michael J *(Worcester)*
Galloway, George
Gapes, Mike
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Gordon, Mrs Eileen
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Heal, Mrs Sylvia
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia

Hoey, Kate
Hogg, Rt Hon Douglas
Hoon, Geoffrey
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Ingram, Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonnell, John
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Martlew, Eric
Merron, Gillian
Michael, Alun
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Mowlam, Rt Hon Marjorie
Mudie, George
Murphy, Paul *(Torfaen)*
Norris, Dan
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pound, Stephen
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Rendel, David
Roche, Mrs Barbara
Rogers, Allan
Rooker, Jeff
Rooney, Terry
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Salter, Martin
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Spellar, John
Starkey, Dr Phyllis
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stuart, Ms Gisela
Stunell, Andrew
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Twigg, Stephen *(Enfield)*
Vaz, Keith
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Alan W *(E Carmarthen)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Woolas, Phil
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Greg Pope and
Ms Bridget Prentice.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Beggs, Roy
Bercow, John
Blunt, Crispin
Boswell, Tim
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clifton–Brown, Geoffrey
Cormack, Sir Patrick
Cran, James
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heathcoat–Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
McCartney, Robert *(N Down)*
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
Malins, Humfrey
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Page, Richard
Paice, James
Paisley, Rev Ian
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Robinson, Peter *(Belfast E)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Ruffley, David
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid–Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Swayne, Desmond
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Thompson, William
Tredinnick, David
Tyrie, Andrew
Viggers, Peter
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whittingdale, John
Wilkinson, John
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Oliver Heald and
Mr. Tim Collins.

Question accordingly agreed to.

Bill read the Third time, and passed.

National Institutions Measure

8.42 pm

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): I beg to move,

That the National Institutions Measure, passed by the General Synod of the Church of England, be presented to Her Majesty for Royal Assent in the form in which the said Measure was laid before Parliament.

The Measure effects a transformation in the national institutions of the Church of England. The object is to enable them better to serve the work and mission of the Church, as reflected in parishes and dioceses throughout the land.

The origin of the Measure lies in the recommendations of the Archbishop's commission on the organisation of the Church of England, chaired by Bishop Michael Turnbull, now Bishop of Durham, which reported in 1995. The commission examined the central structures of the Church against the background of the financial difficulties then facing the Church Commissioners, from which they have now happily recovered. The assets of the commissioners have increased from £2.1 billion in 1992 to £3.5 billion in 1997.

However, the Turnbull commission found that there had been a significant loss of confidence in the Church's national organisations, which were characterised by fragmentation of effort and a committee-bound culture. There was no focal point where responsibility lay for enabling the Church to meet the challenges and the opportunities facing it. The Turnbull commission recommended the establishment of a national council to provide such a focal point. It also recommended a reform of the organisation of the Church Commissioners and a redistribution of responsibilities between them and the proposed council, with the creation of a unified staff capability to serve all the national Church bodies.

Since the Turnbull commission's report was published, the recommendations have been the subject of widespread consultation and debate in the Church, involving many people throughout all dioceses, as well as Members of this House and of another place. The process included consideration of the related recommendations of the Social Security Select Committee under the chairmanship of my right hon. Friend the Member for Birkenhead (Mr. Field).

Mr. Peter L. Pike (Burnley): Does not the Measure go beyond the recommendations of the Select Committee?

Mr. Bell: The Measure incorporates the Select Committee's proposals, but it derives from the report of the Bishop of Durham.

I pay tribute to my right hon. Friend the Member for Birkenhead for his work as Chairman of the Select Committee. His consistency and firmness of purpose, and the clarity with which his Committee framed its recommendations, have been a source of enlightenment and encouragement to the Church and to me. My right hon. Friend is not with us tonight, because he has an engagement in Leeds as Minister for Welfare Reform.

The Measure provides that the Archbishops Council shall determine the application of sums made over by the Church Commissioners in accordance with mutually agreed plans should the council or the commissioners so request. That means that the council and the Church Commissioners will be able to assure themselves that expenditure is compatible with the purposes of the commissioners' trust, in particular for the making of additional provision for the cure of souls in poor parishes. That is in clause 8.

Mr. A. J. Beith (Berwick-upon-Tweed): Will the hon. Gentleman's and his successors' answerability to the House on such matters be affected by the transfer of responsibility?

Mr. Bell: The right hon. Gentleman has anticipated my remarks. I shall deal with that point shortly.

Clause 8 meets one of the main parliamentary concerns on the Turnbull report by ensuring that the commissioners retain ultimate control over how their income is spent. The other concerns of parliamentarians were that the balance of Church and state in the composition of the commissioners should be maintained, and that the accountability to Parliament for functions bestowed by Parliament should be protected.

The balance of Church and state in the composition of the commissioners has been maintained. The Measure provides for six state commissioners and 27 other commissioners. The accountability to Parliament has also been maintained. Indeed, that accountability has been strengthened by the appointment of a statutory audit committee with a duty to report to the state commissioners on any matter relating to the functions and business of the commissioners which causes the audit committee grave concern. That may be found in schedule 4(4)(e)(e).

The Measure provides that the commissioners are to retain their functions in respect of asset management and support for bishops and cathedrals, although any proposal to transfer any of their other functions to the council—including, most importantly, their quasi-judicial functions under the Pastoral Measure 1983—may be effected only after consultation with the Prime Minister and the commissioners, and with the agreement of the General Synod.

Any such proposal must then be laid before Parliament, and, if relating to the Pastoral Measure or allied functions under the Dioceses Measure 1978, will be subject to debate and the approval of both Houses. Any other proposal is subject to the negative procedure. That provision may be found in clause 5. There has been much concern in the Church about accountability, both to the new Archbishops Council and of the Church Commissioners. I hope that what I have already said about the commissioners will reassure right hon. and hon. Members that there will be sufficient accountability.

The Archbishops Council will have a majority of elected members. That provision is to be found in schedule 1. The archbishops will be able to appoint up to six people to the council, but the General Synod will have to approve such appointments. The Archbishops Council will require the approval of the General Synod and of the diocese in order to achieve anything at all. The autonomy of the dioceses is unaffected by the reforms.

On the council, there is a careful balance among bishops, clergy and laity. One of the benefits of the provision for appointed members is the opportunity to ensure that the necessary expertise, skills, and interests

are properly represented. There must also be regular reporting to the Synod on the work and proceedings of the council. That provision is to be found in clause 4(1).

I hope that what I have said shows the carefully balanced nature of the package before the House. The package offers many benefits to the Church. Those include the creation of the Archbishops Council, which will provide a focal point for policy and strategic thinking among the Church's national organisations. In particular, it will bring together financial and policy responsibility, which are currently separate. It will create a stronger partnership, which will evolve, between bodies that work nationally on the Church's behalf. There will be greater clarity and transparency over the apportionment of central costs and the allocation of central support. Dioceses, and through them deaneries and parishes, will be brought more effectively into decision making at the national level. The Church will thereby be helped better to respond to the challenges of mission.

When the Measure was considered by the Ecclesiastical Committee, a major concern that was evident in the questions of witnesses from the Synod was the relationship between the Archbishops Council and the Church Commissioners, and, in particular, the desire to maintain through the commissioners an independent element in decision making at the central level, subject, of course, to parliamentary accountability—the point made by the right hon. Member for Berwick-upon-Tweed (Mr. Beith). It will be seen from the committee's report that it believes that the Measure secures that objective. Members of the committee were satisfied that the Measure provides appropriate mechanisms for the various issues to be satisfactorily resolved.

The General Synod gave final approval to the Measure, with large majorities in all three houses. They may not read like football scores from the World cup, but they are significant none the less: bishops, ayes 36, noes 0; clergy, ayes 181, noes 11; laity, ayes, 175, noes 27. The Ecclesiastical Committee has also resolved that the Measure is expedient. I hope that the House will approve it.

The work and witness of the Church throughout this land should be supported by effective and accountable national institutions. This Measure should help deliver them.

8.55 pm

Sir Patrick Cormack (South Staffordshire): It was very good to see the hon. Member for Middlesbrough (Mr. Bell) moving the motion—and from the Front Bench. That underlines the fact that he is a member of Her Majesty's Government. His sitting on the Front Bench exemplifies the very proper link between Church and state.

I should begin by declaring two interests, and by stating my position in this debate. My interests are that, since 1995, I have been an elected member of the General Synod, of which the hon. Member for Middlesbrough is an ex-officio member. Since 1971, I have been a member of the Ecclesiastical Committee, to which I was appointed very shortly after being elected to the House 28 years ago today. So, I have reasonably long experience of Church legislation.

My position—I must be honest with all Members—is that I was not wildly enthusiastic when the Turnbull report was first unveiled. As the hon. Member for Middlesbrough said, the Turnbull commission was established in the wake of what one might almost call a crisis of management in the Church of England. There was great disquiet over the management of assets, and it was felt necessary to appoint a commission to look into the form and structure of the Church of England.

The commission came up with proposals which went far beyond the initial cause for concern. My initial reaction was that there was a danger that the Church was becoming too involved in introspection. I was not persuaded that all the far-reaching changes were necessary, or that they would improve the standing or enhance the mission of the established Church.

I stress that I speak as a very strong believer in the virtues of establishment. I know that the hon. Member for Middlesbrough is entirely in accord with me on that. It is important that we maintain our national established Church. I think that it is of inestimable value that every man, woman and child in England lives in a parish of the Church of England and is entitled to the ministrations of the incumbent and to the services of the Church. I should hate to see that change.

Arch-romantic that I tend to be, I am strongly wedded to the idea of a national Church. I am an unrepentant traditional Anglican, and I have been greatly concerned for a long time by the diminished influence of the Church in many areas and in many aspects of our national life.

It seems to me that that diminution in influence has coincided with the advent of synodical government and the abandoning of our traditional liturgy, which themselves coincided with a seeming reluctance on the part of Church leaders at all levels to enunciate as unequivocally and clearly as I would like some of the unchanging verities of the Church. I happen to think that the average man and woman expects those in positions of moral authority to give clear and unambiguous guidance on the great issues of one's personal life, and to comment—perfectly legitimately—on great issues of state. I have never criticised bishops for talking about political issues, although I have sometimes hoped that they would stick more closely to religious issues.

Tonight, I want to put aside and not emphasise my initial fears and prejudices—we all have prejudices—because I willingly acknowledge that the Measure before us is in many ways different from, and better than, the original proposals of Turnbull. In that spirit, I welcome it, and I am glad to add my voice to that of the hon. Member for Middlesbrough in commending it to the House. However, my endorsement is based on the hope that our two archbishops will be able, through their new council, to renew their authority and to give that clearer guidance about which I spoke, because it is renewal that the Church of England needs as we approach a series of significant Christian anniversaries.

We all have the millennium very much in mind, and it is important to take every opportunity to stress exactly what the millennium is about and what is at its heart—the commemoration of 2,000 years of Christianity. However, there are other anniversaries: 2008 is the 450th anniversary of the Elizabethan settlement; and 2012 is the 300th anniversary of the 1662 Book of Common Prayer, which gave us a liturgy the like of which no other Church in the world is privileged to enjoy. With the new institutions that we are being asked to approve this evening, the aim must be to reach out, to touch and

[Sir Patrick Cormack]

to influence the lives and the conduct of those who are growing up in as great an ignorance of the Christian message as those to whom Wesley and Wilberforce reached out more than 200 years ago.

That is a great and a daunting task, so I trust that the Archbishops Council will not spend too much time on further restructuring and reorganisation. However, I hope that it will give careful consideration to making Synod more what it ought to be—the true representative voice of the Anglican in the pew.

The reason for my saying that, and for my slightly critical earlier comments about Synod, is a simple one: I do not believe that General Synod is really representative of the ordinary Anglican in the pew. I believe that for one reason above all others: there is a very small electorate. I should like everyone who is on the electoral roll of any church in the Church of England to be eligible to vote for his or her synodical representative. That would bring a new interest and a new legitimacy to General Synod, and it is a matter which I hope the Archbishops Council will consider.

I trust that the hon. Gentleman, whom I am pleased to call a friend in every circumstance other than the parliamentary, will use his influence to persuade the council to look into that issue. It is important and it needs to be addressed early. I hope too that he will forgive me for making those comments rather than merely following him. He gave us a lucid and admirable exposition of the Measure and outlined its provisions, so I am merely highlighting a few points.

Mr. David Drew (Stroud): I very much support the hon. Gentleman's idea of opening out the electorate, but does he agree that one reason why that electorate and Church rolls have declined of late is the mismanagement of the Church Commissioners in recent times? So many benefices have had to be combined because of lack of cash. If nothing else, the Measure will, I hope, lead to streamlining, and will concentrate minds on what really needs to happen. The Church needs to be run efficiently as well as with the proper Christian basis.

Sir Patrick Cormack: I understand why the hon. Gentleman says that, and I am sympathetic to the thrust of his thinking, but without wishing to offend him in any way, I must say that he has telescoped a few things.

Until the unfortunate blip occasioned, perhaps, by an injudicious emphasis on investing in property at a particularly unfortunate time, the record of the Church Commissioners in managing the assets of the Church of England was quite good. We do not face some of the problems to which the hon. Gentleman referred, such as the amalgamation of benefices and so forth, because of bad management by the commissioners over a long period. There has been a decline in vocations, and we have to deal with many issues.

I cannot think that the House will divide on this Measure. I sincerely hope that it will not—it might be embarrassing if it did, given the number of hon. Members in the Chamber, so I trust that the Government payroll vote is on hand if needed. Let us use the passing of this Measure to give a new emphasis and sense of direction to the Church of England. Let us give the Archbishops Council every support and encouragement, but let us also point it in certain directions.

That was very much at the back of the minds of many of my colleagues on the Ecclesiastical Committee who took part in the questioning. As the hon. Member for Middlesbrough said, and the report shows, they expressed certain concerns about the relationship of the council to the commissioners. They stressed the need to maintain an independent element in decision making at national level and one that was subject to parliamentary accountability.

That was expressed particularly clearly in the three points put forward by and quoted in the document before us this evening by the Minister for Welfare Reform, the right hon. Member for Birkenhead (Mr. Field). He has made such a signal contribution to the Church of England, and we very much miss him this evening, although we fully understand that his ministerial duties prevent his being here. He has been a doughty champion of the establishment and of proper parliamentary accountability.

The hon. Member for Middlesbrough symbolises that accountability, and comes before the House—not perhaps as often as I would like, but that is not his fault—to answer questions regularly and reasonably frequently. His very presence and his being here to do that emphasise the national nature of the Church of England.

I do not want to detain the House, and I understand that other hon. Members would like to contribute briefly—I hope that they will do so—so I shall conclude by saying that, whatever misgivings some of us may have had, let us put those behind us and look upon this as a new opportunity for the Church of England. Let us use it to the best possible advantage by giving the Archbishops Council every possible support.

At the head of the Church of England, under Her Majesty the Queen, we have two extremely talented men in the Archbishop of Canterbury, who was plunged into the job but has grown into it, and the Archbishop of York, who is a representative of what he calls "the other integrity"—we have tensions within the Church of England, and it must be representative of both integrities. The two are working together extremely constructively—may they do so even more through the council. I wish the Measure parliamentary approval, and Godspeed.

9.9 pm

Mr. Peter Bottomley (Worthing, West): I thank the Second Church Estates Commissioner, the hon. Member for Middlesbrough (Mr. Bell), for the way in which he presented the Measure, and I congratulate my hon. Friend the Member for South Staffordshire (Sir P. Cormack) on the way in which he responded—it demonstrated, as I said at the Ecclesiastical Committee, the importance and validity of the adaptation of the rules for Church Measures.

For all the faults of the system—they were acknowledged by many members of the Synod—I believe that it is better that the Synod should take the early stages of legislation, so that we avoid having Second Reading and Committee stage in the House of Commons and in another place.

The Ecclesiastical Committee has sometimes—although not in this case—taken too long to decide whether a Measure is expedient. I share the views of successive archbishops and others in the Church of England, but I believe that moving to a synodical method has, on balance, proved better than retaining all stages of consideration in Parliament. However,

that depends on the good will and the ability of hon. Members and Members of another place to understand that compromise means, at best, agreement.

In the presentation to the meeting of the Parliaments, which is fully recorded in the report, and in the Ecclesiastical Committee, those who seemed to discuss the residual issues that Members of Parliament wanted to raise did a service both to the Church of England and to this country. It is important that those people—I am not one—who have doubts about improvement, change and adaptation, should be fully heard, but it is reasonable to expect others who think that some of the doubts and arguments are wrong to meet them halfway. That is part of the notion of compromise, on which I put some store.

My declaration is that I tried, both in a by-election and in a general election, to be elected to Synod, and failed—I am a member of the General Synod, failed. To balance that, I spent some years as a trustee of Christian Aid and, for a time, served as the chairman of the Church of England Children's Society, which overlaps with the established parts of the Church of England, even though it is not one.

I believe that we need to learn from those from outside our Churches—I try to describe myself as a Christian (Anglican), rather than say that being Anglican is more important. I believe that perhaps the most significant change in the 23 years during which I have had the privilege of serving in the House is that the Churches have come together in a way that is remarkable, somewhat unexpected, and a result of the deliberate efforts of many people in the Roman Catholic Church, the Church of England and the free Churches.

I pay tribute to the leaders of each of the denominations—they deserve more credit than they are usually given. Many matters that are beyond the usual realms of the Church and that spread into politics owe something to the insight and perspiration—as well as the inspiration—of our leaders.

The Measure deals with issues that one might call Church management of resources and assets—it does not in any way represent a substitute for our responsibilities on spiritual leadership. The leadership comes not only from archbishops and bishops, but from the laity and those who are ordained as deacons and priests. The Measure will help them to concentrate on bringing together—and bringing in—those who regard themselves as members of the Church and those who usually do not.

I mention two events that have made an impression on me in recent years. The first occurred in my previous constituency of Eltham. When six teenagers tragically died in a car crash, the local vicar opened his church, which provided the children's contemporaries with a sense of congregation and an opportunity to express their grief. It was plain that about half the young people at one of the memorial services had never had to open a hymn book, let alone a prayer book. That illustrates the failure of those of us who take seriously the work of the Church.

The second event that affected me was when James Noble, who represents, and created, the group known as A Company of Speakers said that, when the Japanese prisoner-of-war camp in which he had suffered was liberated and the guards had gone, an Australian chaplain got into the stand where the commandant used to stand, and said, not that it was a matter for celebration but that people had a second chance to start doing something with their lives.

That is roughly equivalent to the challenge that William Temple issued in Oxford in the 1930s, when he asked what people intended to do with their lives, and not only in their work and with their families. He asked what would really matter most if and when people had the chance to know in advance that they were about to die, and whether they had done things that required some sacrifice and understanding and were for the greater good; that is one part—not the only part—of the Christian message. It is part of the nonconformist and the established traditions, and part of the universal Church, which is what the Roman Catholics would lay claim to.

For all that to happen, there needs to be a system of Church use of resources, and that is where the Measure comes in. We in Parliament need to understand that, if a Measure has the overwhelming, if not unanimous, support of the bishops, the clergy and the laity, we need to have extremely strong reasons to challenge their decisions. We should not allow anything through on the nod, and we should pay attention, but we should also understand that those who came to bear witness or to answer questions deserve respect. I want to thank those people for the preparation and the presentation that they have offered us.

9.16 pm

Mr. Stuart Bell: I am grateful for the very kind remarks of the hon. Member for South Staffordshire (Sir P. Cormack). There is no greater honour in the House than to call an hon. Member from an opposing party a friend. I appreciate the hon. Gentleman's friendship, which I have enjoyed for many years, since I first became a Member of Parliament. He said that it is 28 years to the day since he came into the House, and 18 June 1970 is also engraved in my memory: I flew all the way back from New York to see a Labour victory, and when the first results came in, I turned off the television and went to bed. I slept soundly.

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Angela Eagle): You missed all the fun.

Mr. Bell: In fact, the fun began after the election. I remember the day as though it were yesterday.

The hon. Member for South Staffordshire spoke pertinently and eloquently, and I congratulate him on his speech about the relationship between Church and state. He said that I am at the Dispatch Box not because it is a convenient place to rest my notes but because there is a firm, strong, definable relationship between Church and state. He mentioned the established Church, and said that I was firmly in favour of it, and that the Prime Minister had made it known clearly that it is not his or the Government's intention to take any step in any other direction. It is appropriate to put that on the record tonight, and for it to appear in *Hansard*.

The Measure is the Church's response to the need for change and modernisation. That important point was touched on by the hon. Member for Worthing, West (Mr. Bottomley), who also made an interesting contribution, on which I congratulate him. He talked about Churches coming together and the ecumenical and inclusive nature of the Church. The Measure shows the Church coming to terms with the modern age. It is implementing the modernisation and change that the Government welcome and want to bring about.

[Mr. Bell]

The Church is doing that for itself, so there is no need for any move towards disestablishment to introduce modernisation or change, because the Measure represents the change in the direction of the millennium to which the hon. Member for South Staffordshire referred.

We read a lot in the newspapers about negative elements of the Church. The controversial elements appear day in and day out, but the Church is a confident Church, with a confident message that has stood the test of 2000 years. The hon. Member for Worthing, West mentioned Archbishop Temple's views in the 1930s, and the values of that time are as pertinent today as they were then. In this confident Church of ours in 1997, ordinations were up for the third year running, covenanted giving went up to more than £6 a person, and, while 24 churches were made redundant, 23 opened, excluding the new informal congregations.

Mr. Peter Bottomley: Does the hon. Gentleman agree that the Church is strong enough to take on the chin headlines claiming that training budgets are overstretched, which is merely another way of saying that more people than expected have come forward for ordination? I hope that he will also convey the House's good wishes to the Lambeth conference—perhaps it should be called the Canterbury conference—when bishops from all over the world will come together for their 10-yearly gathering.

Mr. Bell: I am grateful for the hon. Gentleman's intervention. I am sure that his remarks will be noted by the Lambeth conference, which will, as he says, open in Canterbury. The fact that the Lambeth conference takes place in Canterbury is in the nature of our business.

The Measure represents a new opportunity to go forward with confidence and focus. As the hon. Gentleman said, the Church has broad shoulders, as do the Church Commissioners who have to respond to the weekend press. I said, almost frivolously, that they had to do so day in and day out, but although that is not so, we must live with controversy, constant attacks and constant carping. We should remember the facts that I have given the House, which record the way in which the Church is moving forward towards the millennium, as the hon. Member for South Staffordshire said.

I welcome the consensus that we have heard tonight, which will be of great encouragement to the Church, and to the Synod when it meets in July. Our unanimous view, as the hon. Gentleman said, is that the Measure has a good wind behind it. Godspeed to it. I hope that this day will begin a new era in relationships for the Church, and new structures in which the dioceses, the Synod, the laity and all those who believe in the Church's doctrines and teachings can come together with a sense of confidence.

Question put and agreed to.

Resolved,

That the National Institutions Measure, passed by the General Synod of the Church of England, be presented to Her Majesty for Royal Assent in the form in which the said Measure was laid before Parliament.

Civic Amenities Sites (Northumberland)

Motion made, and Question proposed, That this House do now adjourn.—*[Ms Bridget Prentice.]*

9.22 pm

Mr. Peter Atkinson (Hexham): I am glad to be able to raise a matter of considerable concern to my constituents, and grateful to the Minister for being here to respond to my remarks, and those of the right hon. Member for Berwick-upon-Tweed (Mr. Beith), who may wish to take part in the debate. I realise that Thursday nights are not popular with Ministers who have to attend Adjournment debates, and I shall be as quick as I can.

The background to the debate is a decision by Northumberland county council to close nine of its 15 civic amenities sites as a means of saving £400,000 a year. That decision will cause problems to residents of Northumberland, and it poses the threat of fly tipping to the landscape of a county that is one of the most beautiful in the United Kingdom. To ensure that my argument is fully understood, let me say that what we mean by "civic amenities sites" are the tips where people take rubbish in the back of their cars. They can dump large items of furniture, garden waste and other things that dustbin collectors will not take away.

Northumberland decided on the cut as a panic measure following the Government's decision to loot the budgets of rural shire counties in England and Wales so that they could switch the money to suburban and urban areas. Despite denials from Ministers that that is so, the fact of that raid on the budgets of shire counties is confirmed by Unison in its newly published document, "Financing our future: putting the case for a fair deal for local councils", in which it lists 19 local authorities in crisis. Thirteen of them are rural shire counties, including Northumberland, which, unusually, is Labour-controlled.

Before the election, the Labour party trumpeted its plans to attack the funding of Westminster and Wandsworth councils as part of its "soak the rich" policy, while at the same time planning this raid on rural shire counties. Northumberland was the worst victim of that. As it happened, despite the cuts in their budget, Westminster and Wandsworth both set the lowest council tax levels in this country. In fact, Wandsworth cut its council tax level by 25 per cent. It is illustrative to note that, in Wandsworth, people living in a band D house pay £322 a year—that is in an affluent part of Greater London—while in Northumberland, council tax payers in an equivalent band of house pay between £812 and £833, so one can see the difference.

I could allow myself a certain wry smile at that because, in previous years, when the Conservatives were in government, every year that Northumberland county council received a rise well in excess of inflation, it used to complain that it was not enough. The local authority's public relations machine went into action to fill residents with horrors about cuts. I remember one local newspaper talking about all school meals being axed because of Conservative Government cuts. However, in the first year of this Government, Northumberland county council has received its worst-ever settlement—0.39 per cent., which was the worst of any local authority.

Three issues emerge from this decision. The first is whether the action by Northumberland county council in closing the nine sites is illegal. If it is not illegal, it is

certainly against the spirit of the Environmental Protection Act 1990, which says that civic amenity sites—tips—should be reasonably accessible to the people whom they are intended to serve.

The second point that emerges is that there is no real saving, certainly not for council tax payers. Although the decision may clear £400,000 from Northumberland county council's budget, it adds costs to all the district authorities, which are now having to put in different schemes to avoid a rash of fly tipping throughout the county. The third important issue that emerges is that there is a difference of opinion between the Government and the Environment Agency. In the agency itself, there appears to be some confusion about the regulations that surround the manning and operation of civic amenity sites.

Northumberland is a sparse county. It has a small population, which is widely scattered. For example, the closure of the civic amenity site at Haltwhistle means a round trip of 30 miles for people who live in that town to dump rubbish in the site at Hexham. In Allendale Town, it means a 20-mile round trip to dump rubbish. In West Woodburn, the area of the north Tyne, again, it means a further 20 miles. One of the larger settlements in my constituency, Ponteland, which has more than 11,000 inhabitants, has also lost its tip. That means that those people now face a round trip of around 15 miles to dump rubbish. How on earth can that be called "reasonably accessible", as required by the Environmental Protection Act?

As a result of the closures, there has already been a rise in the amount of fly tipping in the county. In particular, farmers have complained that they are the ones who are having to pick up the bill for illegal tipping on their land.

Local councils, particularly Tynedale district council in my constituency, are looking at alternative schemes to make good the shortfall that has been created by the county council. They have a system of putting amenity skips in parishes throughout their area, all of which will be costly to operate. Therefore, the county council's decision has simply transferred the cost from its budget to council tax payers through district council rates. Council tax payers are getting a double whammy out of this decision.

I move to the third point: the difference between the Government and the Environment Agency on the question of how the tips are operated. One of the points that I made in a letter to the Minister when the decision was first announced, was that it seemed that the rules and regulations that apply to the manning of rural tips were excessive.

For example, a tip such as the one that has been closed in Allendale should not require staffing every hour that it is open. It is a rural area in the north Pennines. The risk of vandalism or of dangerous chemicals being deposited must be low. The Minister gave some comfort in her letter to me in February that the Department was considering revising the guidance given to the Environment Agency about that but the agency subsequently said that it would under no circumstances allow any tip to be unmanned in any area. In a letter to me, it made it clear that it believes that there are risks in having unmanned tips.

Citing the risks show how ridiculous they are when applied to rural areas. Tips could be set on fire. People could put engine oil, asbestos or lead acid batteries into them if they were unsupervised. Sites could be subject to scavenging by totters. For sites in one of the most remote parts of the United Kingdom, the Allen valley, that is extraordinary.

While in urban areas there could be such risks, in rural areas they would be minor. There would be a chance to catch any dangerous chemicals when the rubbish was resorted at the waste transfer station. There is a risk of car batteries being dumped into skips on civic amenity sites. It is better to take such a risk when the waste would end up in a properly designed landfill site than to risk allowing it to end up in a ditch or water course in a wood or behind a hedge. The confusion should be sorted out by the Minister. There should be scope for rural sites to have less frequent staffing. There are opportunities for video surveillance of sites. Physical barriers can be installed to stop trade waste being left by builders with lorries if there is a particular worry about that.

Ironically, while the Environment Agency nationally says that it will not countenance such arrangements, locally, where it has to cope with the legacy of the problem, it has been running around advising my local council that it is all right to put amenity skips in rural villages which would be equally vulnerable to having illegal waste discharged into them. It suggests that parish councils should assist in policing skips to prevent abuse. It is ridiculous to expect parish councillors to stand guard over amenity skips while saying that fixed sites in other rural communities need to be staffed whenever they are open. The mere fact of staffing put up the cost to Northumberland county council and was one of the reasons why it decided to make the cut.

I urge the Minister to intervene with Northumberland county council to point out that no one could say that a 30-mile round trip made a site reasonably accessible. I want her to put pressure on the Environment Agency to sort out the guidance and regulations that affect the manning and running of civic amenity sites. I want her to tell the Environment Agency to reconsider the possibility of allowing some rural sites to be unmanned for some of the week so that they are available for local people to use and the threat of dumping rubbish, litter and dangerous chemicals in the county of Northumberland is reduced.

9.33 pm

Mr. A. J. Beith (Berwick-upon-Tweed): I am glad that the hon. Member for Hexham (Mr. Atkinson) has secured this debate, and I agree with his plea for something to be done. I do not think that Northumberland county council realised what outrage would be engendered in the rural parts of the county by the closure of the tips. In Wooler and Seahouses, this has aroused more fury, and given rise to more campaigning, than almost any local issue I can remember for a long time—especially now that people are becoming ever more conscious of the environment.

The distances involved for my constituents are even greater than those referred to by the hon. Member for Hexham. People going from the Wooler and Seahouses areas to Berwick face a 40-mile round trip, which does not constitute reasonable accessibility under the terms of the Act. They have to go to Berwick or a place south of Alnwick to find their facilities. That is too far to expect people to travel; every car journey involves the burning of fossil fuel, thereby adding to pollution of the environment. Fly tipping follows in the areas of the tips and elsewhere, and it is Berwick borough council and the district councils which have to pick up the costs.

[Mr. A. J. Beith]

The background to the problem concerns the financial position of the county council. The problems did not begin with the present Government; for the past seven years, the county has had adverse local government settlements—although the Labour leader of the county council has written to me pointing out that this year's settlement, from this Government, is the worst of any to date. I hope that the message will go back from Ministers dealing with those problems that Northumberland county council has been left in an unreasonable financial position.

However, none of that excuses this decision, with all its consequences. When I suggested to the Minister some weeks ago that she try to help, she responded by saying that the Environment Agency should reconsider its approach to the manning of tips—that was her opinion expressed in a parliamentary answer. Since then, the agency has thrown out her suggestion, claiming that it could not contemplate such a change. In a letter to me, the agency stated that it would be unacceptable to have unmanned tips.

I find this attitude obscurantist and mistaken. I am fortunate to live within half a mile of a waste transfer station. When I have bulky waste, it is not difficult to take it there, but when I go at weekends, I never see the man managing the tip, because he is busy inside the building sorting materials with his bulldozer. I just deposit my rubbish—paper, metals or whatever—in the appropriate receptacle. I do not see him, he does not see me. He is doing a useful job, but it is not necessary for him to be there the moment someone arrives at the site.

There needs to be some flexibility in rural areas—some means of ensuring that facilities are not completely withdrawn just because it is impossible to provide a Rolls-Royce service in every remote community. The real problem is that people make decisions at their desks in London or Leeds on the basis of what works in urban areas, without considering what happens in rural areas.

Now that the Environment Agency has thrown the idea back at the Minister, I must ask her what options she is going to encourage. I submit that the tips can be run unmanned, or manned only part time with supervision only at certain times of the day; or they could be opened only on certain days of the week.

Our tips used to be scavenged by totters, who did quite a bit of constructive recycling. Indeed, more recycling was carried out by the totters than goes on under the more bureaucratic current arrangements—they had uses for many of the materials deposited. The only danger was that a person could tip a load into a skip without realising that there was someone else in it at the time—I have known that to happen. Still, they performed a useful recycling function.

Another option is that the authority should develop the sites constructively with occasional manning, given the latitude to do so, and with more sorting and more recycling. People campaigning to get the tips reopened are keen to participate in a scheme that would increase the amount of recycling, thereby reducing the county's landfill bill. It would be far better if the tips were practically organised in a way suited to rural areas, and that ensured that more recyclable material was actually recycled and less went into landfill. That would result in the payment of less landfill tax.

I plead with the Minister to help us to persuade the county council to apply itself to a solution; to persuade the Environment Agency not to stand in the way; and to help us find an answer to what has become a very difficult problem.

9.39 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Angela Eagle): I congratulate the hon. Member for Hexham (Mr. Atkinson) on his success in obtaining this Adjournment debate. The subject is clearly of great local concern and raises important issues.

I shall begin by outlining the legislative background to the matter. A number of controls are in place to ensure that waste is managed safely and recovered or disposed of without harming human health or the environment. As the hon. Member for Hexham said, the main controls are set out in part II of the Environmental Protection Act 1990, which fulfils the UK's obligations under the amended European framework directive on waste. As one can see from the date of the Act, those arrangements were formulated under the previous Administration.

Under section 51 of the Act, the county council, as a waste disposal authority, has a duty to arrange

"for places to be provided at which persons resident in the area may deposit their household waste"

and to ensure that those so-called civic amenity sites are—as was mentioned in the debate—"reasonably accessible". Clearly, that means that they must be within the area of the authority responsible, be open at all reasonable times and be available for residents to deposit their waste free of charge. In answer to the hon. Gentleman's question about whether the council's action is legal, I have to tell him that the definition of reasonably accessible is a matter for the courts. He may want to pursue that.

The Environment Agency is responsible for the administration and enforcement of the licensing system, and I have no reason to suspect that Northumberland county council is not fulfilling its statutory duty. However, as I said, the definition of reasonably accessible is crucial in that instance. The Act does not stipulate what is reasonable in terms of the number and location of civic amenity sites to be provided. That is quite properly a matter for the county council to determine, which the Government would not want rigidly to dictate at national level, partly because of the fact, which the right hon. Member for Berwick-upon-Tweed (Mr. Beith) mentioned, that local circumstances can differ. It is difficult to make hard and fast rules that apply to every civic amenity site in every location, whether it is in an area of rural sparsity or the middle of a bustling urban conurbation. The right hon. Gentleman is right to point out that needs can vary in those different places.

I hope that the hon. Member for Hexham and the right hon. Member for Berwick-upon-Tweed will appreciate that neither I nor my Department has powers to intervene and dictate what is reasonable provision in any given area and would not want to do so. We therefore have no plans to issue guidance on the matter. I am sure that my Department could come to a view on the matter, but it would have no particular legal

force, since the interpretation of the law is a matter for the courts. We need to be wary of encouraging central Government to make such arbitrary rulings.

I understand and have considerable sympathy with those bodies and individuals, including the hon. Member for Hexham and the right hon. Member for Berwick-upon-Tweed, who have written to my Department and the Environment Agency expressing concern about the possible effects of the closing of nine of the 15 local civic amenity sites that were being operated by Northumberland county council, such as the ones in Allendale, Wooler and Seahouses. However, I am informed that the remaining six still take over 15,000 tonnes of waste per annum, which is more than 50 per cent. of the total civic amenity site waste in the county and that the hon. Member for Hexham and the right hon. Member for Berwick-upon-Tweed each have two sites in their respective constituencies.

The hon. Member for Hexham and the right hon. Member for Berwick-upon-Tweed have pointed out some of the difficulties that closure of sites has caused people, particularly those in rural areas, in their constituencies and the area of the county council. I understand that the county council has met the district councils in the area with a view to determining how their collection services may be further utilised to ameliorate the effects of the closures. From those discussions, it has been confirmed that the closures are temporary, which may represent a little light at the end of the tunnel.

The Environment Agency has already been understanding in its enforcement of the regulations, so I hope that the hon. Member for Hexham will realise that there is a little more flexibility than he might have imagined. Since the publication of statutory guidance in waste management paper 4 in 1994 regarding the operation of civic amenity sites, a phased programme to enforce compliance was agreed with Northumberland to facilitate the adjustment to the new regulatory demands.

In addition, a number of options have been suggested by Environment Agency regional staff to assist Northumberland in the provision of civic amenity facilities sites. Those include charging for use by commercial customers to offset part of the cost of operating the site; part-time opening, as the right hon. Member for Berwick-upon-Tweed suggested, to reduce operational costs; and the provision of amenity skips, which the hon. Member for Hexham mentioned in his contribution.

I understand that the agency has written to Tynedale district council, for example, regarding the placing of publicly accessible amenity skips in each of its parishes. If certain precautionary measures are undertaken, the agency would allow such a scheme to proceed. Similarly, mobile collection vehicles could be provided, as they are in other rural areas.

My Department and the Environment Agency are also considering the possibility of unstaffed civic amenity sites. Whatever the local office might have told the right hon. Member for Berwick-upon-Tweed, those are under consideration.

Current statutory guidance in waste management paper 4, to which the Environment Agency is required to have regard in the discharge of its licensing functions, states that

"the licensee"—

of civic amenity sites—

"should have the site manned during opening hours".

Recent consultation on the subject raised the question whether the particular needs of rural and remote areas make the cost of staffing civic amenity sites disproportionately high for small sites, and force their closure.

There are still outstanding issues raised by the Environment Agency about possible public health implications arising from untended equipment, vandalism, arson and the disposal of potentially hazardous waste at such unmanned sites. Perhaps a car acid battery would not create a major problem, but asbestos might. Such issues require careful consideration, which the Environment Agency is undertaking.

It may be possible, for example, to provide the agency with the discretion to license unmanned civic amenity sites in rural or remote areas where, in its view, the environment and public health could best be protected by the provision of such sites. That raises the question of balance, which the hon. Member for Hexham mentioned in relation to fly tipping. Aspects such as capacity and numbers of skips, the types of waste and the frequency of collection of waste would have to be taken into account.

Before we proceed with any such revision, it is important that we are satisfied that its terms will provide adequate protection to the environment and human health. However, I am anxious to conclude the issue as quickly as possible, and we hope to make a final decision on any revision of waste management paper 4 soon.

I understand the concern about possible increases in fly tipping. I can confirm that Northumberland county council and its contractor remain obligated under the waste management licence provisions for the closed sites and their environs. They must therefore deal with fly-tipped rubbish there. More generally, the responsibility for monitoring illegal tipping, clearance of the wastes involved and pursuing offenders lies with a number of organisations, including local authorities, the police and the Environment Agency.

The Environment Agency is continuing to monitor the situation closely throughout the country, not just in Northumberland, and is working with local authorities to monitor and control fly tipping and prosecute offenders. An emergency hotline number, which I shall give the right hon. and hon. Gentlemen so that they can issue it to their constituents when the need arises—0800 607080—has been established and widely published so that vehicles and individuals involved in fly tipping can be reported.

When the landfill tax was introduced, it was accepted that it would cause local authorities extra costs in the disposal of household waste. The hon. Member for Hexham will remember that, as the tax was introduced by the previous Administration, whom he supported.

It is, however, important that councils should have the same encouragement as businesses to look for more sustainable ways of dealing with their waste—to look

[Angela Eagle]

at the whole life cycle issues of waste, not just deal with the initial problem. When the local government finance settlement for 1996–97 was made, the previous Administration claimed that the extra costs of the landfill tax had been "taken into account" in the settlement.

In his March Budget, my right hon. Friend the Chancellor of the Exchequer announced that the landfill tax would be increased from £7 per tonne to £10 per tonne from April 1999. The delay in the increase is intended to allow local authorities and others to budget for the extra costs; clearly, discussions with local government on the financial settlement for 1999–2000 will need to cover the extra costs imposed by the tax.

The hon. Member for Hexham will be aware that my right hon. Friend the Minister for the Environment recently issued a consultation paper on the future waste strategy, entitled "Less Waste, More Value." In that, we floated suggestions for possible improvements to the efficiency and effectiveness of current grant arrangements for local government waste management services. For example, we raised the idea of a possible change to a system whereby districts—as waste collection authorities—receive grant in support of waste management, and are charged by counties' waste disposal authorities on the basis of tonnage of waste delivered for disposal. Government encouragement for public-private partnerships is also available, for example, in the form of private finance initiative credits, and we shall consider how such investment, for example, in new recycling facilities, perhaps in supra-district facilities for the disposal of rubbish in a more environmentally sensitive way, could be developed. Hon. Members need to bear in mind the forthcoming landfill directive from the European Union, which will force a change in the way that rubbish is disposed of.

The consultation document makes it clear that we are concerned about the risk of increased waste transport. The right hon. Member for Berwick-upon-Tweed was right to point out that there is an environmental cost when waste is transported long distances by road. Local authorities should think carefully about the full range of implications of their decisions on waste, not just the initial cost and the direct impact on the environment of waste disposal, but factors such as emissions from transport of waste in council lorries. "Less Waste, More Value" also recognises the importance of encouraging households to think carefully about what they throw out, and about how their patterns of consumption can lead to increased waste.

One possible way of making households more aware of their environmental impact is to legislate to allow councils to charge for waste collection and disposal on the basis of the amount that each household throws out, instead of including the cost in the council tax, as at present. However, that type of scheme would work only if households had real alternatives for dealing with their waste—in particular, local recycling facilities, or even separate collection of recyclable materials.

Of course we realise that recycling poses particular challenges in rural areas, and we are also interested in ideas such as scrap schemes, which are a slightly more organised version of the totter that the right hon. Member for Berwick-upon-Tweed and the hon. Member for Hexham mentioned.

We need to look long and hard at any proposals for rural areas, to ensure that they are fair, especially for families with children and for poorer households. I congratulate the hon. Member for Hexham on obtaining tonight's debate, and I hope that I have been able to give him some reassurances on this especially worrisome issue.

Question put and agreed to.

Adjourned accordingly at nine minutes to Ten o'clock.

House of Commons

Friday 19 June 1998

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PETITION

Music Schools (Harlow)

9.34 am

Mr. Bill Rammell (Harlow): I have pleasure in presenting a petition on behalf of my Harlow constituents, who are outraged at the enormous cuts that Essex county council has inflicted on their music schools. This petition is in addition to one with 5,000 signatures, which has already been presented to Essex county council.

The petition states:

The Petition of friends and users of the Harlow Music Schools

Declares that Essex County Council have cut the funding of the Harlow Music Schools, via the Harlow Youth Arts Partnership, from £97,000 two years ago to £21,615 in 1998-99.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Education and Employment to note the petition to Essex County Council signed by approximately 5,000 people, and take urgent action to protect and promote music education.

I welcome the fact that the Government are looking at the funding mechanism, and urge them to take account of the position in Essex in so doing.

Lord Neill

9.35 am

Mr. Andrew Dismore (Hendon): On a point of order, Madam Speaker. Last night I was informed that the Chairman of the Committee on Standards in Public Life, Lord Neill, has been retained by Dame Shirley Porter as counsel in her proposed appeal against the High Court judgment last year that she was guilty of gerrymandering and would be subject to a surcharge of £26 million.

Given Lord Neill's responsibility to report impartially to Parliament on issues relating to probity in national and local government, is it in order for him to accept such a brief, which goes to the heart of those matters? Given that there is such a clear conflict of interests, will you investigate this serious issue in more detail?

Madam Speaker: The answer is no. It is not a point of order.

Small Businesses

Motion made and Question put, That this House do now adjourn.—[*Mr. Betts.*]

9.36 am

The Minister for Small Firms, Trade and Industry (Mrs. Barbara Roche): May I begin by saying how much I have looked forward to this occasion, both in opposition and in government? It is a great honour for me, as Minister for the small business sector, to open the debate. It fulfils a commitment that the Government gave while in opposition, when we said that we would institute an annual parliamentary debate about the small business sector in the United Kingdom.

The debate is long overdue. The Small Business Bureau made many pleas to the previous Government to hold such a debate, but they failed to have it. I am delighted to pay tribute to the work of the Small Business Bureau, which has campaigned for these debates for a long time.

Mr. Bernard Jenkin (North Essex): May I inform the Minister that I won a place in the ballot when Friday morning Adjournment debates were allocated, and I held a full day's debate on small businesses? Therefore, we need no lectures from her about our small business credentials.

Mrs. Roche: I congratulate the hon. Gentleman on his good fortune in drawing top place in the ballot and on his choice of subject, but he totally misunderstands the point. There is a world of difference between a Member of Parliament holding a debate in private Members' time and the Government of the day recognising the sector's importance by allowing Government time to debate it. This debate is long overdue, and I am delighted to open it today.

We gave that commitment because small business is so important to our economy, and this debate gives us a chance to recognise that importance. It is an opportunity to celebrate the achievements of small business and to report to the House on what the Government are doing for the sector.

I believe that I speak for the whole House when I say that small business is absolutely vital to our economy. The facts are clear. I was pleased this week to see the welcome report from the Trade and Industry Select Committee, which met to consider the issues that affect small and medium enterprises. The Committee recognised the huge raft of issues that impact on small business, and concentrated on those that affect it most: business support services, access to finance, and, of course, regulation. I am sure that we shall hear more about that important report in the debate.

The small business sector is vast and immensely diverse. There are nearly 4 million enterprises in the United Kingdom—one for every 12 adults—and all but a tiny minority are small and medium-sized. They cover hundreds of industries, many are established family-owned businesses, and one in six are less than a year old. About 10 per cent. are fast growers with the ability to win for this country, domestically and internationally.

What those businesses have in common is that they are part of the enterprise base of this country. What we are absolutely determined to do is foster a culture of

[Mrs. Roche]

enterprise that encourages innovators and those prepared to take a risk—a culture that values and rewards entrepreneurs. The most common form of enterprise is the sole trader. There are about 2.5 million self-employed people, typically in building, retail and the professions. They have been the driving force for increased small business activity.

Small and micro firms provide a third of the United Kingdom's jobs and turnover. Many are consolidating businesses, however, and they are working hard to manage their finances, recruit and train the best people, and achieve high productivity.

Mr. Philip Hammond (Runnymede and Weybridge): The Minister has referred to the prevalence of self-employed one-man businesses in the building sector. Does she accept that the imposition of a £30,000 threshold by the Inland Revenue for the issue of a 714 certificate will effectively stamp out the one-man band in the construction industry?

Mrs. Roche: No, I certainly do not. Someone from that industry told me this week how much he welcomed the favourable economic climate that has been generated by my right hon. Friend the Chancellor and the Government. *[Interruption.]* Conservative Members may laugh, but the boom and bust policies of the previous Government led to the decline in our construction industry, with the loss of hard-won jobs and skills. We are seeking to do something about that.

Mr. Nick Gibb (Bognor Regis and Littlehampton): Was the conversation with that person before or after the announcement on Wednesday of 1,700 people becoming unemployed under this Government?

Mrs. Roche: The hon. Gentleman is trying very hard, but he cannot get away from the fact that, up and down the country, businesses of all sizes are saying that, for once, they have a Government who understand the business community, are pro-business, and are doing something about the economy.

Small and micro firms provide a third of the United Kingdom's jobs and turnover, and many of them are working hard. Medium-sized businesses, with perhaps 100 or even 200 employees, are a key part of our manufacturing and business services sectors. The small business sector is extraordinarily diverse. We sometimes lump small and medium-sized enterprises into one, but we should not do so—those groups of businesses have different needs and priorities.

The starting point for our policies for small business is that what we do should be relevant to all small businesses. We must understand their needs—in other words, we must listen to them. I believe that we have done that during our first year in office. In opposition, we listened to small businesses that were suffering from late payment, we listened about the variable quality of business support services, and we listened when they told us that they wanted stability in the economy.

During the past year, we have been addressing those and other issues, as I shall describe, but we are not resting on those actions. We are pressing ahead with fresh consultation, fresh ideas and fresh action.

I commend to hon. Members the report that we are publishing today—an action update on the Government's work for small businesses. It shows the extent of the Government's commitment to the small business sector, how we have met the promises that we made in our manifesto for small business, "Growing and Prospering", and that we have listened. We recognise that what small businesses want is a stable economy; we are laying the foundations for that. They want a supportive commercial environment; we are tackling that. They want good business advice; we are addressing that.

Let me start with perhaps one of the most important aspects of the commercial environment—the problem of late payment. We listened to the majority of small firms, which consistently said that they wanted a statutory right to interest on late payment of commercial debt. I am delighted that Royal Assent was given to our Late Payment of Commercial Debts (Interest) Bill last week. I regard the passing of the Bill as a major step forward in the fight against the blight of late payment, but we have not rested on that action alone.

We know that there are many causes of late payment, and, important though legislation is, it is only one of the major planks in a raft of measures that we need to implement. I am delighted that, during the past year, many organisations that represent the small business community and which have an interest in the issue have joined us in attacking the culture of late payment.

I pay tribute to those organisations, and the list shows the diversity of interests that have come together to act: the Forum of Private Business, the Union of Independent Companies, the Federation of Small Businesses, the British Chambers of Commerce, the Institute of Directors, the Confederation of British Industry, the Institute of Credit Management, the Factors and Discounters Association, the Association of British Insurers, the National Farmers Union, and the British Bankers Association. All have joined together to work with the Government to do something about this important issue.

In association with the Government, the group is pursuing a range of action addressing aspects of our payment culture. For example, the organisations are using their combined expertise to offer practical support to small businesses on credit management, and they are working with business links on pilot schemes. The Government are supporting the Federation of Small Businesses in its publication of league tables showing average payment times of public limited companies and their large private subsidiaries. We are pursuing a range of action to ensure that payment performance in the public sector improves as well.

We are also co-operating with Bradford university to establish a payment observatory. It will, among other things, examine how well the legislation is working. We shall listen to the findings of the research, and adjust our approach accordingly.

That is only one example of what we are doing—we have also listened on business rates. As hon. Members know, a wide-ranging review of the local government finance system was launched last summer. It has been considering, among other things, the rates burden on small firms. I am grateful for the care with which my hon. Friend the Minister for Local Government and Housing has considered the matter.

A business forum, including small business representatives, has been established to inform the review of local government finance, and I participated in its discussions. A consultation exercise has taken place to allow businesses to feed their views into the review, and their responses are being considered by my colleagues in the Department of the Environment, Transport and the Regions.

Mr. Jenkin: Will the Minister acknowledge that the debate about business rates was started under the previous Government to try to address, in particular, the unfair burden of business rates on smaller businesses? The table we published in our pamphlet before the election is carried in the consultation document, figure for figure, explaining how unfair that burden is on smaller businesses. Unless we address that problem, we will not promote the growth of small businesses in the way we could.

Mrs. Roche: I am glad that the hon. Gentleman has intervened, because I wanted to say something in his favour. It was he who pointed out some of the great difficulties with the uniform business rate. He has forgotten—I am sure that it is merely a temporary loss of memory—that he was pointing out the difficulties that were caused by the Conservative Government, who established the uniform business rate system to which he is now objecting.

Mr. Jenkin: The introduction of the uniform business rate limited the increase in the poundage. The problem to which I am referring is that the rates bill is calculated property for property. That has absolutely nothing to do with the introduction of the uniform business rate. What hurt small businesses was the business rates revaluation, not the introduction of a uniform rate poundage, which kept the overall burden of business rates down to the level of inflation or below.

Mrs. Roche: The hon. Gentleman has disappointed me, because I was hoping to congratulate him for a second time. I do not want to do him any disservice, because I am sure he will have a long and distinguished career on the Opposition Benches. He has not tackled the issue of the Conservative Government's abysmal failure—unlike the present Government—to come to terms with this problem. We hope to issue a White Paper containing our proposals later in the year. No doubt the hon. Gentleman will contribute to that.

Whatever changes are made to the present rates system, we will ensure that there are central limits on the level of business rates, and safeguards to prevent the rates burden from being switched from council tax payers to businesses.

I shall now deal with regulation. The Government's approach means more than a change of name. Deregulation was about cutting costs to business. Better regulation is about getting the balance right: it is about cutting red tape and giving proper protection. Not all regulation is bad: good regulation is an inherent part of a civilised society, but regulations must be simple, helpful and fair if they are not to burden small firms.

We have taken a variety of steps to improve that aspect of the lives of small firms. We have set up the better regulation task force—50 per cent. of its membership represents small business—under the chairmanship of Christopher Haskins. That is a marked improvement on the record of the Conservative Government, whose deregulation task force contained only one representative who could have been said to represent small business: he employed 100 people, which is hardly typical of the small firms sector. That is another example of how we have moved forward.

Mr. Christopher Chope (Christchurch): The hon. Lady refers to the better regulation task force. One of its principal recommendations to the Government was that they had got it wrong on the issue of the ban of beef on the bone. If the Government did not listen to the better regulation task force on that issue, what confidence does she have that they will listen to its recommendations on other issues?

Mrs. Roche: Let me start on a helpful note by congratulating the hon. Gentleman on his new responsibilities in the shadow DTI team. We look forward to his contribution. We have listened to the task force on a number of issues, and I shall discuss its work.

Mrs. Jacqui Lait (Beckenham): Will the hon. Lady give way?

Mrs. Roche: I can never resist the hon. Lady, so why not?

Mrs. Lait: I am a member of the Select Committee on Deregulation. The hon. Lady's comments lead me to believe that she is satisfied with all the regulation before 1994. Indeed, the volume of work coming before our Committee is slim. Is she telling us that the DTI has no intention of putting further deregulation measures before the Select Committee?

Mrs. Roche: I am not saying anything of the sort. If the hon. Lady will allow me to make some progress, I may be able to help her.

The task force published its first reports—on consumer law and on long-term care—in May. It has produced principles of good regulation: transparency, accountability, targeting, consistency, and proportionality, which is vital. I am working with ministerial colleagues and business and local authority representatives on the access business initiative. We are working hard to make the regulatory system more transparent, accessible and, most important of all, business-friendly. We have drawn up a concordat between central and local government to ensure that enforcers see their primary task as helping business, with formal action as a last resort. That has been warmly welcomed.

Much of our legislation is driven by Europe. We need to ensure that the European Union puts into practice the same principles as we are working towards at home. That has been a major theme of our presidency. We are working with the Commission on the simpler legislation for the internal market initiative.

We have given unstinting support to the business environment simplification task force, chaired by the United Kingdom's Dr. Chris Evans, a well-known entrepreneur of Merlin Ventures. Its recent report made a

[Mrs. Roche]

substantial number of recommendations for reducing administrative and other burdens on business, and enabling better access to finance and to training.

In particular, the task force proposed that a better regulation unit be established under the direct responsibility of the President of the European Commission to oversee and co-ordinate regulatory review and reform; that member states should seek to promote and endorse enterprise and entrepreneurship at all levels, and that entrepreneurial and management skills should feature on the school curriculum; and that new ways should be found to expand the range of finance opportunities available to small firms. I am glad to say that we are already pursuing many of the recommendations in the report, and are examining all of them carefully.

In his last Budget, the Chancellor announced a package of measures to simplify rules and to make compliance easier. That included a payroll assistance scheme for new small employers. Combined with the proposal to merge the Department of Social Security's Contributions Agency with the Inland Revenue in April 1999, those measures should have real, practical benefit for small businesses.

Yesterday's historic announcement of the national minimum wage has been widely welcomed by everyone, with the exception of Conservative Members, who have clearly learnt absolutely nothing from their election defeat. The Government firmly believe that people who work for small firms are entitled to the same level of protection from low wages as those who work for giant corporations.

That is not to say that we underestimate the impact of the national minimum wage on small firms. That is why, when we established the Low Pay Commission, we made sure that among its members were people with a good understanding of the small business sector.

Mr. Damian Green (Ashford): Yesterday, the President of the Board of Trade said that the introduction of the minimum wage would have no impact on employment. Can the Minister reassure us that, in a year or two, it will have had no impact on employment in the small business sector?

Mrs. Roche: I agree with my right hon. Friend. She also said yesterday—Conservative Members may want to reflect on this—that, when the equal pay legislation came before the House, Conservative Members said that it would result in the loss of women's jobs. What was the effect of that legislation? No jobs were lost. If anything, there was a slight increase in the employment of women.

Mr. Hammond: Will the hon. Lady confirm that, in agreeing with her right hon. Friend the President of the Board of Trade, she is disagreeing with the chairman of the Low Pay Commission, Professor Bain, who said categorically that the introduction of a national minimum wage would cost some jobs?

Mrs. Roche: The hon. Gentleman and I have had some interesting discussions about the issue on other occasions. He knows what has been said about quotations that are taken out of context. I do not think that Professor Bain would agree with what the hon. Member has said.

We asked the Low Pay Commission to take particular account of the possible impact on the competitiveness of all business, but especially small businesses, which featured strongly in the wide-ranging consultation undertaken by the commission. Its report stressed that it had been careful to consider the views of small firms.

I firmly believe that a national minimum wage should be seen not as a burden, but as an opportunity. Firms with a positive, go-ahead outlook—the firms that will expand and prosper—know that it pays to give people a decent wage. It pays in terms of morale, increased commitment, less absenteeism and a lower staff turnover. When firms are confident that their staff are loyal and want to stay with them, they will have the sense to train them and involve them more in the business, making far better use of their time and talent.

It is now time for us to hear from Opposition Members. Are they really going to say that, if there were ever a day when they were returned to office, they would not have a national minimum wage? Are they seriously going to go into the next election promising a pay cut to 2 million workers?

Mr. Green *rose—*

Mrs. Roche: I welcome the hon. Gentleman's intervention. I should be grateful if he could answer my question.

Mr. Green: I was interested in the Minister's reference to a pay cut. I take it that she is implicitly saying that the Government will adjust the national minimum wage in line with inflation every year. Otherwise, they will be enforcing a pay cut for low-paid workers.

Mrs. Roche: The hon. Gentleman knows what has been said about that. I congratulate him on his promotion to the Front Bench, but, once again, he has been unable to give an answer to that simple question. I am sure that low-paid workers in his constituency—perhaps at his surgeries over the weekend—will want him to do so; I hope that they have rather more success than I in getting a sensible answer from him.

Business support is a key issue for many businesses—

Ms Linda Perham (Ilford, North): I hope that my hon. Friend is going to mention business links. I was recently invited by the local depot of a successful and expanding business in my constituency to visit its new sorting centre, and I was pleased to meet people from business links, who were doing a very good job. I hope that my hon. Friend will mention what the Government have done to improve the delivery of the business links service.

Mrs. Roche: I am glad that my hon. Friend takes such an interest in business links. I shall be concentrating on support services because of their importance to businesses, particularly growing businesses.

Some hon. Members may have heard me say before that business links were our idea, which the Opposition adopted when in government. I applaud their good sense in so doing.

Mr. Jenkin: The Government have adopted a few of our ideas.

Mrs. Roche: If we have adopted any of the Opposition's ideas, we have improved them and made

them more successful. The business links network is a very good example. I am grateful to the hon. Gentleman for feeding me such good lines; perhaps he will continue to do so.

The trouble is that the Opposition did not finish the job. Good though some business links are, in too many cases questions arise about the quality of their services. We are tackling the problem. Last autumn, we launched a document stating what we seek in business links. The challenge is to make a reality of the one-stop shop—to make business links more like the entrepreneurial businesses that they seek to assist, to increase the commitment to continuous improvement and quality, and to ensure that the network raises its game. That will not be accomplished overnight. Working in association with our partners on this vital aspect of business support, we must provide an appropriate gateway for small business.

I pay tribute to the existing work of business links for small business throughout the country, but we are keen to ensure that, rather than resting on their laurels, they look to the future.

Another important part of support for small business is exporting, particularly our export explorer initiative. It is vital that we help more small firms to export. For new exporters, we are putting together a new export initiative for western Europe and the United States. The export explorer package for western Europe was unveiled on 25 March, and will allow new exporters to make prepared visits to some of the more accessible markets and trade fairs in western Europe for £99, plus travel and accommodation. That is a remarkable bargain.

Export explorer missions have already visited Ireland, the Netherlands, Finland, Iceland and Denmark. A good number of companies have already been involved in export explorer programmes, which suggests that this is a service which the British business community really wants.

Let me now deal with finance, particularly finance for creative businesses with the potential for growth. It is vital for those businesses to have access to appropriate capital. Their drive and vision must be matched by the providers of finance if they are to achieve their full potential. The Government are playing their part. The £50 million university challenge will provide funds for universities to back their brightest students in developing new ideas to the stage at which they will become attractive to other funders.

As I am sure all hon. Members agree, it is important for the old barriers between the academic and science base, industry and the financial sector to be broken down, so that people can move freely from one sector to another. I am pleased to note some agreement on the Opposition Front Bench.

Business can also help bright young companies. I am talking to large businesses about how they can become more involved in corporate venturing, investing in dynamic, flexible small businesses. There is considerable scope for us to follow the positive experience of American companies in that regard.

Mr. Tony Baldry (Banbury): I want to be helpful to the Minister. She will know that the Trade and Industry Select Committee took pains to produce its report in time for today's debate. There is, of course, a Labour majority on the Committee, but it was an unanimous report. The report stated that there was an urgent need for the Government to state their objectives on small business policy, to set measurable targets and objectives, and to provide a timetable for them. So far, we have heard nothing about objectives, nothing about targets and nothing about timetables. I do not want the Minister to do herself down if she is able to help us over that.

Mrs. Roche: I welcome the Committee's report, and I am grateful to the Committee for producing it in time for the debate. *[Interruption.]* I am not sure why the hon. Member for Buckingham (Mr. Bercow) is laughing. Does he not value the report? Perhaps, as a new Member, he feels that Select Committees are not worth while. If so, that is probably a mistake, as I understand that he is joining the Trade and Industry Select Committee. I am sure that he will make an interesting contribution to its work.

We had an interesting debate in the Select Committee on the matter raised by the hon. Member for Banbury (Mr. Baldry). I told him that the debate was informing our thinking. We have implemented the manifesto commitments that we gave in "Growing and Prospering", the document which we published before the election. We are now seeking to take our work forward, as will be seen in the competitiveness White Paper that will be published in the autumn. Of course, we shall use the Select Committee report and this debate, which I hope will be constructive and helpful, to inform the White Paper.

We are also seeking to expand the market for business angel finance. Business angels can bring valuable business experience, as well as equity funds, to support the growth of young businesses. I am working with the clearing banks and others to facilitate more activity in that market.

Mr. Hammond: How does the hon. Lady square the expansion of the opportunities for business angels with the measures in the Finance Bill that further restrict the ability to offset losses in shares in close companies against other income, thus making it less attractive for private individuals to invest in small businesses?

Mrs. Roche: Without criticising the hon. Gentleman, I advise him to discuss matters with the business angel community, which says that, at present, there are a couple of problems in expanding that market. One is the unwillingness of some growing businesses to part with equity, which I understand. The second is the serious problem, which we are addressing with formal venture capitalists and business angels, of putting potentially high-growth companies in touch with potential investors. Perhaps a little discussion with the financial community would assist the hon. Gentleman.

Dynamic young companies often need more than just finance; they need help with their management or marketing skills as they grow. That is where business incubators can help, not only in providing access to advice and support, but by encouraging networking between developing companies. I was pleased to launch the national incubator centre recently with financial support. The centre will be important in spreading the incubator concept and in encouraging best practice.

A stable and supportive economic environment is important for small businesses. The Chancellor has been pursuing a measured approach, putting economic

[Mrs. Roche]

management on to a stable, long-term footing and encouraging investment, particularly in small businesses. The fiscal measures announced in the Budget were widely welcomed, and have been of real help to that part of the business community.

I am anxious that we should hear from as many hon. Members as possible, so, in the time available, I have set out only some of our actions in support of small business. Again, I commend to the House the action update that we have published today. It shows the extent of our work to promote this vital part of our community since we came to office. We have listened and acted.

We must look to the future, and not rest on the achievements of our first year in office. My right hon. Friend the President of the Board of Trade has taken the lead in consulting business, particularly small firms and their representatives, about the issues that matter.

Mr. Andrew Lansley (South Cambridgeshire): How can the hon. Lady square her assertion of the achievements of the past year and her comments about the climate for businesses that are starting up and seeking to grow with the view of companies reporting to the 3i Enterprise barometer index, which say that the climate is now less favourable for starting a new business and expanding existing business activities than a year ago? Those are exactly the type of companies involved in the venture capital and growth that she seeks to promote.

Mrs. Roche: I have a great deal of respect for 3i, which spoke favourably to me about Government policy only this week. As 3i would say, that was only one survey of some of the businesses in which it invests. I note that the hon. Gentleman has not mentioned the Lloyds bank survey, published this week, which says:

"Labour has won the confidence of small business during its first year."

The sector believes that positive groundwork has been done and the time is right to concentrate on pre-election promises. David Singleton, Lloyds bank managing director of business banking, said:

"Small businesses are happy with Labour's economic foundations. Almost two thirds believe they are as well off, or better off, than they would have been had Labour not come to power."

I am sure that the hon. Gentleman experienced one of those terrible memory losses that seem to affect the Opposition, which explains why he did not refer to that Lloyds bank survey.

Small business and our commitment to it will feature very strongly in every action that the Government take. We shall make sure that when the White Paper on competitiveness is published in the autumn, it spells out our policies for that sector. We shall state our commitment and aspirations for that key part of the economy.

We are absolutely committed to creating in the UK a climate in which enterprise is valued and rewarded, and entrepreneurs are cherished and respected. We take very seriously our responsibility to that sector, because we know that it is the risk takers and innovators who can win for Britain. Unlike the previous Government, we realise that they are our future, and this Government will not let them down.

10.15 am

Mr. Christopher Chope (Christchurch): I thank the Minister for kindly welcoming me to the Dispatch Box with my new brief. That does not prevent me from saying that her speech was a disappointment—complacent, if not self-satisfied. Her words and phrases are an inadequate substitute for the policy and action that are required and, indeed, demanded by the Select Committee and the business community. When my hon. Friend the Member for Banbury (Mr. Baldry) inquired whether the Minister would respond to the specific criticisms in the Select Committee report, it became apparent that she would duck and weave and avoid the issues.

The Opposition welcome the debate and note that it fulfils a pledge made by the Labour party in its manifesto to hold an annual debate on the issues affecting small and medium-sized enterprises. We are grateful to the Trade and Industry Committee for conducting a short inquiry and publishing the report that informs the debate. We are grateful also to all those who gave evidence to the Select Committee and briefed us on the debate.

The debate is about enterprise—or perhaps I should say that it was to be about enterprise. Its original title was "Enterprising UK—the Small Business Agenda", but on the eve of the debate, the Government changed that title and omitted the word "enterprising". I do not know whether that has anything to do with the fact that the president of the British Chambers of Commerce said at the annual conference in Birmingham this week:

"There are three things that matter to the success of our nation—enterprise, enterprise, enterprise."

I remember that when I was a youngster in politics, enterprise was not taken for granted. We had to go around with car stickers saying, "Free enterprise works"—a statement which was hotly opposed and contested by members of the Labour party, including, for all I know, the Minister. She told me the other day that she had the misfortune of not getting elected to Wandsworth council some years ago. If she had been elected to that council, she might have had a better understanding of enterprise.

The president of the British Chambers of Commerce said:

"If we fail to create the conditions to encourage and promote the success of enterprise in the UK then it will be like playing on a waterlogged pitch with Gazza as coach."

We all know that the keenest enterprise is to be found in the small and growing firms who use flair, imagination, new ideas and hard work to create wealth for our nation.

The Minister, the Secretary of State and other hon. Members have emphasised the importance of a stable economic framework in which enterprise can prosper, but in this debate the Minister has manifestly failed to address the evidence of instability in our economy. Earnings and prices are fast running out of control. The news this week is that inflation has risen to 4.2 per cent. and wage increases are running at 5.2 per cent. The cyclical benefits bill is beginning to rise as unemployment worsens. Manufacturing is in recession. Sterling is neither stable nor competitive. Interest rates have gone up six times since the general election, and there is talk of further increases.

The Minister said nothing of substance about those matters. What does she have to say about the substantial additional taxes that have been imposed on business—£25 billion in the lifetime of this Parliament? In so far as

she addressed that, she thinks it is a good idea and good for small business. It may be possible for Governments to hide taxes from the public view by imposing them on pension funds and withdrawing business reliefs, but such tax increases do not remain hidden from business and its advisers and investors.

Earlier this month I received the document from 3i Enterprise about which my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) spoke, and which has been described as an enterprise barometer. Earlier this week, the Minister and I shared a platform in Birmingham with the chief executive of 3i Enterprise. The Minister should pay attention to what is contained in that enterprise barometer and should not be so complacent. It shows that the response to a question about investment in new businesses is the most negative since September 1992, when the United Kingdom left the exchange rate mechanism. That should worry all of us, and the Government in particular.

Mrs. Roche: I am always interested in surveys. What does the hon. Gentleman have to say about the survey by Barclays which shows that business survival rates are rising? Some 63 per cent. of businesses now make it past the first two years, compared with only 52 per cent. in 1994.

Mr. Chope: It is interesting to note that, in her reference to the survey, the Minister uses the benchmark of 1994. That shows the progress that was made from 1994-97. I am addressing what has happened in the year since the election of a Labour Government.

Mr. Nicholas Soames (Mid–Sussex): Is my hon. Friend aware that the tide has substantially turned for manufacturing companies in my constituency? What is my hon. Friend's advice to small and medium companies whose orders are declining and which are having to lay people off as a result of the redistributive process that has been engineered by the Government?

Mr. Chope: I would not advise those firms to write to the Minister, because they would not get a satisfactory response. I would encourage them to show their support for the Conservative party and to campaign for our re-election at the earliest opportunity.

The sixth report of the Select Committee on Trade and Industry contained a full minute of the Minister's evidence on 2 June. The second question to the Minister was short. She was asked:

"How do you benchmark competitiveness?"

The Minister replied:

"What we will be doing is that very shortly, and the date has not yet been announced, but for the first time ever there will be a small firms debate which will take place on the Floor of the House of Commons and we hope that that will give the House an opportunity to discuss the issue."

Mr. Baldry: I later asked the Minister how her policies differed from those that we had pursued in government. She replied that they differed in focus and structure. Have we heard from the Minister today anything to show that the Government's policies are focused on and structured for small and medium enterprises?

Mr. Chope: I had hoped for some sign of that, but I am as disappointed as my hon. Friend by the Minister's speech.

I shall try to answer the question that was put to the Minister in the Select Committee. National competitiveness should be benchmarked globally. As part of their golden economic legacy, the Conservative Government succeeded in making the United Kingdom the most competitive country in the European Union—and second only to the United States as the most competitive country with a large population and a diversified economy. That information is contained in the World Economic Forum report on global competitiveness. In the league table of all countries, Singapore is first; Hong Kong is second; the United States is third and the United Kingdom is fourth. France is 22nd; Germany, 24th and Italy, 41st. That competitiveness index is built upon the average of eight factors which, when taken together, show the countries with the highest capacity for medium-term economic growth. That index is the benchmark for competitiveness that we want the Government to use.

The legacy of our 18 enterprise years has enabled the United Kingdom to climb to fourth position in the global league. On the basis of the Government's performance so far, the United Kingdom will soon slip back in that league table to a position similar to that occupied by France, Germany and Italy. That would be depressing for us and for entrepreneurs, but on current Government policies that will happen.

Ms Jackie Lawrence (Preseli Pembrokeshire): Can the hon. Gentleman explain why in recent years the UK has slipped from 13th to 18th position in the world prosperity league?

Mr. Chope: I am not sure that the hon. Lady is right about that. Competitiveness is important, and it includes growth potential. The figures that I have cited speak for themselves, and the hon. Lady has not addressed them.

The Select Committee's first recommendation is for a policy, but the Government have not announced one. They gave us a document today that they did not have the courtesy to give to hon. Members yesterday or even several days ago. It contains nothing exciting, and that is obviously why the Government decided to wait until this morning before referring to it. The Minister referred to the document in her speech, but did not have the courtesy to tell us beforehand that it was to be published today.

Instead of listening to small business interests, the Government have a raft of business leaders advising them on policy development. The Cranfield Partnership announced this week that 350 business leaders are advising Ministers on policy developments. Despite that, the Government cannot produce a policy for business. The best that they can do is to make forecasts for the autumn. That is not good enough.

Mr. Lansley: No doubt my hon. Friend has looked at the Government document. I turned in expectation to the chapter that is entitled "Small Business, the Future" and found a single page consisting mainly of white space. The text states that the Government will publish a document in the autumn. It is a case of, "Watch this space."

Mr. Chope: The document does not even say which autumn it will be.

The Select Committee's second recommendation expresses grave concern about the cavalier way in which the Government abolished the ministerial committee on

[Mr. Chope]

small businesses which ensured that Ministers from all Departments came together to discuss small business issues. In her evidence to the Committee, the Minister explained how the present arrangements were as satisfactory as the previous ones.

Mrs. Roche *rose—*

Mr. Chope: I shall give way to the Minister in a moment, and afterwards I shall give some examples of respects in which the present policy is manifestly failing.

Mrs. Roche: Can the hon. Gentleman cite one success by the ministerial group under the previous Government?

Mr. Chope: I am sure that some of my hon. Friends who were members of that Government or who were in the previous Parliament will give specific examples. I shall give some examples of how the failure to achieve co-ordination in Government is militating against the interests of small business, the first of which is taken from the Minister's constituency. She will be familiar with the case. Last November, one of her constituents, Mr. Anthony Cohen, was concerned about the adverse impact of proposed regulations concerning single vehicle approval of American cars. In a letter to him, the Minister wrote:

"As Minister for Small Firms, I am of course, concerned that any measures proposed do not amount to an unnecessary burden on companies such as your own."

The Department of the Environment, Transport and the Regions continued to press the case for the regulations containing pernicious extra burdens on small business and, on 6 March, in response to a further letter to the Minister, Mr. Cohen received a reply not from her, but from her assistant private secretary. It said:

"John Battle, the Minister for Industry, has told Lady Hayman at DETR that we are concerned about the effect of their proposals on businesses like yours. Lady Hayman has asked for further discussions at official level before she decides how to proceed. A meeting will take place shortly."

What was the outcome of the meeting? The regulations went ahead in the terms that the DETR wanted, with the result that the very existence of up to 200 small firms specialising in the import of special American cars is in jeopardy.

The Government have forced through the regulations in the teeth of our opposition and in the teeth, supposedly, of the opposition of the Minister, who had a constituency interest as well as a small business interest in the matter. Officials at the Vehicle Inspectorate are now making it extremely difficult, if not impossible, to import vehicles that could, until 30 April, have been imported as personal imports without any problem.

We now have a ludicrous situation: it is possible to import a Ford Mustang convertible that is more than three years old by getting an MOT certificate for it, but, if it is less than three years old and someone gets an MOT certificate for it, a panoply of new regulations prevent him from bringing the car into this country. That is a real example and I quote it because the Minister should be aware of it; she has seen all the copied correspondence from her constituent, Mr. Cohen.

That is an example of the Minister's failure to carry the weight that is demanded in Whitehall. The failure to implement the beef-on-the-bone ban is an another example, and there are others. Conservative Members are nervous about some of the major White Papers and policy announcements that have yet to be made because the Government are implementing proposals that are clearly anti-small business and the Minister is not standing up for her sectoral interests in those debates.

Let me raise another issue, which will be relevant from 1 July—the cost of road haulage diesel. Some of us have received a letter from Mr. Lacey, a partner in Lacey's Freight Services, expressing concern about the impact of the cost of diesel when cabotage ends on 1 July. The cost of diesel is now twice as high in this country as it is in Spain, Portugal and Luxembourg, and about 50 per cent. higher than it is in France and Germany.

Road hauliers' costs are closely related to the costs of diesel: about one third of the costs of road haulage are attributable to diesel. We are already seeing evidence of vehicles coming from the continent with extra fuel tanks on them, carrying cheap diesel to enable them to participate and compete in our domestic market, to the detriment of our road hauliers. Our road hauliers will have to go over to the continent to fill up with diesel so that they can compete in their own country. That is a major issue because it is legally possible for one vehicle to have more than 330 gallons of diesel in its tanks.

Mr. Green: My hon. Friend understates the case when he says that that road hauliers will soon be going to Calais. I have heard from road hauliers in my constituency and in other parts of east Kent that that is already happening. The Government are damaging not only the interests of our road hauliers but their own interests, in relation to revenue collection. It is becoming increasingly routine for hauliers who are based in east Kent simply to cross the channel and buy all their diesel in Calais, where it is about £75 cheaper per load. The policy is already damaging this country's wider economic interest, as well as small business interests.

Mr. Chope: I am grateful to my hon. Friend for that local example. Matters will get even worse from 1 July when cabotage ends and there will be a free-for-all in the road haulage market. Road hauliers are among the largest group of small businesses in this country—and what is the Minister doing to look after their interests? Absolutely nothing, I suspect.

Dr. Stephen Ladyman (South Thanet): If the hon. Gentleman's arguments hold water, will he please explain why 7 per cent. fewer businesses failed in the first year of this Government than in the last year of his Government?

Mr. Chope: Business is about the long term, and we know that this Government are all about the short term, the soundbite and what is in today's newspapers. The effect of the 18 enterprise years was that business was expanding and the economy was going extremely well. That was the golden economic legacy, as I have described

it. It is being frittered away by the present Government. It will take a bit of time before the full wreckage is apparent to everyone.

Ms Lawrence: Will the hon. Gentleman give way?

Mr. Chope: I will not at the moment. I am going to make a little more progress, so that more hon. Members can participate in the debate.

The effect on the economy is very damaging. Every time I take a specific example of a group of small businesses that is adversely affected by Government policy, the Minister and other Labour Members do not wish to take up the challenge.

Mrs. Lait: Does my hon. Friend agree that another sector of small business that is being adversely affected by the Government is the sector that sells tobacco and alcohol, which is deeply affected by the illegal smuggling and bootlegging of those two products? The Prime Minister promised an early review of the matter, but no review has yet been carried out.

Mr. Chope: My hon. Friend raises another good example. As the Minister has accepted, small business comprises a large and varied group of enterprises and each one needs to be looked at on its merits and to have its case argued vigorously in Whitehall if something is affecting it adversely. As the Minister for Small Firms, that is the responsibility that she has on her shoulders. As my hon. Friends imply, that is a responsibility which she is not currently able to discharge.

A look at some of the Government's recent legislative announcements reveals the way in which small businesses are being hammered by the Government.

Ms Lawrence: Will the hon. Gentleman give way?

Mr. Chope: I will give way for the last time.

Ms Lawrence: I was interested to hear what the hon. Gentleman said about the long-term position for small businesses. Does he therefore welcome the fact that this Government's financial rules have brought down long-term interest rates, which can only benefit small businesses?

Mr. Chope: The hon. Lady refers to interest rates. Of all sectors, small businesses—she will have the documentation in front of her for the debate—depend most on relatively short-term, variable rates. They depend on having low interest rates and they are feeling the adverse effects of interest rates going up as a result of Government policy. Every time interest rates go up, as the Governor of the Bank of England said the other day, the expectation is that the exchange rate and value of the pound will go up, making the position for manufacturing industry even worse.

Yesterday, the Government made their announcement about the national minimum wage. The small print in the Low Pay Commission report shows exactly the extent to which small firms have again been let down by the Minister. The report shows that the national minimum wage will disproportionately affect small firms of between one and nine employees. Page 134 contains figures that show that. The table shows the impact as a 1 per cent. increase in the wage bill of businesses with between one and nine employees—more than twice as great as that on businesses of between 10 and 24 employees.

The table shows that the national minimum wage legislation will have a massive impact on small enterprises. What did the Minister do to defend the interests of small enterprises when the Government were debating it—when the Secretary of State for Trade and Industry was arguing to hammer small enterprises even harder, with higher minimum wages?

What about parental leave and the social chapter? The Government said that they would be able to pick and choose the provisions of the social chapter that suited the United Kingdom, and that none of the relevant current directives would have an adverse impact on us. What has happened? The "Fairness at Work" White Paper talks about social chapter requirements that the United Kingdom should introduce, such as the parental leave directive.

Paragraph 5.25 states:

"European requirements do not allow any exemption from the provisions relating to maternity or parental leave, but they do provide for special provision to be made in relation to small firms."

If we had not signed up to the social chapter, we would have been able to give a complete exemption to small firms, rather than relying on the weasel words

"special provision to be made in relation to small firms."

The next paragraph states:

"The Government wants to ensure sufficient flexibility in implementing the Directive to meet the needs of all employers ... and seeks views on the particular difficulties small firms might face in complying with the rights proposed".

It is a pity that Ministers did not think about that before. It was always open to the Government to introduce parental leave as a part of domestic legislation—they did not have to sign up to the social chapter to do so. They have signed up to the social chapter, however—again to the detriment of United Kingdom small business.

The White Paper speaks also of "tougher rules" on, and "unlimited penalties" for, unfair dismissal. Those rules and penalties, too, will impinge disproportionately on the small business sector.

We await the forthcoming debate on business rates. However, I have little confidence that the Minister will be able to prevail in favour of small business in the argument being conducted inside the Government. What guarantee is there that the total burden of business rates—currently about £12.5 billion—will not go up by more than the rate of inflation? The Conservatives were able to deliver on such a guarantee to the business community.

We await also the forthcoming much-delayed transport White Paper, and proposals dealing with the effects of poor-quality transport—and particularly road—infrastructure on the competitiveness of British industry, and specifically small businesses. The Minister would do well to examine the recent survey on transport carried out by the British Chambers of Commerce, which shows that there is a demand for greater investment in road infrastructure, and that road congestion is a problem for 87 per cent. of respondent businesses, the main effects being increased costs and/or prices for 55 per cent. of respondents and lost business opportunities for another 30 per cent. The survey shows also that, to negate the effects

[Mr. Chope]

of congestion, businesses had adopted all sorts of devices, and that almost one fifth of respondents had even considered relocating their business because of congestion.

Tackling road traffic congestion is therefore a major priority in ensuring the competitiveness of small business. What is the Minister doing to ensure that the Government continue to invest in the road programme to ensure that there is less road congestion in future? I suspect that she is doing absolutely nothing.

The story continues. We have a Government who are long on words and phrases. As the Select Committee concluded in its report, the time for talking is over, and the time for action is now. We have heard very little from the Minister about real action and commitment on behalf of the needs of small businesses. We hope that we will hear more from her later.

10.43 am

Mr. Martin O'Neill (Ochil): My hon. Friend the Minister for Small Firms, Trade and Industry has already mentioned the report produced by my colleagues on the Trade and Industry Select Committee and me. We are grateful for her remarks. The report was mentioned also by the hon. Member for Christchurch (Mr. Chope). I am glad that we were able to provide at least some factual and sensible information for him to include in his speech, which seemed otherwise to contain much prejudice and whingeing—which certainly did not come from our report.

We considered the issue of small businesses for two reasons. First, we were conscious of the fact that it would be debated in Government time early in this Parliament. Secondly, we simply wanted to ensure that we were able to consider it.

The report is a fairly modest document—a snapshot—which was based on information and evidence from diverse sources. The diversity of sources has already been shown in this debate by the speeches that we have heard. If one would like a bank or university department to argue one's case, and one is prepared to pay enough money for that argument, the case will be made. Although I do not wish to cast aspersions on the academic independence of individual institutions, one can get the report or survey necessary to make a preferred political point by choosing the right bank to make it.

I make that point only in passing, as undue weight has been given to some of the surveys. Even the evidence in the appendices of our report is sometimes confusing because of the weight given to particular matters by individuals or groups. Sometimes, those individuals or groups are guilty of the charge of riding a hobby horse. Over the years, they may have had a bee in their bonnet which, when they are asked about an issue, inevitably escapes.

The Minister said that there will be an annual debate on the small business sector, and that, by next year, we will have a copy of the White Paper on competition. I hope that the White Paper will meet the criticism—perhaps that word is too strong—observation and charge made by my colleagues and by me that, in the Government's first 13 months in office, they have embarked on a number of initiatives, approaches and studies; all those are included in our update.

The update does not make fresh reading for anyone who has kept a close watch on press releases from the Department of Trade and Industry in the past 13 months, although it is useful as a compendium of what the Government have started to do. I should like to think that a clear and coherent strategy on the issue will emerge in a White Paper on competition, which is the appropriate place for it to do so.

After 18 years in opposition—one or two, although not all, of which may have been "enterprise years"—the Labour party has learnt that there is a difference between being in opposition and being in government, and the necessity of trying to establish a coherent strategy. We realise the necessity of formulating a coherent strategy, not least because of the fragmentary approach taken by the previous Administration.

The Select Committee realised that the previous Government's record was something of a curate's egg—good in bits, although other bits were not quite so good. The Select Committee realised, and said in its report, that the idea of having a group of Ministers regularly working together is attractive. When the Minister talked to the Committee, she expressed an alternative view. I should say that, when public administration assumes the proportions of a theological dispute, politicians should step back and say, "Let's wait and see what happens on the issue."

As I said, much research on the small business sector is under way. The Select Committee was interested to learn that a database has been established, which may usefully reveal whether there is a demonstrable link between research and policy making. The White Paper on competition will be the test of such a link. The Select Committee will examine the White Paper to determine whether commissioned research, the database and the White Paper's conclusions show that a thought process involving all three elements has emerged. We shall certainly want to look at that issue.

In the last Parliament, the previous Trade and Industry Select Committee looked at business links. By and large, we were quite enthusiastic about it. We felt that there was a great deal going on in the country and that, although there was a variable level of performance, in the best practice it was excellent. We got the impression that a number of small businesses had been assisted. I shall not follow my hon. Friend the Minister down the road of attempting to find the appropriate metaphor. Mention has been made of incubation centres. I hope that, as one of my hon. Friends said earlier, if a maternity unit were closed, none of the babies would be left in the incubation centre down the road. We have to be careful about the language that we use.

In respect of business links, I hope that there will be demonstrable improvements in areas where there was a failure of performance. We have argued that standards of performance should be set out.

We are aware of the variability in the quality of personal business advisers. To be rather cynical, it seems that, in a number of instances, to become a personal business adviser, one must first have had a business that failed or been made redundant or sacked from another business. That seems a bit unkind, but a number of the individuals involved in that activity have had what is frankly a somewhat variable business past. Sometimes, a personal business adviser was a retired bank manager who

was an excellent hand holder and had a breadth of experience. Although one or two had completed what I am led to believe was a rigorous course organised by Durham university, it appears that the introduction of professional standards is overdue. That applies to a number of sectors.

In the past few years, a plethora of operations have grown up involved in the promotion of enterprise and business. Inward investment, which I shall not dwell on this morning, is another sector in which many people offer advisory services without any professional basis and people often throw good money after bad. In the case of personal business advisers, it is often public money, which should be used carefully and prudently. We are all keen that personal business advisers should be accorded professional status, as that would help to protect the good name of the best people in the business and provide a spur to those whose performance needs improvement.

The concept of centres of expertise is also interesting, but we shall have to avoid duplication. Everyone will claim to have a centre of expertise and it is possible that, in one region, two organisations might be vying for that title and wasting resources and time. I hope that the new regional development agencies will play an important part in that area.

One aspect in which both parties in government have not done enough is promotion of the attraction of exporting for small businesses. It is a matter not of party dispute but of fact that the high value of the pound creates difficulties for potential exporters. They are frightened because they think that their goods will be too expensive and they are put off by the prospect of going to certain countries and taking a long time to build up the relationships that should be at the core of a healthy export drive.

Earlier this year, I visited Japan with some of my colleagues on the Select Committee. We were very conscious of the fact that the rewards for small businesses that took the time and had the patience and, indeed, courage to go out there were considerable, but the message is not getting through and it did not get through in the past. I should like to think that, if we have such a debate two years from now, we will have seen a breakthrough. It is interesting to note that there is more self-confidence among bigger enterprises in tackling the Japanese market. That market is undergoing a period of difficulty, although the problems are confined largely to the financial sector.

In Europe, the position is slightly better, but not as good as it should be. The excitement of the new Government in preparing for and carrying out the work of the presidency may have taken the edge off our performance. We should be doing far more. My hon. Friend the Minister mentioned countries where attractive opportunities are now offered. That is encouraging, but it is probably too early to judge the Government's performance. It would not be difficult to improve on the performance of the previous Government, but that would not be good enough. We need far better opportunities and awareness of the chances of doing business in Europe.

On regulation, my hon. Friend the Minister's point about equal pay was extremely well made. I remember standing as a candidate in general elections in the 1970s and being berated for what Barbara Castle intended to introduce when she had the opportunity as it had all been set in train many years before. There has not been any diminution in opportunities for women because of equal employment legislation.

There was a sense in the speech by the hon. Member for Christchurch that we should be prepared to defend the bad employment practices of small businesses. As I said to my hon. Friend the Minister when she appeared before the Select Committee, I am concerned about the proposals on fairness at work that exclude businesses employing between one and 20 people. It is easy for small businesses to exploit people by taking advantage of the personal relationships that inevitably arise in that sector. Small businesses should not be tarred with the brush of being bad employers. They do not deserve that, because, in the main, they treat their employees humanely. Most employers treat their employees humanely, but those parts of British industry that do not should be subject to regulation and there should be proper compensation for the victims of exploitation of any kind.

In that sense, I do not fear in any way for small businesses that are good employers, but, as I said to my hon. Friend the Minister, I hope that, in the reviews that will take place as a consequence of the implementation of "Fairness at Work," due weight will be given to the predicament of small businesses and those who work in them, as some workers may need additional protection.

Another point made to us on tax administration and the threshold for VAT has some merit. I should like to think that this matter will be kept under constant review. The amount of paperwork that small businesses have to process is a problem, and that theme arises in virtually all surveys. In addition, if the threshold for VAT were increased, a number of small businesses would be freed from some of the burdens that they bear.

The jury is still out in respect of access to finance. We do not have the same opportunities for venture capital that exist in the United States. It is also a cultural issue, which will take a long time to change. The 18 enterprise years did not do very much in that respect.

Mr. Hammond: Does the hon. Gentleman accept that there are far greater opportunities for venture capital in this country than there are in most continental European partner countries?

Mr. O'Neill: We should not judge ourselves against countries that are not the best examples. The best example is the United States, and we have to compare ourselves with that country. It would be futile and arid to enter into such a debate on venture capital, because we all know that more has to be done. If we can achieve a political consensus, so much the better. I know that my hon. Friend the Minister is concerned about the issue and is keeping in touch with the angels—that is a metaphor and I do not want to get into arguments about how many angels can balance on the head of a pin. We know what we are talking about. We hope that the climate will improve for future annual debates on the subject.

The Forum of Private Business has said that it would like the Government to produce a Budget compliance cost assessment. One of the problems of our system of government is that some people in the Treasury do not always take the concept of sustainable development seriously, because often they focus on their regulatory and revenue-raising role to the exclusion of the vibrancy of

[Mr. O'Neill]

business. It would be useful for a check to be imposed on their activities, because that would give the people concerned a clear idea of where their responsibilities lay.

We have heard a grapeshot approach from the Opposition this morning, homing in on particular industries. We could spend the whole day debating, each of us going on about one small part of an industry. The strength and resilience of small and medium enterprises lie in their diversity. Although the Government's cautious approach may be frustrating for those who want a grand design and want it now, their caution is understandable. I wish my hon. Friend the Minister well in her endeavours, but when the competition White Paper comes out in the autumn, we shall look carefully at the section on small and medium enterprises. I am confident that the foundations in the update to which I somewhat dismissively referred will be the basis of an expansion which is vital for our economy and for the employment and living standards of our people.

11.2 am

Mr. Nicholas Winterton (Macclesfield): It is always a pleasure to follow the hon. Member for Ochil (Mr. O'Neill), who chairs the Trade and Industry Committee with great distinction. We can all agree with the emphasis he put on standards of performance for business links. He was also right to stress the importance of qualifications for business advisers. I have grave reservations about some of those who in recent years have acted as know-all advisers to companies under the auspices of business links. He was also right to stress the importance of business centres of excellence, such as that at Warwick university. I listened recently to Professor Kumar, who heads that centre of excellence.

I did not agree with everything the hon. Gentleman said, but he was right to emphasise the importance of cost assessment for legislation. That trend was started by the previous Government, who established the policy of a cost assessment being prepared of the impact of any legislation.

Mr. Lansley: Will my hon. Friend give way?

Mr. Winterton: I will, but I am reluctant to do so.

Mr. Lansley: Does my hon. Friend agree that the substance of compliance cost assessment counts, not the form? The compliance cost assessments of Department of Trade and Industry legislation in this Session have not given a realistic assessment of the burden to be placed on business.

Mr. Winterton: I hope that my hon. Friend has gleaned some reassurance from the emphasis given by the hon. Member for Ochil to compliance cost assessment. It must be meaningful, not just a token.

The Minister sought to present a good case on behalf of the Government. Having had dealings with her, I believe that she is determined to assist our small and medium enterprises. I hope that she will forgive me for saying that during the 18 years of Conservative government, this country—indeed, the world—witnessed a revolution in business.

The Conservative Governments brought about an economic revolution that made the United Kingdom the unrivalled enterprise centre of the European Union, with an open, flexible and dynamic economy able to win in world markets. We kept social costs down for business so that prosperity, which is what is important, could rise for all. We promoted incentives and rewarded success. We provided education and training for the world today and tomorrow, although a lot more needs to be done in that area. The Government, business and the education sectors, despite all their rhetoric, do not realise the importance of co-operation in education and training to enable our industry to be the most competitive in the world.

Small businesses have been a central feature of our success. I am sad that the title of today's debate does not include the word enterprise, but I intend to refer to enterprise frequently. Enterprise is the key to small businesses, which develop new markets, exploit new products and pioneer new services, often laying the foundations of tomorrow's medium and large companies. Creating the right economic climate for small firms to grow and succeed was one of the great achievements of the Conservative Governments between 1979 and 1997, whatever the Minister may say. The statistics show that under the Conservatives small firms mushroomed. They are vital to the UK economy.

However, the importance of small businesses has not been adequately recognised by successive Governments. They generate one third of our national output and provide more than half of all private sector jobs. Those are telling statistics. The promotion of an enterprise culture by successive Conservative Governments shifted the risk-reward balance by allowing people to retain a greater share of their earnings and profits, making self-employment much more attractive. That is one reason why we have had such a flexible, successful economy. The steady growth in the number of people prepared to take the risks involved in setting up in business reflects a real change in attitude towards the small firms sector and to enterprise in general.

I cannot stress strongly enough the vital role of small and medium enterprises in the UK economy. Small firms are major creators of wealth and providers of employment. There are more than 1 million more small firms in the United Kingdom in 1998 than there were in 1979. I remind Labour Members that that is not due to 13 months of a Labour Government. As everyone in the House knows, a successful economy takes time to build; it takes time to build smaller enterprises.

The increase in the number of small firms is the result of 18 years of Conservative Governments—with ups and downs. I think of the shake-out of the early 1980s to which I, as a member of the governing party, took great exception. The brutal actions that were taken to achieve greater competitiveness unnecessarily killed off many manufacturing concerns. We killed many good young shoots and some very good companies.

Firms with fewer than 100 staff employ more than 10 million people—these are all valuable and accurate statistics—and more than 50 per cent. of private sector employment is in small businesses, compared with 40 per cent. in 1979. In total, there are about 3.7 million small businesses, accounting, as many in the House will know, for more than 40 per cent. of turnover in the United Kingdom.

Small to medium enterprises and family businesses, which I like to mention—interestingly enough, the Minister mentioned them, too—should be encouraged all the way with whatever Government action is necessary. Smaller businesses are the backbone of the UK economy and in many ways are better for the economy than large public limited companies which, although they generate huge income for the country, fail fundamentally by, for example, not investing in the long term and succumbing to pressure from shareholders to produce maximum short-term returns.

We often boast that the UK has 40 per cent. of the European Union's top 500 plcs. I do not take any pleasure in that, because I do not believe that such companies often invest for the long term. They frequently decorate their accounts, taking money from one heading and putting it into another, to paint a rather rosy picture, but that is bad for future investment and the future of the company. I want more encouragement for smaller private family businesses—non-plcs that do not have to react continually to City institutions to maintain their share rating. Profit motivation is not the prime concern of the head of a small family business. What is important is the creation of the right conditions, to be in the market and in business the following year and to plan for five years down the line with a view to sustainable, organic expansion. That is what we must continue to encourage.

Successive Conservative Chancellors of the Exchequer reduced the rate at which small companies pay corporation tax from 42 per cent. in 1979 to 23 per cent. as a result of the 1995 and 1996 Budgets, which helped 400,000 small companies. Marginal tax rates should be reduced further to encourage enterprise. A major way in which to encourage enterprise would be the further reform of inheritance tax. Even with the linking to inflation, as it were, of the level at which inheritance tax is paid, it deters many people building up and investing wealth. Why do so many family companies sell out before a principal reaches an age at which he might keel over and be carried out feet first? Because he wants to realise, for his family, the business's capital assets rather than pay a very large slice of it to the Chancellor of the Exchequer, the Treasury and the Government of the day.

Conservative reforms, particularly increases in the rates of relief on business property, meant that most small firms could be passed on completely free of tax—until now, and our current Chancellor. This Government have already started to damage the environment that is needed for healthy enterprise. The Minister made great play of Labour being the party of small business. She quoted selectively from a document, but she could find others that say something very different. With increased taxes on business as a result of the Chancellor's two Budgets, it is unfortunate that, instead of encouraging enterprise, the Government have sought to curtail business development in the most cruel way through changes to capital gains tax in the Finance Bill that is before the House.

The Government have abolished retirement tax relief for businesses worth less than £250,000. Although in business terms that is not a great amount, substantial taxation will kill off many smaller businesses and reduce the scope for enterprise and growth in others as small family businesses pass from one generation to another—which I greatly support, want to continue and, in fact, want to be encouraged. Sadly, long-term investment, enterprise and hard work are in some ways being discouraged. That is the message which I pick up from some smaller businesses. The message is clear: the Labour Government are trying to be good for small business, but they are not entirely succeeding.

I now come to a point that has not been raised so far. Centrally, the burdens of the European Union must be reduced—not to mention their being increased by our accepting new ones. There is a widespread and entirely justified view that British officials—I suppose that I may not refer, Mr. Deputy Speaker, to the Box in which civil servants sit—have tended to strengthen EU regulations when implementing them in UK legislation. That is certainly my experience of 27 years in this place. Such action can be enough to break a small firm that is just starting out or just beginning to balance the books.

The previous Government—my Government—made progress in establishing their deregulatory principles and practice, to which my hon. Friend the Member for Christchurch (Mr. Chope) referred, at the centre of European decision making. We decided that action had to be taken. Unfortunately, very little progress is now being made on that front.

Most important, in creating the means by which and the fiscal climate in which small and medium enterprises can carry out their business in a highly competitive market, we must—I say as a Conservative—maintain control of our own economic policy. Control of interest rates is crucial to business. The new Government, I regret to say, took no time in handing over power to Mr. Eddie George and his committee at the Bank of England.

I have spoken to the Governor of the Bank of England on several occasions. I asked him: "Are you aware, Mr. George, that increasing interest rates is desperately damaging to smaller business and particularly the manufacturing sector?" Interest rate rises increase the value of the pound, which hits our exporting sector. Mr. George replied: "Mr. Winterton, you are right. Damage is done to manufacturing industry and the smaller business sector in this country, but my priority is inflation. I have to act in order to clamp down on and damp down inflation. My priority cannot be the interests of what is really the sole wealth-creating, non-inflationary sector: manufacturing." I find it quite extraordinary that a vital weapon in the Government's armoury has been handed over to the Bank of England, which is not interested in the position of manufacturing industry.

The Government also seem keen to dispose of our currency. Let me make it clear to the House that if we lose control of our currency we shall lose control of our economy. That would be tantamount to losing control of the management of our country. I am not prepared to accept, condone or support that policy. What hope would there be for small family businesses in a federal European superstate? The implications are enormous and they should be contemplated with great sobriety.

All reports suggest that we are on the brink of world recession. Yesterday's *Daily Mail*, a paper that has given some support to Labour, contained a leader page article by Andrew Alexander headlined

"Inflation? No, it's a slump we must fear".

The paper's comment for yesterday is headlined

"Economic peril and European obsession".

Perhaps the people of this country are just beginning to catch up with the problems of European union. All reports currently point towards a world on the brink of recession.

[Mr. Winterton]

The tiger economies of the far east continue to plummet. Japan needs to be bailed out by President Clinton and the United States of America. Japan—the powerhouse of the far east!

At home, our economy begins to look sadly less than rosy. We have rising inflation, and unemployment may be beginning to display itself again. We must look to how best to ride out the storm that may lie ahead. This is the very time to do all in our power to encourage investment in manufacturing and small firms, which are the mainstays of our economy.

My hon. Friend the Member for Christchurch has mentioned transport. There has been an almost total stop on infrastructure projects since the Labour party came to power. Some road projects are needed in the United Kingdom, particularly in my constituency. They are vital to the future competitiveness of industry in the north-west and in Macclesfield.

The Prime Minister's parliamentary private secretary, the hon. Member for Stockport (Ms Coffey), takes an interest in the A6(M) Stockport bypass, the extension of which is the Manchester airport eastern link road, the Poynton bypass and the Macclesfield A523 road improvement scheme. All are vital to the competitiveness of industry in the north-west. Industry must be able to use the tremendous facility of Manchester international airport, which is getting bigger and bigger, and more and more important.

Those road projects must go ahead, and I hope that the Minister will impress on her colleagues in the Department of the Environment, Transport and the Regions that—like the Alderley Edge bypass, which is a matter of importance to the hon. Member for Tatton (Mr. Bell)—they are critical to our future competitiveness.

Instead, the Prime Minister and the Government appear to be lumbering us with a sackful of job-destroying measures: the minimum wage; the social chapter; union recognition; and the Brussels directive on working hours. With recession looming, why on earth are the United Kingdom Government so hell-bent on locking the UK ever more tightly into a Europe of high social costs, crippling labour restrictions and burdensome bureaucracy? The Government's pandering to Brussels has damaged our business men and women. The Prime Minister was, sadly, happy to sign up to the social chapter in Amsterdam last June. Our veto has been further surrendered and a vast array of measures may be decided on by qualified majority voting. We will be unable to have a full and final say.

Most social chapter directives will apply to small firms. It is clear that the Minister of State, Department of Trade and Industry expects those burdens to be in place in the UK by October 1999. The social chapter is typical of Europe. It mirrors the much more regulatory, interventionist approach prevalent in much of the rest of Europe. It runs directly counter to the UK's deregulated flexible approach to social policy and employment. As the Minister knows, I come from a small family business background, and I believe that such an approach can only be bad for small and medium businesses.

The Institute of Directors asserts that social chapter legislation is not as innocuous as the Government would have us believe, as it will place extra burdens on business and will hurt competitiveness. How can the Government say that they seek to help small business when yet more burdens are in the Euro-pipeline? We will give part-time workers the same statutory and contractual employment rights as their full-time counterparts; is that fair? There will be a directive to reverse the burden of proof in sex discrimination cases, and another on sexual harassment in the workplace. Some right hon. and hon. Members may consider those measures worth while and necessary, but let us be clear that all of them will impose more costs on employers, while the benefits will be negligible.

The Conservatives are the true supporters of small business. The Tory party always has been the party of small business—the farmer, the entrepreneur. We have not been the party of the large business man; I must point out to the hon. Member for Weston-super-Mare (Mr. Cotter) that, historically, big business always supported the Liberal party. The Conservatives are the true supporters of smaller business. We believe in low taxation, low inflation and a deregulated economy.

The agenda of the Labour party is characterised by more interference and damaging burdens on business at a time when our firms need as much freedom as possible to negotiate the severe economic challenges that lie ahead. Thanks to the Government, I regret to say, many businesses find themselves constrained more than ever by higher costs and red tape from the interfering federal Europe of which we are a part. The Government appear determined and delighted to wedge us even further in.

Mr. Gareth Thomas (Clwyd, West): I have followed the hon. Gentleman's speech with great interest and agreed with much of what he said until he embarked on his tirade against Europe. If the European approach to the social chapter and the regulatory culture of Europe are so destructive to the small and medium enterprise sector, why do our competitors—Germany is the prime example—have such strong small and medium enterprise sectors?

Mr. Winterton: The hon. Gentleman is wrong. Germany is finding it extremely difficult to compete and is, for the first time in its history, exporting manufacturing capacity to other parts of the world. The hon. Gentleman and I may share common ground on the German banks, which seek to invest in business in the long term. They look to repayment periods of 20 years rather than the much shorter periods that are the order of the day in the United Kingdom, but let us consider current unemployment levels. In Germany, unemployment is much higher than it is in the United Kingdom; it is much higher in France, too; in Spain, it is astronomically higher than in the United Kingdom. We have one of the lowest levels—if not the lowest level—of unemployment in the European Union, but, sadly, some of the measures that I have criticised—and have emanated from Europe—will reverse that trend.

I was about to conclude by saying—[HON. MEMBERS: "Hear, hear."] Sometimes Labour Members do not like to hear the truth. I repeat that I have been known not to be on message with the Conservative party. In the 27 years that I have been in this place, I have often spoken out because I believed that what my party was doing in government was wrong. I was prepared to get up and say so, which may be why I am not speaking from the Front

Bench. However, I have been in this place long enough not to want that position as much as I might have done at one time.

I have made it clear that, tragically, smaller business is now being damaged by the Government and their policies: the high pound—bad for exporters—six interest rate increases and the national minimum wage. Many business people in my constituency and members of the Institute of Directors and other organisations believe, as I do, that the minimum wage will be damaging, adding unnecessary costs. The social chapter, statutory trade union recognition, tampering with business rates and the abolition of retirement relief will all take their toll on small firms. It will be a tragedy not only for people who lose their jobs and their businesses—and their families—but for the whole United Kingdom.

I make a plea to the Minister, for whom I have a high regard; she has been courteous and helpful whenever I have approached her. All is not rosy in the small and medium business area. Some of the policies that the Government are introducing, many of which relate to the European Union, will make us less competitive, so they will damage small business. I hope that the Government will take heed of some of the messages that will be given during the debate.

11.31 am

Ms Jackie Lawrence (Preseli Pembrokeshire): It is a privilege to follow the hon. Member for Macclesfield (Mr. Winterton). However, I urge him to continue his rebellion. He claims that the Conservatives are the party of small business, if not of large business; perhaps he would persuade the party to publish its accounts, along with other parties, so that we may know where its funding comes from.

I was extremely interested to hear the remarks by the hon. Member for Macclesfield about transport infrastructure—a subject brought to our attention by the hon. Member for Christchurch (Mr. Chope). I recall that, in 1996, the Confederation of British Industry published a statement which said that traffic congestion in this country was costing British business—all British business—£19 billion a year. That was after 18 years of Conservative government, with no integrated transport policy.

The previous Government consistently refused to improve infrastructure in my area, which has an especially large proportion of small businesses. Not least, they postponed the scheduled start of construction of the Fishguard bypass, which is part of an essential link across the shortest land bridge in the United Kingdom between Ireland and Europe, for markets throughout south Wales, west Wales and south-west England.

Mr. Hammond: Does the hon. Lady recall that, before the general election, the Labour transport spokesman described the previous Government's plans to widen the M25 in my constituency as lunacy and madness? Does she think it surprising that, 14 months on, the Government have been unable to reach a decision on whether to go ahead with that scheme or drop it?

Ms Lawrence: One thing that I am aware of is that the present Government are taking an integrated approach to transport policy throughout the country, and are not rushing into any decisions, but are listening to the public and to the requirements of all parts of the UK.

Small businesses, and the climate for their success, are especially important to my constituency. We often forget that only 0.2 per cent. of businesses throughout the UK employ more than 200 people. In Pembrokeshire and west Wales, such large employers are often thinner on the ground. Moreover, in the business sector, such large employers who have invested in my county over the past decades have often withdrawn that investment as a result of outside or international pressures. For example, we used to have five oil refineries in Pembrokeshire; we are now left with two.

By contrast, many of the 23,800 small business throughout west Wales have operated for several generations. That confirms the findings in the report recently published by the European Commission, which stressed the role of small businesses in creating sustainable employment for the future. Organisations such as the Design Council have also said that small and medium enterprises will become increasingly significant in the UK economy as we move into the next century. Those small businesses have often been denied a voice in economic development forums nationwide, despite the fact that they offer so much for the future on every level. That must change, and I believe that it is changing under the present Government.

Small businesses are important to the economy—94.4 per cent. of all UK businesses employ fewer than 10 people, and 99 per cent. employ fewer than 100. Those figures are absolute confirmation of their importance to Britain's future. Unfortunately, despite that importance, the previous Government treated our SMEs appallingly, standing by to watch one business go to the wall every three minutes of every working day during the premiership of the right hon. Member for Huntingdon (Mr. Major).

Mr. Hammond: Does the hon. Lady happen to have the figures for the number of small businesses that were created per minute during that same premiership?

Ms Lawrence: No.

Recognition of SMEs' role in providing a sustainable future is also confirmation of their importance environmentally. In west Wales, we have clean air, clean water and unpolluted land. Our two mainstay industries, tourism and agriculture, rely on those properties. Because the majority of our small businesses relate directly to those industries, their future depends on maintaining that level of quality. That was ably demonstrated by the report, recently published by the Pembrokeshire Coast national park, on the economic benefits brought by users of the Pembrokeshire coast path.

As well as being important to the local economy and environment, small businesses have a crucial role to play in maintaining the social fabric of rural communities; plus, for us in Wales, there is an extra dimension of culture and language. Only by promoting and sustaining small enterprises can we protect the unique cultural elements of Welsh society, by creating a framework to enable more of our young people to stay in rural areas. Unfortunately, at present, so many must leave the area to find work.

[Ms Lawrence]

On another front, Wales has a record of success in attracting inward investment to our region, but only to a tiny area around a short stretch of the M4 and A55 in south-east and north-east Wales. That success may have given rise to the impression of an overall thriving economy, but the majority of Wales has experienced massive decline during the 18 Tory years.

For west, mid and north Wales, plus the valleys, gross domestic product as a proportion of the UK average slumped well below the 75 per cent. required to qualify for European objective 1 status. Forecasts of GDP growth in Wales for the period to the year 2000 do not anticipate any significant closing of that gap—testament to the importance of obtaining that objective 1 status for the western seaboard and valleys in the current negotiations.

SMEs know that the previous Government let them down. Labour Members know that. It appears that even Conservative Members know that. Interviewed by "First Voice", the magazine of small businesses, the hon. Member for Chesham and Amersham (Mrs. Gillan), then Tory spokesperson for SMEs, admitted that the Tories had done nothing for small businesses. The hon. Lady said:

"There will be very little policy coming from the Conservative party"

in the initial stages of opposition. She added:

"it is understandable because we got it wrong."

Certainly in Wales we have known that for a long time. In the period mentioned—when GDP in Wales went into free fall—the right hon. Member for Wokingham (Mr. Redwood) returned to the Treasury more than £100 million allocated to Wales. That money could have been invested in infrastructure and other measures to aid small businesses—and, indeed, all businesses. However, the right hon. Gentleman maintained that we did not need it. We needed it then, and we need it now.

The previous Government also let down small businesses, not least by measures such as introducing insurance premium tax and increasing petty regulations on small businesses—despite their supposed deregulation initiative in 1994.

That is in clear contrast to the present Government, who have followed words with positive action. The difference is that the present Government are starting to provide what small businesses need and want, including legislation for interest on late payments. It was interesting to note that that the hon. Member for Christchurch made no mention of that issue, which is certainly one of the major issues of concern of small businesses in my area.

Other measures introduced by the Government include a 20 per cent. cut in the small business rate of corporation tax; increase in first-year capital allowances extended for a further year; policies to promote long-term investment; administration of tax and national insurance contributions consolidated to reduce the bureaucratic burden on SMEs; launch of the UK business incubation centre in February 1998; and many other moves to support small businesses.

In addition, the Government accepted in principle my amendment to the Government of Wales Bill on behalf of Welsh business. Those businesses will now have a greater opportunity to work in partnership with regional government for the benefit of everyone in Wales. One of the major burdens on small businesses in the past two decades has been the massive rise in petty regulations and compliance costs, despite the fine words of Conservative Members.

Mrs. Lait: Does the hon. Lady agree that most small businesses want cuts in red tape? What cuts in red tape have the Government provided, given that they are introducing a national minimum wage, the parental leave directive and many other measures that my right hon. and hon. Friends have already described?

Ms Lawrence: The figures for the previous Government's deregulation initiative in 1994 show that, for every regulation that the Government of which the hon. Lady was a member disposed of, the number increased by 13.

At least in Wales—through the assembly—business will have an opportunity to lend expertise, as well as voice opinions, to Government. For us in Wales, assisting small businesses to become medium enterprises—a major failure under the previous Government—holds out our best hope for a sustainable vibrant economic future. Through them, we can add value to locally produced primary products, and maintain vibrant rural communities. We can also demonstrate our commitment to a quality agenda for Wales, showing not only that we value our assets, but that we recognise that economic prosperity starts at home by building on them.

11.42 am

Mr. Brian Cotter (Weston-super-Mare): I was somewhat speechless when the hon. Member for Macclesfield (Mr. Winterton) said that the Liberal Democrats had the support of large businesses. I am delighted to take that accolade, but we did not see that support in terms of funding before the election. However, since the election, we are building support with large businesses.

Mr. Nicholas Winterton: Yet again, a Liberal Democrat Member is slightly hard of hearing, or is selective in what he hears. I said that, historically, the Liberal party represented big business and industrialists—not today.

Mr. Cotter: History has a habit of repeating itself, and I detect that we are getting on very well with large and small businesses.

I congratulate the Government on holding this important debate—the second such debate in recent months. I particularly welcome the Minister's commitment that this will be an annual debate, and we all look forward to addressing over the years how things have gone for small businesses.

Since the debate last November, the small business agenda has moved forward considerably. In that connection, we particularly welcome the passage of the Late Payment of Commercial Debts (Interest) Bill. Small businesses have waited a long time for that important measure, and at last the chain that has dragged them down will start to be broken.

It is fair to say that the Minister for Small Firms, Trade and Industry has had a lot to do, and that much of what she has done has been welcomed by the Liberal

Democrats. It is refreshing, and almost novel, to see the Government taking a positive and proactive approach to small business.

Some areas regarding the running of the economy by the Ministers' colleagues—over whom she has no control—are extremely concerning. Will interest rates rise again? The Government's taxation on business has not helped, such as the cash effects of corporation tax, the impact on business of tax relief on dividends, and the discouraging result of the changes in capital gains tax. Most notably, the Government failed in their early months to take the heat out of the economy, and instead have found themselves taxing business.

Enterprise within the SME sector is vital to a thriving, dynamic and competitive economy. That is why the Government have a duty to provide the economic climate to deliver it. According to figures from the DTI's SME statistics unit, SMEs provide 58 per cent. of total employment and contribute 56 per cent. of business turnover. It would therefore be foolish to ignore the domino effect that the small business sector can have nationally.

I share the concerns of the hon. Member for Ochil (Mr. O'Neill) at the current level of the pound. Many firms find it increasingly difficult to compete in this climate. Liberal Democrats believe that the Government must declare a firm timetable for joining the single currency, so that the situation can start to be rectified. The result, we believe, would be a lower pound and lower interest rates, and sustained inward investment into this country would ensue.

I wish to refer to my experience with my company, and to emphasise that the high value of the pound is having a bad effect on small companies as well as big. Many companies see the need for a decision to be taken on the single currency, and the CBI and the TUC—for example—support such a move. We are asking for a calm, intelligent and informed debate.

Mr. Lansley: Since the level of the pound concerns the hon. Gentleman, and since entry to the euro is something he wants, does he have a notion in his own mind of the appropriate level at which the pound should enter the euro?

Mr. Cotter: Yes, but I would not wish to declare it, for fear that the market might collapse. *[Laughter.]* If the Government had made a clearer determination about the single currency last autumn, we would not be facing the problems of the high pound at the moment. The Government must not take heed of the heated and rather ill-informed debates on the single currency in the past.

The Government are gradually making moves. This week, the Foreign Secretary signalled that the single currency might be introduced in 2002. The Labour party seems to be wising up to the fact that the issue of the euro is a case of not "if" but "when", provided that the conditions are right. The Liberal Democrats urge a more proactive approach, so that the United Kingdom can confidently embrace the single currency at the right time.

Another crucial issue is that of business start ups. Various organisations, such as business links, provide support for existing businesses. However, they provide little help for the nought to nine employees category, despite the Minister's commitment. Smaller businesses should be given help to emerge. That will be the true indicator of a competitive and thriving small business sector.

Mr. Gibb: If the Liberal Democrats are such supporters of small businesses, why is the hon. Gentleman the only representative of his party in today's debate?

Mr. Cotter: My colleagues have entrusted me with this debate. They are confident that I shall do my best to represent them. Many people in our party run small businesses.

We want the Government to place more emphasis on start-up guidance and support. The economy as a whole will reap the benefits, and there will be a knock-on effect through business links. The more new businesses that prosper, the more business links will have to do. However, current figures are not encouraging. A report published by Eurostat entitled "Enterprises in Europe" shows that there is a relatively weak small business base in this country. In a survey of the 13 European Union nations, the UK was ranked 13th for businesses that employ 10 to 99 staff. The report also noted that the average turnover of UK-based businesses is the lowest of the 13 nations reviewed.

Those facts should serve as an impetus to the Government to provide more effective support networks. More needs to be done to encourage people to consider starting their own businesses, perhaps along the lines of the work of the Prince's Youth Business Trust. I am impressed with the work of the trust, which has made a great success of supporting and encouraging young people to start up in business. For a modest cost, the trust advises young people and arranges for mentors—people to hold the hands of young people starting in business—to help them get started. That hands-on approach should be studied by other business support organisations.

The results of the trust's work are outstanding when one considers that it deals with young people, with whom it has a 60 per cent. success rate as measured by businesses that are still in operation after three years. Of those who do not succeed in business, some 50 per cent. go on to permanent employment.

For a potential small business owner, starting up is a frightening prospect, but it can be made easier. On the other hand, people must be realistic about the pitfalls. Will the Minister consider the following valuable idea from the National Federation of Enterprise Agencies? It proposes that the Government take the lead in ensuring that there is a national business birthrate strategy. Are the Government considering such an idea?

What financial justification is there for a comprehensive support network for small and medium enterprises? The NFEA has come up with an illustrative example. It says:

> "It costs around £9,000 per annum for the state to support someone on benefits. If you assume for a business started by an employed person, the vacated job will eventually be filled by an unemployed person, and that each new business creates 1.5 jobs, every new business potentially saves the Exchequer £22,500."

I quote those figures without having researched them myself, but the Minister should perhaps ponder them. The NFEA goes on:

> "Stimulating a net increase of 50,000 businesses could potentially save £1 billion. And this ignores the extra income generated by tax, national insurance and VAT, which would be substantial."

[Mr. Cotter]

The Conservative Government embodied short-termism; I implore the Labour Government to plan ahead, so that, for once, long-term objectives can be achieved. It is not good enough for Governments to think ahead to the next general election and then to worry about it all again if they are elected for a second term. That has caused damage in the past by creating a boom-bust economy.

We have already discussed funding. The Government should consider adopting mutual guarantee schemes, which would be an extremely effective support mechanism for business initiatives and financing. Mutual guarantee schemes are a sort of co-operative by means of which firms can get together, pool resources and dip into the pot. Other European countries have found them extremely effective, as they provide much easier sources of finance than are currently available in this country.

Training for business owners would aid the development of small businesses, so it is vital that the Government offer such an initiative. Small firms starting out cannot afford expensive training programmes or management consultants. Credit management is vital to small firms, and training on the subject of the late payment of bills would considerably ease that stressful financial burden.

The welfare-to-work programme should be welcomed, although it remains an unemployment initiative rather than an employment strategy. It may help people to get into work, but I doubt whether it will create many jobs.

Mr. Tony McNulty (Harrow, East): Could the hon. Gentleman remind me whether the Liberal Democrats supported the windfall tax that is paying for the new deal and the welfare to work programme?

Mr. Cotter: The hon. Gentleman may know that we did not support the windfall tax, because it was a one-off, and we sought more continuous funding.

Many people on the welfare-to-work programme would find it well nigh impossible to straddle the income gap. Although many people are capable of setting up their own small businesses, we should encourage people in such a situation to work to their potential. I hope that that will increasingly become an ingredient of the welfare-to-work programme.

That is where regional development agencies could play a vital role. The local environment is vital to enterprise for a variety of reasons, such as local authority services, planning, crime, transport links and economic factors. That is why we support the concept of the RDAs. It is highly bureaucratic for central Government alone to initiate and run schemes for fledgling enterprises. Central Government do not possess local expertise, so, to maximise efficiency and potential, the RDAs must be able to bridge that gap.

Strategic and sustainable economic regeneration through the regions is the key to small business prosperity. RDAs should be business-led organisations, not another tier of governmental red tape; should work closely with local people and local government; and should intrinsically act as a vital catalyst to regional development and investment.

Over the past decade, the United Kingdom has lost out in the routing of European Union development funds to the different parts of this country because of regional weaknesses and deficiency in resourced regions. Effective business support requires clarification and simplicity, which is why the Liberal Democrats advocate the one-stop approach. Businesses would have more say in planning and development through the RDA system. They would be able to react to the special requirements of their regions, using their specialist knowledge to the most powerful effect.

Central and local government have their own roles—render unto Caesar that which is Caesar's, and unto God that which is God's. Roles appear to have been divided by the Government, but I am unhappy that they have chosen not to bring the training and enterprise councils under their umbrella. That is a mistaken approach, especially as we are all trying to address the best means of support for business.

From my personal knowledge, which has been gained from the many people who talk to me about the effectiveness of what TECs are doing, I know that TECs are suffering some criticisms, and organisations such as the Forum of Private Business and the Prince's Youth Business Trust will confirm that that approach is not always satisfactory. It is not only politicians who moan about the difficulties, but those who deal directly with, or represent those who deal directly with, business links and the TECs.

The hon. Member for Ochil spoke about business links. I accept that the Minister has introduced accreditation, but there are concerns, and we should look at the system as a whole.

Mr. Hammond: The hon. Gentleman has told us a great deal about his views and the views of his party on the structures, the support mechanisms, the quangos and the committees that should encourage and help people to set up in small business. Has he anything to say about the burdens that the Government have been piling on to small business—the minimum wage, the social chapter, interest rates and the strong pound? What do the Liberal Democrats think about them?

Mr. Cotter: I have talked about the strong pound. Hon. Members do not agree with our approach, so we are not going to get far. I do not go along with the hectoring approach in respect of measures such as the minimum wage and protection for employees, but they will not have the effect that has been suggested by some hon. Members. The hon. Member for Ochil said that people thought that equal wages for women would be a disaster, and that that has not turned out to be the case. There are concerns, but we made it clear in Committee where we stand on those issues.

Mr. Chope: Is the hon. Gentleman saying that he does not agree with the chairman of the Low Pay Commission, who found in his report, as a fact, that the impact of the minimum wage on businesses with between one and nine employees would be more than twice as heavy as on any other group in business?

Mr. Cotter: We shall see, when the minimum wage is implemented. My party has not fully concurred with the format of the minimum wage, although we shall wait to see how it develops. It should have had a regional aspect, which might have dealt with some of those problems.

It is important to bring the organisations to which I have referred within the RDAs, to make them truly effective and accountable. That cost-effective measure would simplify access to business support. I make no apology for dwelling on business support, because it is vital—the great amount of money being spent has to be made effective in respect of delivery of services.

In respect of the latest Forum of Private Business survey, it came to my attention that the uniform business rate is, once again, the top concern for small firms, now that the late payment legislation has been passed. Of the firms surveyed, 52.3 per cent. specified the uniform business rate as their major priority. Now that the legislation for late payment has been passed, the Government should address this issue. Business rates are a huge impediment to enterprise and competitiveness. They have a disproportionate impact on small business, and are set without reference to the local economy or to the profit of the business.

In its election manifesto, the Labour party promised to return the business rate to local authority control. It stated:

"There are sound democratic reasons why, in principle, the business rate should be set locally, not nationally."

It claimed that that view had the wide support of business. That principle has been seriously diluted in the Green Paper, which states that

"only a measure of local discretion"

is proposed.

Parts of the Green Paper are to be welcomed, but it does not go far enough. The system of annual, centrally set business rates that are pooled and redistributed to local authorities is to be retained. We are still waiting for the final proposals, and I look forward to them with great interest.

Mr. John Bercow (Buckingham): It is fascinating to listen to the hon. Gentleman's excoriation of the Government's position on business rates. Will he take a moment to enlighten the House as to whether the Liberal Democrat party believes that local authorities should have the right to jack up business rates to the detriment of local enterprises?

Mr. Cotter: Of course I do not think that local authorities should be able to jack up business rates to the detriment of local enterprises. That is not our idea; nor is it any sensible person's. The idea is to make the rates compatible with local business so that it is fairer for small businesses. Small businesses pay about 13 per cent. of their turnover on business rates, whereas large concerns pay 5 per cent. Such disparities should be addressed.

There is little point advocating that idea if nothing is going to be done about it. I hope that the Government will give a clear sign that they will deal with the disparity between businesses, and will make the setting of business rates more accountable.

Dr. Ladyman: I assume that the hon. Gentleman is coming to the end of his speech. I do not want him to get into trouble with his party Whips, so I thought I should point out that he has not yet told us that we can solve these problems by putting 1p on income tax.

Mr. Cotter: As the hon. Gentleman said, I am coming to the end of my speech. If I were to launch into that subject, we would be here rather a long time, and people might start to shuffle their feet. I am glad to say that I will not be in trouble with the Whips.

I should like to touch on the exciting opportunity for development within the enterprise sector. Small business will be able to develop internet technologies through the millennium challenge. Like the fax not so many years ago, the internet is an alternative means of communication. More than that, it is an alternative means of business and trade. It is reported that there are more than 100 million users world wide, 60 million of whom are in the United States of America. In America, last year's inflation rate drop, from 3.1 to 2 per cent., was attributed to internet trading.

In America, customers can buy everything from shares to bonds, from cigars to flowers, with a click of their computer mouse. Business costs will be dramatically reduced in this country, and new markets will become open to smaller traders. The internet is ideal for small firms in many ways. Small businesses do not have the resources to spend on lucrative advertising campaign to get their name and product known. The web provides a truly cost-effective alternative.

Mrs. Lait: Will the hon. Gentleman give way?

Mr. Cotter: I shall give way briefly, but I think that I am taking too much time.

Mrs. Lait: Does the hon. Gentleman think that advertising cigars on the internet should be banned?

Mr. Cotter: We are not talking about advertising; we are talking about selling, and the presenting of products—as many other products are presented in shops. I think that there has been a slight misunderstanding about what the internet will actually do.

Larger companies can afford to hire the specialists needed to integrate a website with a database, thereby fully automating the ordering and stock control processes. Many small firms will still have to do that manually, increasing their costs in relation to larger businesses. Internet technology not only provides easy communication between customer and service provider, but facilitates communication between individual business departments. Unfortunately, staff are expensive and can be difficult to retain. Web designer network use is quite a luxury at present.

United Kingdom investment is markedly lower than that of our European counterparts. The Government need to look beyond the millennium on this vital issue, and help small firms to realise the potential offered by the Internet.

A key area in which the internet has a role to play is the development of on-line training courses, on which skills can be acquired at relatively low cost. An on-line course can cost a fraction of the cost of classroom-based courses. Such courses would be of great benefit to small employers. The Government and the Opposition have recently involved themselves in a couple of public relations stunts using the internet. I urge them to view the internet not as a stunt, but as a serious option for the future.

While I am on the subject of computers, let me urge the Minister to ensure that the Government address the problem of the millennium bug. I note from the latest

[Mr. Cotter]

survey by the Forum of Private Business that only 29 per cent. of small and medium enterprises have begun to introduce the changes needed to beat the bug. Research by Barclays bank has produced a similar figure: Barclays says that only 60 per cent. of small businesses plan to take any action in the next year. That ought to worry the Government.

According to page 8 of a document that we received this morning entitled "Small Business Action Update"—I shall refer to it only briefly, as others wish to speak—Action 2000 is dealing with the problem of the millennium bug. I must say that it is rather a slim contribution. The Minister knows of my concern, as I have been speaking about the issue for more than a year. She tells us that the Government launched Action 2000 on 22 January 1998. That is rather late.

We welcome today's debate, but is the Minister prepared to make the Government duty bound to issue an annual report that is somewhat more detailed than the report I have here? I believe that the last detailed report was produced in 1996.

New avenues are opening up to small businesses, such as the internet and the single currency. I hope that the Government are prepared to develop strategies for such exciting developments, creating a truly entrepreneurial climate.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. I remind the House that speeches today have been long, and that many hon. Members are still seeking to catch my eye. Unless speeches are much shorter, many of them will be disappointed.

12.13 pm

Dr. Ian Gibson (Norwich, North): Gosh. The speech of the hon. Member for Weston-super-Mare (Mr. Cotter) is a hard act to follow.

I do not share the negative views that I have heard from Opposition Members. That is not my experience with small businesses; my experience is quite the opposite. Just before the election, my hon. Friend the Minister for Small Firms, Trade and Industry came to Norwich with me. We visited some small businesses, which welcomed her contribution to discussions. I assure her that she is still seen as a champion of small businesses in Norfolk.

In my constituency, signs of business confidence are suddenly looming. Small businesses are showing signs of direction and strategic planning. There are burgeoning signs of inventions and innovations, with a food bio-technological base in the Norwich research park. So confident are companies in that park that they are bringing an exhibition down to London next Tuesday. When Norwich comes to London, that is real business confidence.

That feeling has been amplified by the encouragement that emanated from the Chancellor of the Exchequer last week—as well as from the Department of Trade and Industry—when he supported the strong science base that would provide the stable economic development that the Government desire. I await the spending review with growing excitement.

In Norwich, the public and private sectors are working together, aided by the Norfolk and Waveney business link. They have set up a new Broadland business park, which is close to the city centre, a park and ride scheme and a burgeoning Anglia railway network to London. Last week, in his statement, the Chancellor named Norwich airport as ripe for expansion. I am sure that legislation will follow, and the airport's directors and the city council welcome the opportunity to build up the small businesses in the surrounding area.

New small businesses are developing in Norwich almost monthly. There are new call centres, such as Norwich Union. KLM is coming to Norwich airport. Virgin has also developed there. I shall not say anything about knighthoods in relation to that, but we welcome Virgin and the companies that it will attract. Companies are producing snack foods, micro-electronic compounds, pre-packed sandwiches, catering equipment and travel services.

Suddenly, an entrepreneurial skill has developed, which has been encouraged in the past year by the Government's policies. Companies are growing fast and recruiting a skilled work force from the fall-out of companies destroyed by the previous Government. Norwich has workers with computer skills who are interacting with skilled workers at the university and research institutes.

Have we reached our full potential, not only in Norwich, but in the country? The answer is no. I say that in the spirit of a determination to advance. If we are to generate new products, new companies and new jobs, we must take action on our universities. The Select Committee on Science and Technology, of which I am a member, considered parts of the Dearing report, which have not had a public airing, relating to developing the science base and putting more money into aging labs, where health and safety standards need to be brought into this century. Those points have been made in the House. We are seeking positive interaction and development on that to ensure that our science base competes with the best in the world, as I am sure it will.

I am concerned about the gifted young people who have, over the years, increasingly been employed on short-term contracts. Those young scientists spend their first year getting set up to do their work and the second year worrying about where they will get their grants from. If they are lucky, in the third year they will manage to do some research and development. If they really win the jackpot, they will get another grant for one, two or three years. That is not good enough. I know that the Department of Trade and Industry is considering that issue. I do not want to be negative; I want to look forward. Those young people are the future of this country. I shall give examples later of how young people in the United States have been encouraged to develop.

There will be a dramatic increase in our knowledge, particularly in biological sciences. I am thinking particularly of the human genome project, which will revolutionise the pharmaceutical industry. It will have many helpful effects, and it will make the role of the GP questionable, as people will get personal attention from various paramedic sources. All the new industries that will sprout out of the new technology and science will, without a doubt, be small and medium enterprises.

Part of the contract with universities must be that they stop knocking entrepreneurial skills. There are still too many purists in universities who worry about the size of

their office, or sharing an office, or having an office at all, or the pile of their carpet rather than considering what they might do in connection with industry. There is more encouragement of that, but there is much more that we can do. Universities are still, to a large extent, steeped in the past.

California has shown the way forward because big science there means taking big risks, and many people do not succeed. The culture there is to pick yourself up, dust yourself down, and start all over again. People become serial entrepreneurs, whereas in this country if one does not succeed the first time one is labelled a failure. A cultural change is necessary. A recent poll in the USA showed that 70 per cent. of 16 to 18-year-olds want to be entrepreneurs. That shows that they recognise exciting developments.

My local university encourages me because it offered Trevor Bayliss, the inventor of the clockwork radio, an honorary degree at the same time as it offered one to Chris Evans, the man who founded Merlin Venture. The inventor of a clockwork radio that helps the third world and Chris Evans, the biggest entrepreneur that Britain has ever produced, are being recognised by universities. Our universities must now produce their own stars.

I look forward to a visit next week with other members of the Select Committee on Science and Technology to the Massachusetts institute of technology in Boston. It has developed and educated hundreds of young people who have set up companies, mainly in Massachusetts, which are valued at about £142 billion. Graduate schools there teach young people entrepreneurial skills and science. If they can do it, we can do it. I could give examples from Stanford and from other places.

Mr. Lansley: Is the hon. Gentleman aware that the Cambridge network is looking towards a school of entrepreneurship as one initiative to help to foster in our region the kind of activity that he mentions?

Dr. Gibson: I recently visited Cambridge research park and was encouraged by its excellence. It emanated from six people meeting in the late 1960s in a pub and deciding to go for it. That is the sort of entrepreneurial spirit which we are encouraging and need to encourage more.

There will be massive changes in technology in Britain. Robotics will test the millions of potential drug compounds that are produced each year and will replace the boring manual procedures that people have to go through now. There will be new drugs and mass communication procedures, and we shall solve environmental problems. By doing that, we shall improve the quality of life for our people.

We are all aware of the demand for better health care and safer foods, and many SMEs will be in those areas. There is a huge job to do to convince the public that they will be comfortable with some of those technologies. They should be viewed not as a threat, but as a boon to people. I know that the Minister for Science, Energy and Industry appreciates that the public understanding of science requires consensus politics and public discussion. It would be intolerable if our new companies faced public resistance and decided to move to other countries. We must not let that happen.

I should like to comment on a recent consultation document entitled, "Innovating for the Future: Investing in Research and Development". It shows how the Department of Trade and Industry is working on the co-ordination of business angel networks and on the possible introduction of special services for SMEs. It addresses the important problem of managerial expertise in SMEs and reveals that further consultation is to begin on management recruitment in centres for high-tech SMEs using favourable equity arrangements. I welcome that debate.

The document concludes that our overall rate of spend on business enterprise research and development has declined relative to that of our major competitors. It states that the United Kingdom tends to lag behind its principal industrial competitors in exploiting technology. The Select Committee on Science and Technology is examining that project and will take evidence on it in the United States next week.

In their mini-Budget, the Government took steps to encourage long-term development, and investment will follow that. They plan to fashion innovation and to include that in the general round of business activity. We should welcome that.

With an increase in science and engineering graduates, which I believe will follow the increase in students entering colleges and universities, we will have a whole cadre of researchers moving from academia into industry and having entrepreneurial skills. I welcome what is happening in Cambridge, but that should happen in every college and university. We should really encourage that.

It is clear that the Government are being proactive and are determined to change things in this sector. With confidence growing, small businesses will continue to flourish, and enterprise will become the predominant word in our language.

12.24 pm

Mr. Philip Hammond (Runnymede and Weybridge): Any discussion on the Government's policies on small business must analyse the gap between rhetoric and reality. As in the sectors of health care, education and the environment, in opposition the Labour party said on small business what it thought the people wanted to hear. Time and again, we hear from the Government the language of support for small business, but that language is betrayed by the Government's actions. That is partly because they are instinctively hostile to part of the ethos that underlies small business and partly because they fail to understand the problems of small businesses.

Small businesses have faced a series of blows, which reveals Labour's true colours. I want to go through a few deliberate decisions and moves that the Government have taken, where they cannot claim inadvertence or misfortune. The National Minimum Wage Bill, of which the President of the Board of Trade was apparently so proud when she spoke to us yesterday, was introduced without any exemption for small business. I understand what the Minister has told us in terms of her reluctance to allow special treatment for small businesses per se, but, in the Committee that considered the Bill, she also resisted any suggestion that directors might be excluded from its scope.

Directors cannot be regarded, by any stretch of the imagination, as a group that might be exploited by its company. The Minister would not countenance any possibility of excluding spouses or close family relatives, so small business directors are required to remunerate

[Mr. Philip Hammond]

themselves, their wives and close family members at a Government-specified rate, with all the tax consequences that that brings.

As the hon. Member for Weston-super-Mare (Mr. Cotter), who speaks for the Liberal Democrats, rightly pointed out, business rates are one of the main concerns raised by small businesses time and again in surveys. Before the last election, the Conservative Government put forward proposals that would have removed the smallest businesses from the impact of business rates, greatly advantaging the smallest 25 per cent. of businesses. From what we understand of Labour's plans for the business rate, we expect local authorities to have discretion to increase business rates in certain areas. We expect that some small business will be put at the mercy of councils with a known track record of hostility to enterprise.

The social chapter and the working time directive impose a disproportionate burden on small businesses. The parental leave directive is one of the first measures to be implemented since the United Kingdom signed up to the social chapter. It is not an enormous burden for a company that employs 100 or 500 people to be required to give unpaid leave to someone for six months, but that is a huge burden for a business that employs five or six people. Indeed, in many cases, that burden could make such a business go under.

We have also had the Government's pay-off to the trade unions for their perhaps not unwavering support in the run-up to the general election and, to some extent, since then. The requirement that union recognition should be imposed on businesses that employ more than 20 people again places a disproportionate burden on businesses that operate at the lower end of the size scale.

Those are deliberate Government policy actions. It is bare-faced cheek for the Government to continue to proclaim their support for small business, while loading on, week after week and month after month, more measures that impose those additional burdens. The common theme running through the measures is the Government's failure to address the problem of disproportionality. Measures that sound perfectly reasonable and acceptable when applied to large enterprises have a serious and disproportionately negative effect on the smallest enterprises.

The single positive proposal to support small business trailed by the Government—on late payment of debt—is something of a damp squib. The proposal will have very few practical advantages for small businesses because of the reality of the environment in which they operate.

In many ways, the unintentional damage done by the Government is far more important than the damage that they intentionally do to small business. Whereas the damage that they have caused intentionally is bad enough, the collateral damage that they have inflicted is frightening. The Government have struck small business serious blows by failing to hit their own inflation target 12 months out of 13, by six interest rate rises since 1 May 1997 and by the consequent overvaluation of sterling.

Recently, with the pound sliding down a bit, there was some little measure of respite for business. Many small businesses, including some in my constituency, that were literally teetering on the brink breathed a huge sigh of relief after that development. Now, however, because of the Government's economic mismanagement and incompetence, interest rates are again rising, and the pound is again soaring in the expectation of further rate rises. I tell the Minister that rising rates and the threat of the pound breaking through the DM3 barrier for the second time will be the straw that breaks the camel's back for many small manufacturing businesses, which thought that they had finally turned the corner.

The Government's fudge on the convergence criteria for the single European currency has ensured that a soft currency will be established, that the pound will continue to be a relatively strong currency against those of our European neighbours and that small British business will continue to face currency problems even after implementation of the euro.

Small business is not only about profits, interest rates and inflation rates—although all those factors are important. Small business people, entrepreneurs, are sensitive also to the climate in which they operate—to the way in which society and the Government view and value them. The resurgence of small business in the 1980s was not only about material improvements in conditions but about a change in how society treated small businesses. One might say that, in the 1980s, there was spiritual encouragement of small business. Small business people felt that they were valued, that wealth creation was once again an acceptable and valuable activity and that profit was not a dirty word.

In the run-up to the general election, the Labour party made all the right noises. I have to grant the Minister for Small Firms, Trade and Industry that she did all the right things. She went to Norwich, and she said all the right things. People felt comfortable with Labour, and their anxieties were assuaged by the Minister's gentle tones. However, the Labour party's body language—its signals—betrays its remaining deep-seated hostility to profit, success and wealth generation.

The signals from the Government are important, and the Budget has proved to be an important turning point. Before the Minister tries to intervene, I should say—as I have said in the Standing Committee considering the Finance Bill—that the reduction in the small companies corporation tax rate was very welcome. However, the reduction merely implemented a pledge made by the previous Government to reduce the small companies rate to 20 per cent. I am glad that the Government have seen fit to implement the pledge.

The Budget's changes in capital gains tax revealed to anyone who had not hitherto realised it that there remains in the Labour party a deep-rooted hostility to modest wealth creation by ordinary people. The capital gains tax changes and abolition of retirement relief have been a bitter blow to many of those who have worked all their lives to build up a small business, in the expectation of selling it to fund their retirement. The Budget's changes have sent a negative signal, too, to young people who were perhaps considering devoting their career to building a small business over a period of 20, 30 or 40 years.

The Labour Budget has introduced two measures on capital gains tax. First, it has removed indexation. The Chancellor said in his Budget speech that there was no longer any need for indexation. The history of Labour Governments in power and their record in controlling inflation, together with the present Government's patent

inability in their first 14 months in power to stick to their own targets on inflation, will not give much comfort to anyone who has now been told that, in future, he or she will pay capital gains tax on the purely inflationary element of any gain on the sale of their business.

Secondly, the Finance Bill has abolished retirement relief—probably the single greatest betrayal of small business that the Government have so far perpetrated. It is all the more deceitful because an early reading of the Chancellor's Budget speech would not betray the full extent of the burden that will be imposed on small businesses. Indeed, it has caused such alarm that a significant number of Labour Members signed an early-day motion urging the Government to reconsider their position on the abolition of retirement relief.

Just in case any hon. Members are not fully aware of what has happened, let me explain. Under the old system that currently prevails, anyone selling a small business in order to retire who makes a capital gain of less than £250,000 would pay no tax at all. Anyone making a gain of between £250,000 and £1 million would pay tax on half that gain. Tax would be paid only on the real post-inflation gain that had been generated in the equity in their business over the time that that person had run it.

Under Labour's new system, the lowest rate of tax that will be payable on the gain on the disposal of a business will be 10 per cent. After 10 years, that will be the lowest possible rate. It will be payable on the entire gain and, if that is not bad enough, it will also be payable on the inflationary element of the gain. Let me explain. If a person bought a business today for £250,000, worked hard at it for 20 years but failed miserably to grow it so that in 20 years' time it had the same value in real terms, if inflation continued at its current rate of 4.2 per cent. over that 20 years, that person would sell the business for about £500,000 in nominal terms in 20 years' time. He would be deemed to have made a capital gain of £250,000 and required to pay £25,000 in tax. It is a disgrace.

By contrast, anyone who sells a business and makes a gain of more than £500,000 will be better off under the changes introduced in the Finance Bill. How does that square with the rhetoric that we heard from the then Opposition before the general election?

It gets worse. The bigger the gain and the more millions that one makes, the greater advantage one gains from the changes introduced by the Government. The capital gains tax change does nothing for small business and everything for people making large-scale gains of millions of pounds. It does nothing for ordinary people who may make a gain of £100,000 or £200,000.

Dr. Ladyman: If an employee, out of money that he saves, buys shares in a business and those shares accrue in value, when he sells them—perhaps to pay for his retirement—he is expected to pay capital gains tax. Why should it be different for the owner of a business, who is simply investing in his own business rather than somebody else's?

Mr. Hammond: I shall return to that point in a moment.

The scenario that I have outlined will take effect after 10 years. In the interim period, the position is even worse, because the Government, while phasing out retirement relief over five years, have decided to phase in over 10 years the taper relief that replaces it. Entrepreneurs who are now in their late 50s or early 60s who are expecting to retire in the next four years are seriously disadvantaged. Some face an unexpected tax bill of not just 10 per cent. but 37.5 per cent. In the real world, there are some very distressed small business people whose retirement plans have been disrupted and who are faced with having to continue to work for another four or five years after their planned retirement date to get through the transitional period.

The hon. Member for South Thanet (Dr. Ladyman) asked why small business people should not be asked to pay tax on the gains that they make when they sell their business. There are two reasons. First, imposing a tax that did not exist before—a tax on success and successful wealth creation—is a strange way to encourage small business, which the Minister tells us that she wants to do. Secondly, for many small business people, their business is their pension fund. People who are in employment regularly put money aside into a pension fund, with generous tax benefits—tax relief on their contributions and a tax-free lump sum when they reach retirement age. Many people who run a small business find that cash flow does not permit them to take money out of their business and invest it on the stock market through a pension fund. They plough their profits back into their business and rely on the capital, the equity and the growth in their business to provide a lump sum that will fund their pension when they retire. That is why the Government's proposals are inequitable.

Several hon. Members *rose—*

Mr. Hammond: I am giving way to the hon. Member for South Thanet.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. It is helpful if the hon. Gentleman indicates that he is giving way and does not just sit down.

Mr. Hammond: I apologise.

Dr. Ladyman: I am sorry about the confusion. The hon. Gentleman is making a powerful case, but does he understand that someone who does not take money out of his business each year but leaves it in is also avoiding paying income tax on that money? The hon. Gentleman is arguing that people who own their own business should be exempt not only from capital gains tax but from income tax throughout their working life.

Mr. Hammond: Unfortunately, the hon. Gentleman does not have a good grasp of our taxation system. If the business in question is a company, corporation tax is paid on the profits. If the business is a sole tradership or a partnership, income tax is paid on the profits. Whether the money is taken out or reinvested in the business, income tax or corporation tax has already been paid on it.

I am coming to a close. I apologise for having inadvertently misled you just now, Mr. Deputy Speaker. The changes to capital gains tax are significant. They have made the small business community wake up to what is happening. After 14 months of flannel, they can see at last the Government's underlying agenda, which is hostile to wealth creation and to wealth creators. I give the Government credit for having got the rhetoric right before

[Mr. Hammond]

the general election. I accept that they struck a chord with many small businesses throughout the country. However, 14 months, two Budgets, one social chapter and several Bills later—not to mention six interest rate rises—small business is waking up to what is happening. The reality has overtaken the rhetoric and small businesses throughout Britain are beginning to see that the leopard has not changed its spots.

12.43 pm

Mr. Gareth Thomas (Clwyd, West): Like the hon. Member for Macclesfield (Mr. Winterton), I had assumed that we would speak to the more interestingly titled motion, "Enterprising the UK—The Small Business Agenda". Perhaps it matters not, because any discussion of small and medium-sized enterprises inextricably involves discussion of the benefits of promoting the enterprise culture throughout the United Kingdom. That will be the main burden of my short address.

I welcome the debate and the fact that the Government, unlike their predecessors, believe that we can have an enterprising society and a fair society. The two are not mutually exclusive. I commend to the House a speech made recently by my right hon. Friend the Prime Minister in which, it is quoted in the *Observer*, he said:

"Enterprise culture should not be confined to city whizz kids. It should be open to everyone to take a risk on a good business idea".

That is surely what the Government are about, mindful of the fact that the small business sector is so important not only to job creation but to wealth creation. It is absolutely essential that policy fosters that. In my area, Wales, there has been considerable interest in how we increase the business birth rate, because it is acknowledged that, in Wales and other peripheral areas of the United Kingdom, far and away the most people are employed in small businesses.

The agenda for small business is an important part of the Government's programme to tackle social exclusion and harness the creativity and self-confidence of ordinary people. I should like to make a series of comments on two specific subjects. First, I shall comment on the role of regional policy in improving the economic prospects not only of areas such as those that I represent in north Wales, but of the small business sector. Secondly, I shall comment on community enterprise—an exciting idea whose time has surely come.

Small business needs a stable macro-economic context within which to work. It needs price stability, low inflation and the sort of fiscal prudence to which, I am pleased to say, the Government are committed. It also needs—here, I agree with some elements of Opposition Members' speeches—to be assured of a correct balance between rewards and benefits in order to promote self-employment. There is also common ground across the Floor of the House about the fact that small business needs a reasonably flexible labour market. It needs to be assured that it will not be burdened unduly with the rather unfortunately named social costs.

The Welsh Affairs Committee, of which I am a member, recently visited Catalonia to investigate the issue of small businesses, where the sector is strong. Youth unemployment is extremely high in Catalonia, and many entrepreneurs put that down to an inflexible labour market and inordinate labour costs. The right balance must be struck between fairness and enterprise, and I firmly believe that the Government have got it right.

I should like to make three specific points to my hon. Friend the Minister about the macro-economic picture as it affects my constituency and Wales. As my hon. Friend the Member for Ochil (Mr. O'Neill), the Chairman of the Trade and Industry Committee, said, the strong pound is definitely having a very bad effect on manufacturing industry. That is particularly pertinent in Wales since, as a reflection of the success of the Welsh Development Agency, there has been considerable foreign inward investment into parts of south-east and north-east Wales. Manufacturing industry is stronger in Wales; it employs significantly more people proportionately than in other areas of the UK. I ask the Government to take on board the effect of the strong pound.

There is clearly a debate—and the decision will be finely balanced—on whether the Government will enter the single currency. Speaking as someone who represents a peripheral area of the UK—this would apply to other areas such as Scotland, where the economy is vulnerable and prone to fluctuations in interest rates and other economic indices—the sort of stability that a single currency would provide is in our interests, and particularly in the interests of small-scale entrepreneurs. I take the view that it will be necessary to enter the currency in the long term.

I want to make one further point about Europe and the rate of small business start-ups in the poorer areas of the United Kingdom. The Minister knows that I am referring in particular to west Wales and the valleys, because I raised the matter with her during an Adjournment debate earlier this week. Gross domestic product in west Wales and the valleys is extremely low, and falls well beneath the 75 per cent. threshold that qualifies an area for objective 1 status. If those areas receive funding from Europe as a result of regional funding reform, the money should be put into encouraging small business start-ups. I agree with much of what was said by my hon. Friend the Member for Norwich, North (Dr. Gibson). It is implicit in the idea of increasing business birth rates that there will be a high death rate, too. We need to engender an entrepreneurial culture across society that is not confined to the captains of industry who were an obsession of our predecessors.

Let me turn to regional economic policy. Much can be achieved through dynamic action at local level, and there is much to be said for local variation. I am conscious that I am speaking to a Minister at the Department of Trade and Industry, which, I am afraid, is perceived to be overcentralised. May I respectfully ask the Minister to take that on board? Can she give an assurance that when the National Assembly for Wales, the Scottish Parliament and the regional development agencies in England, are established, the DTI's policy will be to encourage variation and local focus on locally attuned policies?

Regional aid via discretionary grants is important. However, a recent survey from Cardiff university—I pay tribute to Professor Kevin Morgan and to Brian Morgan, whose work is at the forefront of thinking on this aspect of policy—found that regional aid is less important than having regional policies in place to encourage a stock of innovative firms; foster a skilled, versatile work force; bring about a robust networking capacity; and encourage collaboration. Small firms can learn from each other,

and should be encouraged to collaborate to improve economic performance in terms of supply networks, and to learn how best to achieve good results.

The National Assembly for Wales will be a great achievement of the Government, and it is widely welcomed. The Federation of Small Businesses has welcomed it. The RDAs for England are also to be welcomed, but I suspect that they will have to be democratised in the long term. Our experience of the Welsh Development Agency is that because it was not fully open and accountable, and was not under the control of directly elected representatives, it pursued its own agenda, and tended towards glamorous inward investment projects. There has been success in that area, but it has been at the expense of indigenous business. Not enough resources or attention have been given to small businesses.

I firmly believe that an enhanced WDA under democratic control would result in the sort of policies that we need to remove the economic imbalance between east Wales and west Wales. Prosperity has not percolated into western areas of Wales, or the valleys. Incidentally, the hon. Member for Buckingham (Mr. Bercow), who is to respond to the debate on behalf of the Opposition, is a member of the Welsh Affairs Select Committee—although we do not see much of him these days. I am making a point about democracy, and democracy can bring about better decision making.

The Department of Trade and Industry should be mindful of the importance of the economic agenda in the momentum toward devolution. One of the main reasons why the Welsh assembly has been created is to improve our economic performance. Different arguments were used in Scotland. In Wales, we focused on the benefits that devolution would bring.

I make an important request of the Government. The House will, of course, retain primary legislative powers when the Welsh assembly is set up. Will the Government please take on board the fact that it would be desirable, when passing primary legislation, to give the Welsh assembly as much latitude as possible to pass secondary legislation, to allow it to carve out its own agenda within the overall framework of macro-economic policy?

I shall bring my remarks to a close, as I know that many hon. Members want to speak in the limited time that remains. We need an economic strategy that focuses on the need to foster small businesses. My remarks are not confined to Wales, but are equally applicable to other parts of the United Kingdom, especially outside the so-called overheated areas of the south-east.

We need to improve vocational skills, and we should be moving in the direction of fusing the vocational and academic routes in post-16 education. There is much unnecessary competition between schools and colleges. An important college in my constituency, Llandrillo college, does very important work in that regard. It would improve the labour market if we had a more rational system.

We need to make creative use of graduate skills. We need to improve information and communication technology. We need to improve the birth rate of new firms. We need better co-ordination of support services. In Wales, the equivalent of business link is an organisation called business connect, which many people describe as a virtual organisation because it does not really exist. Rightly, it has been severely criticised for being unco-ordinated, under-resourced, and unfocused in its approach to business support, which is so important. We need to encourage small firms to export and to look outwards, and we need to ensure that there is a better spatial spread of foreign direct investment—in Wales, it should move into the poorer areas.

Improving infrastructure and making use of our cultural, artistic and environmental strengths in Wales would greatly help to improve economic prosperity. That is a comment of general application.

There needs to be a partnership approach between business and Government.

Finally, many hon. Members may be aware of the concept of community enterprise. It is about using business methods to achieve community needs—such as in a credit union, a nursery or an environmental project. Such projects are extremely useful in those very deprived areas—I am talking mainly, in the Welsh context, of those isolated industrial valleys of Wales to which wealth has not percolated. We must improve people's self-confidence, widen their horizons and encourage them to work together to produce community enterprise, which will generate jobs and generate a new breed of entrepreneur, which may be very different from the classical idea of an entrepreneur. In my view, the vision, not only for Wales but for other, poorer, areas of the United Kingdom, must be to spread the idea of entrepreneurship and the enterprise culture throughout society.

I pay tribute to Community Enterprise (Wales), which has done much good work. It would welcome greater Government encouragement and support of community enterprise, and would like the Government to extend charitable status to community economic enterprise. It would like local authorities to be encouraged to put in place community development strategies with social audit techniques. It would also like the Government to fund additional research into community enterprise, and perhaps put more money into the small grants scheme.

Tribute has been paid to the Prince's Youth Business Trust, which held a reception in the House last Tuesday. It is an excellent model, and 40,000 young people have started businesses—modest micro-businesses in the main. We saw two of the trust's representatives in the House. Many of the young people involved are from ethnic minorities, young offenders, people with a criminal record and people with disabilities, but the trust is not confined to those categories.

The trust would like to see an "income bridge"—as it is described—between unemployment and self-employment. Now that the enterprise allowance scheme has gone, there is a difficulty in getting people off the dole and into self-employment. We must make that easier, and I ask the Government to take that on board. Consistent training in the basic skills of setting up and running a business is also needed. I am talking about micro-businesses here; not SMEs, but a much smaller scale of business. Self-employment as a job in its own right should be encouraged also by careers services at school.

In Wales, enterprise has been identified with the ironmasters and coal magnates who played such an influential part in establishing our economy—particularly in the industrial areas of Wales—and who in turn have been identified with exploitation of the sort that the

[Mr. Gareth Thomas]

Labour party has always wanted to combat. Our vision of the future must be different, however: we must not regard enterprise and profit as dirty words, but must extend the benefits of the enterprising society—the fair society—to all sections of society.

1.1 pm

Mr. David Prior (North Norfolk): I start by declaring an interest, in that I have a number of interests in small companies. That may bring some benefit to the debate.

Since I was 14, I have been interested in small business. At that time, I got a job fattening pigs during a summer holiday which ended in a rather sticky mess—I got dysentery. Ever since then, I have had a keen interest in small business, and my experience is very much practical rather than theoretical.

I see that the hon. Member for Norwich, North (Dr. Gibson) is in the Chamber. I agree with much of what he said about the importance of academia and universities working closely with business. In America—in areas such as Minnesota, Massachusetts and California—we see the fantastic benefits of working together, as we do in Cambridge in this country.

We must not lose sight of the fact that massive changes were achieved during the 1980s and 1990s, as compared with the 1960s and 1970s. I ran a small engineering company in the west midlands at the end of the 1980s, which made steel pressings and zinc die castings. We were transformed when we won a contract from Honda, which took us around its plants and component suppliers in Japan. When we realised what could be achieved—and how good the competition was—we were able to improve our own business and become competitive.

The attraction of inward investment from overseas is vital, and companies came to this country in the 1980s largely because they regarded the UK as different from much of the rest of Europe. One of my worries is that much of what the Government are doing—well-intentioned though it may be—may cause problems.

Individual Bills may not mean much in themselves, but the aggregation of the social chapter, the minimum wage, the working time directive, greater trade union recognition and the like is sending a signal to global companies—who are totally footloose in the international capital market and the global economy—that Britain is turning towards the more corporatist, dirigiste European model and away from the more free enterprise, entrepreneurial structure that is to be seen in the United States. I shall not spend time today attacking individual bits of legislation, but the Minister must be aware that the climate is changing and that, if we are not careful, the international business community will see that the United Kingdom does not have the most successful economy in the world and that it is looking more towards Europe than towards America, which is a great shame.

I shall now deal with a few micro-issues. Last year, I conducted a survey of some 50 small firms in north Norfolk and found that the uniform business rate was the single most important worry to small businesses, because it is a fixed cost. The rate for the businesses surveyed was 26 per cent. of average profit, and the charge applies whether or not the business makes a profit. That is especially hard for businesses in the high street and for small businesses competing with those who operate from home and therefore pay no business rates.

During the Government's consultation on local authorities, will the Minister battle for small businesses and look at the way in which transitional relief is applied? A constituent of mine, Mrs. Stephanie Harrison, runs a small business in Holt. She receives no transitional relief and competes with shops that do, and she pays more than twice as much as those businesses in business rates.

Mrs. Lait: During that survey, did any of the small businesses mention the challenge of charity shops, which pay no rates and employ only voluntary workers? I should be grateful if my hon. Friend would ask the Minister to deal with that.

Mr. Prior: My hon. Friend makes a good point, which I am sure the Minister will answer. Many high streets, particularly in small market towns, are dominated by charity shops, which compete with private businesses that sell the same products. That causes real hardship to many private businesses.

The Minister should not get too enthusiastic about giving local authorities more power to raise business rates. During the early 1980s, when the current Secretary of State for Education and Employment was in charge of Sheffield council, I worked in the steel business in Sheffield. The high business rate charged at that time was partly responsible for ruining many businesses in Sheffield.

May I enter one caveat? The relief available to village shops in rural areas has been a great success and has resulted in many staying open which would otherwise have had to close.

My second point concerns regulation. The Government have set up a better regulation task force, led by Chris Haskins, to improve the quality, and to question the quantity, of state regulation. We all accept that there is a growing demand for regulation, stimulated by litigation, the single market, and consumer health and protection requirements. However, will the Minister consider using the sunset clause so that regulation is automatically reviewed or dropped after a time? That might be of some help.

The Late Payment of Commercial Debts (Interest) Bill, although well intentioned, may prove to be counter-productive because small businesses are the worst payers. They simply do not have the money, particularly if they are expanding and financing new working capital. Will the Minister ensure that any new regulations are phased in over a long period and applied in a common-sense and sympathetic manner? Will she also minimise paperwork? For many small businesses, VAT, PAYE and national insurance returns are a great burden, and the last straw will be a new census form from Government Departments. Will the Minister stand up to the blandishments of any big businesses that have a vested interest in regulation as a barrier to entry?

My third point concerns an aspect of the "Fairness at Work" White Paper: the proposals to reduce from two years to one the qualifying period for unfair dismissal, and to abolish the maximum limit on awards for unfair dismissal. The threat of going to a tribunal for unfair dismissal is a major concern for small businesses and a

major disincentive to taking on new people. The removal of the cap will make it that much more difficult to settle such cases out of court, and that will have an injurious effect on the employment of new people by small businesses.

My fourth point relates to supermarkets. In my constituency and in many rural areas, a new supermarket could have a devastating effect not only on small businesses in the high street but on a range of local food producers—from farm shops to farmers who produce their own meat and sausages. I hope that the Minister will do whatever she can to ensure that the planning requirements on new supermarket developments will take into account the impact that such developments would have on local high streets and on local business. I make a particular plea, because there is a supermarket proposal for Sheringham, a town in my constituency. There is no doubt that a supermarket would have massive deleterious impact on local business.

The Government have inherited an economy in which enterprise and small business are flourishing. They have the opportunity to build on that, and I hope that they will take it rather than turning the clock back towards the 1960s and 1970s and a more dirigiste and corporate state.

1.11 pm

Dr. Stephen Ladyman (South Thanet): The Opposition's attack on Government policy on small businesses has three pillars, the first of which is the strange notion that their 18 years in government—when inflation went backwards and forwards between 4 and 14 per cent., interest rates bounced between 6 and 17 per cent., we went through three recessions, and unemployment stayed below 4 million only because they fiddled the figures 40 times to ensure that it did—were not a difficult time for small businesses, but a golden period of stability and opportunity. I can say to Conservative Members only that that was not the way the public saw it when they voted last May—and I cannot believe that Conservative Members believe it themselves.

The second pillar is that all of Europe is bad for small business. Surely Conservative Members cannot believe that either. The single market has produced great opportunities for small businesses and what protection they have had from anti-competitive activities by large and dominant predatory companies in their market has come through articles 85 and 86 of the treaty of Rome. The idea that small businesses have gained nothing from Europe is nonsense.

The third pillar is that because small businesses do not have the financial reserves of larger companies, they should be protected from legislation and regulation from the Government and from Europe: freed from the minimum wage so they can pay people whatever they like and freed from fairness at work legislation so they can treat people in any way they like.

Conservative Members also say that small businesses should not have to worry about proper dismissal rights, as larger companies have to; that they should be freed from the Health and Safety at Work, etc. Act 1974 because it is okay for people working at a small company to have accidents; and that they should be freed from planning constraints—small businesses can do what they like so long as larger ones do not. All of that is nonsense. I cannot believe that Conservative Members are seriously offering as a policy the argument that people should be able to run small businesses as sweat shops, do what they like and get away with whatever they like.

The hon. Member for Runnymede and Weybridge (Mr. Hammond) said to me earlier that small business men should be free from capital gains tax when they sell their businesses and that investing in their own businesses offers them no advantages because of the income tax laws. I can tell him that by leaving the money in their own businesses they are building value in them. They must pay corporation tax—but at 20 per cent., which is the low rate introduced by the Labour Government. They will gain substantial income tax advantages in doing that.

The Treasury is right to try to close the loophole that allows businesses to exploit the tax system. I hope that the Treasury finds a way of ensuring that small business men can profit properly from their business when they retire, but the regime should not be unfair and enable people who own their own businesses to avoid taxation on a large scale.

However, I have sympathy with some of the comments that have been made by Conservative Members. The pound and interest rates are too high. I doubt whether many hon. Members, including the Chancellor, would argue otherwise. The pound is too high because interest rates are too high. It is a pity that the Conservatives did not tackle the problem of growing inflation in the economy before they left office by increasing interest rates when they should have. If they had, we might not have had to put them up as high as they are now.

The hon. Member for Beckenham (Mrs. Lait) said that the problem of smuggling was hurting many small businesses in the alcohol and tobacco sector. I have great sympathy with that view. It is hurting many small businesses in my constituency, particularly specialist tobacconists. Specialist tobacconists in east Kent are struggling to compete against people who are smuggling tobacco. It is a pity that the Conservative Government signed up to the treaties that have inflicted on us the problem with which we are now having to deal.

Conservative Members are right: the uniform business rate is causing great problems for small businesses. It is a pity the Conservative Government inflicted that on small businesses as well. We shall have to deal with that issue in the fulness of time.

When working for my previous employer, I was taught that, when offering criticism, particularly of honoured colleagues, it is important to start with some compliments, then sneak the criticism in the middle and finish with more compliments. I shall be critical of some of the measures the Government have taken: mildly critical—if the Whips are listening. One of the Minister's characteristics is that she is prepared to accept constructive criticism and to listen and react to the views of small business. She has never been unwelcoming of any suggestion that I have made to improve the lot of small businesses.

A small business community in my constituency is having problems. Manufacturers of amusement machines are important to my area. It is a seaside constituency and possibly for historical reasons it has several such businesses—and why should I not advertise them? There are three large manufacturers of amusement machines: John Icke Automatics, Cromptons Leisure Machines and Harry Levy Amusement Contractor. Two of those companies export 60 per cent. of the machines they make.

[Dr. Stephen Ladyman]

The original title of the debate included the word innovation. Hon. Members may not immediately associate amusement machines with innovation, but it is as vital in that industry as in any other. The first multi-player amusement machine was invented in my constituency. Those companies are the leading suppliers of amusement-with-prize and push-type machines. Hon. Members have probably seen push machines in arcades around the country: people put in coins, which push out some of the coins in the machine. Kids love them.

One of the problems that we have experienced is the Treasury's decision that amusement-with-prize machines are the goose that lays the golden eggs and that it can increase duty on them by a considerable amount. It is probably right in the case of the machines that can be found in pubs and drinking clubs—they are probably very profitable—but the mix of machines in a seaside arcade is such that most make no money at all. They are there only for the atmosphere they create. The profit from machines into which people put a 2p piece so that a couple of 2p pieces will fall out as a prize will be nowhere near the level of the duty that will be charged on them.

I have a feeling that, in its anxiety to ensure that the appropriate amount of revenue is coming in, the Treasury has identified an industry that it believes has been undertaxed significantly for a number of years, but has not studied that industry closely enough to understand that not all parts of it are the same. The Treasury needs to redefine and reshape the tax so that it catches those who make a great deal out of their amusement machines and leaves alone those who are making less and cannot afford to pay such high duties.

I was disappointed when, having tabled parliamentary questions asking what would be the effect of the duty on the manufacture and sale of such machines, I received a holding answer. I still have only a holding answer, which tells me that when the Government decided to introduce the tax they did not know what the effect would be on the industry—and they still do not know. One of my messages to my hon. Friend the Minister is that she and her colleagues must start interfering much more in the Treasury. They must ensure that the Treasury really understands the problems of specific business sectors, and the problems of traders in my constituency, when making decisions.

I would be derelict in my duty as Member of Parliament for South Thanet if I did not mention another area in which my constituents are very successful: speciality chemicals and pharmaceuticals. My constituency contains Sericol, which is the world leader in the production of screen printing inks, and Pfizer, which hon. Members on both sides of the House will know as the inventor and seller of Viagra. I would test your patience, Mr. Deputy Speaker, if I spent too much time talking about Pfizer, because a company that is now capitalised at $97 billion can hardly be called a small or medium enterprise. I believe, however, that the lesson that those two companies can teach us are vital for industry. The lesson is that it is possible to get big by investing in innovation and research.

I remember when, not so long ago, Pfizer was considered to be ripe for takeover. The then chairman—a visionary chairman called Ed Pratt—said that Pfizer's family atmosphere was what was making it successful, allowing it to be innovative, to produce new drugs at a rate unequalled by any other company in the world and to grow at a tremendous pace. It was also investing appropriately in its own future. Mergers or takeovers would destroy that. Ed Pratt therefore made certain that the company invested in research way beyond the investment of other companies of a similar size. The rest is history: Viagra, and many other equally exciting drugs, are now falling off the production line.

I remind hon. Members that Viagra was not invented in America; it was invented in Sandwich in the United Kingdom, as were two of the three most popular drugs currently on sale in the world. That is a result of the innovative environment that Pfizer has been able to establish.

Pharmaceuticals, speciality chemicals and industries that emerge from our science and technology base are areas in which this country can beat the world. Attempts have been made in the far east to replicate those companies, but they have failed. We can make our fortune with those industries in future, and we must encourage them. I am desperately keen for the Government's comprehensive spending review to result in further support for science and technology.

A final lesson can be learned from my constituency. In other countries to which I have travelled, companies such as Sericol and Pfizer create very small spin-off companies. Some consist of only one or two people, others are larger. Some of them become successful and grow to be very large. That has not happened in my constituency and it does not seem generally to happen anywhere in the UK. I put that down to a failure, which has been mentioned several times in the House, of venture capital in this country.

It has been suggested that venture capital works better in this country than in Europe, but it still does not work nearly as well as it does in America. When I have talked to venture capitalists there, they have been open with me and said that when they pick the companies they will invest in, they expect two out of three to fail; they know that they can make their return on the one that survives, grows and becomes a big company. In this country, we seem to expect venture capital to back only winners. That is not possible if we are to have start-ups in biotechnology, chemicals and pharmaceuticals, which are vital for the country's prosperity.

Many of the innovations proposed by the Minister and her colleagues are absolutely right. They have been recognised by small and medium enterprises in my constituency as vital to their future. They are confident about the future, but we can take further action and we must ensure that the Treasury, in particular, understands their problems.

1.26 pm

Mr. Nick Gibb (Bognor Regis and Littlehampton): I congratulate the hon. Member for South Thanet (Dr. Ladyman) on his excellent speech. I wish that his understanding of business and enterprise was shared by more of his colleagues.

I congratulate the hon. Gentleman, in particular, on his comments about the increase in gaming duty in the Finance Bill. That increase will mean that in my constituency a number of small businesses, particularly

those that have six-slot push machines—to which the hon. Gentleman referred—will not purchase new machines. An increase in duty of £600 a year on each six-slot machine will mean that they will be unviable for many of the small amusement arcades in seaside towns. That will have an effect on the manufacturers in the hon. Gentleman's constituency.

All hon. Members hope that Wednesday's unemployment figures, which show an increase in the claimant count, are a blip, but the fear is that the Government are squandering their golden economic legacy through a combination of £10 billion of tax rises in last July's Budget, more tax rises in the current Finance Bill and six interest rate rises since May 1997, which are all concurrent with a high level of sterling.

When we unwrap the Government's economic decisions from the hype, presentation and spin, we can see a catalogue of measures that appear almost deliberately damaging to small business. In his March Budget, the Chancellor increased the duty on diesel by 11.7 per cent., the second such increase in only eight months.

Woods Travel in Bognor Regis in my constituency, which spends about £130,000 a year on diesel fuel, will face an increase of £17,000 as a result of measures introduced by the Government. Woods Travel will enter into fixed contracts with people. Holidays are booked months—sometimes years—in advance. The extra £17,000 on diesel fuel may not be recoverable and will directly hit the company's profits.

Ms Lawrence: Does the hon. Gentleman agree that the increase in fuel duty is simply a continuation of the 6 per cent. plus inflation fuel accelerator that was started by the Conservative Government?

Mr. Gibb: The hon. Lady is wrong. The previous Government's accelerator was 5 per cent.—and this Government have introduced three such increases in 14 months. The increase is excessive, and the Red Book shows an enormous income being generated compared with what it would have been under the previous Government.

How does the increase in duty on diesel fuel help small businesses to expand or compete with European companies whose rates of diesel duty are some 70 per cent. lower according to the Freight Transport Association? The abolition of advance corporation tax and the introduction of quarterly corporation tax payments apply to large companies, but only because of a concerted campaign by industry for them not to apply to medium companies. The measure will affect smaller companies. Bringing forward the corporation tax payments of larger companies will yield to the Exchequer £6.8 billion over the life of this Parliament. Companies will have to borrow money that could have been invested or could have been used to purchase goods and services from the small business sector.

To those burdens can be added the £4 billion to £5 billion a year tax hit on pension funds resulting from the abolition of the repayment of dividend tax credits. That means that £20 billion is being expropriated from the corporate sector over the remainder of this Parliament. Those measures hit the corporate sector and will damage the business sector as a whole.

I shall give another example—one could almost pick them at random. The decision in December to end the cash basis of accounting led to legislation, such was the outcry when the Inland Revenue published a press release in December. That legislation imposes on all businesses—not just on the professions—the requirement to prepare their accounts for tax purposes on a true and fair basis. Large companies have always done that and it will not pose a problem for them, but it will place a huge extra administrative burden on small businesses.

The phrase "true and fair" is technical and it carries the requirement to adopt a plethora of statements of standard accounting procedures, in particular SSAP9. That requires the valuation of stock and work in progress to incorporate an element of overhead costs. That is an unnecessary and burdensome requirement which has been imposed by the Government on small businesses.

How does it help the construction industry by making it even more difficult for subcontractors to obtain a 714 certificate? My hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond) spoke about that. Without such a certificate, a contractor must deduct PAYE from payments made to a subcontractor. Under the Government's new proposals, a subcontractor must have a minimum turnover to qualify, thus forcing many small subcontractors out of business. They will be forced to seek employment—if they can find an employer who is willing to risk taking people on.

How does it help small business to abolish the foreign earnings deduction relief that enabled businesses to send abroad for periods of 12 months that do not coincide with the full tax year employees who do not qualify as non-residents? Many construction businesses that are competing on small margins for overseas contracts will suffer as a result of that measure. How does it help small businesses to have stamp duty on the purchase of commercial property costing £250,000 doubled from 1 to 2 per cent? The rate on purchases of commercial property costing £500,000 has been tripled from 1 to 3 per cent. Stamp duty on the sale of a business has also been tripled from 1 to 3 per cent. How do those measures in the Government's two Finance Bills help small businesses?

Then we come to the real blow to small business. The entrepreneur who has built an enterprise, risked everything and put all his spare cash into building it now finds that, within a year of a Labour Government being returned, retirement relief is abolished. The phasing out of capital gains tax relief for entrepreneurs over 50 who sell their business is the biggest single body-blow that the Government have inflicted on the small business sector.

That relief meant that a business yielding a capital gain of £250,000 could be sold on retirement with no capital gains tax charge. That sum would have provided the pension for that small business man or woman—not a huge pension, but a £250,000 lump sum could provide a pension of about £12,000 a year.

As a direct result of the abolition of that relief, an entrepreneur disposing of his business on retirement in 2003-04—when the relief is fully phased out, but the full 10-year taper has not been brought in—with a £250,000 gain will pay £52,280 more in tax than he would have paid before. That will knock £2,500 a year off that person's £12,000 a year pension.

[Mr. Gibb]

That does not help small business; it hurts it. It is a vindictive measure. Indeed, the concern of Conservative Members is shared by at least eight Labour Members, who have signed the early-day motion tabled on 18 June, which says that they are

"concerned that the phasing out of existing relief from capital gains tax could have a detrimental effect on small business owners"

and asks the Chancellor of the Exchequer to consider what would happen to those people

"faced with a financial loss on retirement."

Those hon. Members are absolutely right. The reforms to capital gains tax, introducing a 10-year taper down to 10 per cent., will help the individual making huge gains—the Gavyn Davieses of this world—who will yield large gains in 10 years' time, but penalise small entrepreneurs who have relied on retirement relief and planned their finances accordingly.

It is incredible that the Government should have chosen to debate their record on small business. In 14 months, they have introduced a catalogue of tax reforms that appear almost designed to hurt small business. On top of that, we have the minimum wage, the burdens of the social chapter, a manufacturing sector that is being driven into recession, a £20 billion corporate tax hit on the business sector and the nation's pensions funds being devalued by a £5 billion a year tax. If that were not enough, the pension of the small business man is to be significantly devalued by the abolition of retirement relief. That is an appalling record of which this Government should be ashamed.

1.37 pm

Mr. Tony McNulty (Harrow, East): It is sad that the best the Conservatives could do was to get out a veritable Dad's army of Euro-sceptics to contribute to a debate on small businesses, with perhaps the hon. Member for Christchurch (Mr. Chope) as Captain Mainwaring, the hon. Member for Buckingham (Mr. Bercow) as his sidekick Private Pike, and the hon. Member for Weston-super-Mare (Mr. Cotter) as Private Godfrey.

I want to go back to the speech of the hon. Member for Christchurch—it seems so long ago now. He was right on one thing and completely wrong on another. He was right to say that, up to about 10 or 15 years ago, Labour was completely anti-business. It went wildly ant-business for a few years in the early 1980s. We should be proud and brave enough to say that. I agree with him about that. If he wants a mea culpa from me as a humble Back Bencher, he is welcome to it. We now recognise that there is a considerable role for business, not least small business.

The hon. Member for Christchurch was completely wrong—given my limited time, I will not go into this—on American autos. He was wrong to begin with. The constituent is not in Hornsey and Wood Green; he is in mine. The place of work happens to be in Hornsey and Wood Green. I could quote at length from my file on the case, but I simply give one quote on behalf of American car importers:

"I thank you very much for your past support, which has proved extremely effective. Despite having obviated many of the issues, some remain a potential threat".

Therefore, to say that we achieved nothing and do not take up the voice of small business is not true.

What about Conservative Members' initiatives on small business since they have been in opposition? I could be unkind by saying that one of the most bewildering examples of such an initiative was "Saturn's Children", the book by the hon. Member for Rutland and Melton (Mr. Duncan)—who, if he had his way, as he states clearly in his book, would have self-employed drug pushers selling hard drugs on every street corner.

Mr. Deputy Speaker: Order. The hon. Gentleman would do well to temper his language.

Mr. McNulty: Thank you, Mr. Deputy Speaker. I shall do so, now that I have finished with the part of my speech dealing with the hon. Member for Rutland and Melton.

Small business will be heartened by the speech of the hon. Member for Weston-super-Mare (Mr. Cotter)—heartened that the Liberal Democrats are nowhere near being in government.

I should like to make several points, especially about my own constituency—where small businesses are doing very well, both because of direct financial and partnership support from central Government, and because of the wonder, last May, of a Labour council being elected for the first time, which in its manifesto pledged explicitly to work with small business.

As other hon. Members have said in this debate, business links are working, and working well. They are certainly working well in Harrow, East. I am pleased to report that more than 40 businesses have signed up to a long-term relationship agreement with North West London Business Links, giving them access to professional advice and services, and helping them to realise fully their growth potential.

In the 1997-98 business year, 88 businesses in north-west London were provided with subsidised business audits, which consist of an assessment of their current status and an action plan for the future. Moreover, 79 other businesses were provided with specific consultancy support.

There are many small business success stories in my constituency, and I should like to cite one. Martin Gold, from Stanmore, owns a hairdressing salon. With the help of business links, he has significantly increased his annual turnover, so that he now employs 34 people and enjoys an annual turnover of almost £1 million. Mr. Gold, when asked, said:

"I have no hesitation in recommending Business Links and Investors in People. They have been brilliant."

We have been establishing in Harrow—in keeping with colleagues from across the country—a business forum, which will create a platform for regular contact between business and Government, and which includes the local chamber of commerce, local council, the North-West London training and enterprise council, regional representatives of the Confederation of British Industry and, of course, my hon. Friend the Member for Harrow, West (Mr. Thomas).

As the hon. Member for Weston-super-Mare suggested—although he did not support the windfall tax—the new deal offers further proof of the success of the partnership approach. Skill shortages—which were not mentioned by the array of Conservative accountants, lawyers and other personal advisers who have spoken in this debate—are as acute in suburban London as

elsewhere. The new deal is a way of tackling the problem, as demonstrated by the representatives of more than 100 local companies who came to a business breakfast—which was organised with considerable help from our chamber of commerce—to discover much more about the new deal.

Harrow has been, and is increasingly, home to a large Asian population. Historically, many Asian businesses in my borough and in surrounding boroughs have had great difficulty in accessing mainstream business support. Two initiatives to deal with the problem are worthy of mention: the Changing Futures project and the Breakout project.

In its first year of operation, 359 companies participated in Changing Futures, which succeeded Breakout, enabling 239 businesses to attend seminars and providing 24 consultancy projects for businesses in Harrow and Brent. The projects are funded by the Government, and are successfully ensuring that ethnic communities continue to make a valuable contribution to the United Kingdom's economy.

One of the Government's significant national initiatives—which was snorted at and pooh-poohed by the hon. Member for North Norfolk (Mr. Prior)—was on late payment of commercial debts. The Government's action will make a significant difference to small business. I grew up in a family in which everyone worked in small business—except for me, the black sheep, who ended up in this place—as did many of my friends. Opposition Members' pooh-poohing of late payment of commercial debt, as if it does not matter or may even backfire, clearly shows that they do not understand a jot the depth of the recession into which they plunged the small business sector, or the significant personal tragedies that that recession caused. Many small businesses in north-west London went bust, although they were owed thousands of pounds, not just by other small businesses but by public sector companies and local authorities. The Late Payment of Commercial Debts (Interest) Bill will be a great boon to small businesses.

The right hon. Member for Henley (Mr. Heseltine) said quite proudly that he never paid any debts until the red letter came, and tried to get away with paying at the last possible moment. In the past, Lord Thorneycroft happily said that he never paid a penny in tax for something as huge as Vesteys. The Opposition made a virtue of avoiding tax and making payments as late as possible. The Late Payment of Commercial Debts (Interest) Bill is long overdue.

The Conservatives simply do not understand the personal tragedies they wrought during the recessions. I was going to call someone else Willy Loman, but I did not have sufficient time. I shall quote from Arthur Miller now, however, as he makes an important point about the personal dimension that Opposition Members failed to mention. The speech is towards the end of the play and is as follows:

> "Willy Loman never made a lot of money. His name was never in the paper. He's not the finest character that ever lived. But he's a human being, and a terrible thing is happening to him. So attention must be paid. He's not to be allowed to fall into his grave like an old dog. Attention, attention must be finally paid to such a person."

That attention was missing during the three recessions that the Conservatives inflicted on us, especially in the small business sector. In the building sector in north-west London, many Irish families went to the wall and were devastated beyond repair. So it will not do for accountants and others to tell us this or that percentage. We know that the world is not rosy for small business—nor was it so before May 1997—but the Government are doing all they can to improve things. Given the personal tragedies wrought by the previous Government, we will take no lessons from the Conservatives, who, to their shame, have never apologised. For the sake of the small business sector, I hope that they remain in opposition for ever and a day.

1.46 pm

Mr. Andrew Lansley (South Cambridgeshire): As the back marker among Opposition Back Benchers, it is sometimes difficult to keep pace with those marching ahead, but on this occasion I have no difficulty in that respect. Quite contrary to the suggestion by the hon. Member for Harrow, East (Mr. McNulty), many of my hon. Friends have run businesses, and the debate benefited tremendously from that fact. My hon. Friends the Members for North Norfolk (Mr. Prior) and for Runnymede and Weybridge (Mr. Hammond) were able to bring to the debate personal knowledge of the impact on those businesses of regulation, the strong pound and so on.

Although I have never run a business, I was deputy director-general of the British Chambers of Commerce, and spoke for small businesses. I was never more aware of that than when I went with the then vice-chairman of the British Chambers of Commerce to see officials at the Department of Trade and Industry. We spent a happy couple of hours with officials, who told us what the chambers of commerce and the small business community should do to help themselves.

The then vice-chairman came away from the meeting and said to me, "At the end of the day, if they don't get their jobs right and something goes wrong, they get moved sideways. Half the time, they get promoted. If something goes wrong in my business, not only do I lose my business, but I lose my house and the future for my family and my children." That is the difference. Entrepreneurship is about risk taking, and the risks that are taken by those who run small businesses should never be underestimated.

That is why, particularly in speeches from Labour Members, we have missed the big picture. To change the quotation from Viscount Falkland, the big picture is that, when it is not necessary to interfere, it is necessary not to interfere. We have heard nothing about that from the Minister or from Labour Members. We have heard about interference of so many varieties—reviews, quangos, structures and so on—but we have not heard about enterprise and how the Government, by means of their wider range of policies, can get out of the way of business and allow enterprise to flourish.

More particularly, we have not heard what action the Government intend to take to help small businesses, which are disproportionately affected by tax changes and tax complexity, by regulations and how they have to be administered in a business, and by the impact of inflation, higher interest rates, a strong pound and business rates. The Government must take equivalent, disproportionate action to remove those burdens from small businesses.

One of the main reasons for this debate was to respond to the report of the Trade and Industry Committee. The Minister and other Labour Members have not told us

[Mr. Andrew Lansley]

about the principles by which the Government propose to relate to small businesses—what objectives they will set and what targets are to be met. I do not mean targets for the date of publication of a White Paper or the number of committees to be set up, but targets for the reduction in burdens on business. We want targets for the reduction in the overall burden of taxation and for the number of businesses that will be started. I anticipate that the Government's record will not compare favourably with the Conservative record of 1 million small business being created during the 18 years up to 1997.

I understand from my involvement in small business matters that there are principles. We need to remedy market failure in information technology transfer and in helping those who do not know about exporting to get into the market for the first time. The Minister talked about some of those issues, and some of the measures initiated under the Conservatives are being continued in the action update.

I do not want the Government to get stuck into initiativitis in a micro sense. The Government keep trying to invent new ways in which small businesses must disport themselves to suit the political objectives of Ministers. In local business structures we have had local employer networks, enterprise agencies, the training and enterprise councils and now business links. All have had merit, but they should be brought together into business-led organisations—not Government-led or bureaucrat-led—that will have the freedom to work on a business agenda for their area.

I mention training and enterprise councils advisedly. The hon. Member for Harrow, East admonished the Conservatives for not talking about training. References to training and skills in the action update, and from the Minister today, were unbalanced. I agree with the hon. Gentleman that, at this point of the economic cycle, it is critical to increase skills in small businesses. That is not happening sufficiently.

One reason is that training and enterprise councils are being increasingly sidelined by the Government, who are removing their money. Instead of supporting the enterprise component of TECs' activity, the Government are supporting the new deal, which subsidises those on the unemployment register into work. That will create a revolving door of people going in and out of subsidised employment. If the Government concentrated instead on giving the business community the opportunity to improve the skills of those who are in work, businesses would prosper, creating an opportunity for them to create further jobs, taking up those without skills on the unemployment register.

We have heard a lot of relevant specifics and some of the micro-measures that can be taken, but only from the Conservatives have we heard compelling arguments about the big picture that is affecting small businesses—a picture of increasing taxes, a Budget that had no substantial benefits for small businesses and imposed substantial costs, and regulation that is increasing without any prospect of sunset clauses or a compliance budget that would show businesses that the Government were setting a limit on the costs that they impose on businesses.

There is no strategy for small businesses—no objectives, no targets and no timetable. The Government should apologise for 14 wasted months rather than celebrating 14 months of achievement. When the hard landing occurs for small businesses, particularly those in the service sector, which are benefiting from increased demand generated by the economy left to Labour last year, the Government will be seen to have wasted time in which small businesses could have been helped to prosper.

1.54 pm

Mr. Ross Cranston (Dudley, North): Debates about small business are often bedevilled by rhetoric. I hope to avoid that in my few remarks.

The small business sector is very varied, as was noted in a recent report by the Organisation for Economic Co-operation and Development. The report said that, if we are concerned with entrepreneurship, we ought to be focusing on small businesses that will grow, and grow quickly. I shall say a few words about the Government's structural changes which will assist such entrepreneurship.

Earlier this year, the Department of Trade and Industry published the paper "Modern Company Law". There has not been a review of company law for 40 years. It is far too complex, many provisions are obsolete, and, as the paper pointed out, many provisions are not appropriate for small businesses. There is much discussion about whether there ought to be a special statute for small businesses. That debate has been opened up by the paper. I congratulate my hon. Friend the Minister on publishing it. One of my colleagues at the London School of Economics, Judith Freedman, has dealt with the matter over many years. She has conducted empirical surveys and written about the subject. Her work will be very important to the debate, as my hon. Friend knows.

We must also consider the co-operative sector. Although it is much more important in other European countries, it is important in this country, too. Legislation on it—the Industrial and Provident Societies Act 1978—is totally out of date. My right hon. and hon. Friends in the Treasury have taken up the matter, and I urge them to address the issue quickly. We must promote that sector.

I turn to some of the environmental aspects of small businesses. Opposition Members have mentioned the Finance Bill. We are seeking to introduce a fairer system of taxation. Unfortunately, the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) did not mention the reduction in corporation tax. At least his hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond) acknowledged that that was a very important benefit for small businesses.

The banks are in the process of changing their financing techniques, which is to be welcomed. Too often in the past, small businesses had to rely on overdraft financing. I was able to meet in Dudley the team that deals with corporate finance for Barclays Bank plc in the black country. Chris Sallnow and his team told me that Barclays is moving more towards equity financing and term lending, which is beneficial and should be encouraged.

One other aspect of the environment in which small businesses operate is regulation. Mention has been made of the better regulation task force. I congratulate the Government on establishing it. It is important that regulation be transparent, proportionate and consistent. Those principles of good regulation are firmly embedded in the Government's approach. Much work must be done,

though, in the coming years. It is also important to take into account how regulation is enforced. The code that has been published in that area will be very beneficial.

I want to make a point about the need for good regulation. Opposition Members seemed to suggest on occasion that it was better to have no regulation.

One of the problems in my constituency is that of phoenix companies. A constituent, Mr. Bernard Hollis, obtained a judgment against a small business for what he said was faulty work. He cannot enforce the judgment, however. Although the business is still there, and the same people are operating it, it has changed its corporate form. The company was wound up, and a new one established. My hon. Friend the Minister for Competition and Consumer Affairs is addressing that issue, and he has established a hotline relating to disqualified directors, but good regulation is important.

I congratulate my hon. Friend the Minister for Small Firms, Trade and Industry. The Government are establishing a fairer society in which entrepreneurship can flourish.

1.59 pm

Mr. John Bercow (Buckingham): Our excellent debate has included powerful speeches from both sides of the Chamber, and I am sure that the Minister will join me in congratulating all those who participated, including no fewer than 13 Back Benchers.

My hon. Friend the Member for Macclesfield (Mr. Winterton), in his brilliant and wide-ranging address, emphasised the importance of resisting the encroachment on our affairs of the European Union. He was right to say that, unless the Government's policy of regular and craven submission to every dictat from Brussels changes in the near future, British small and medium businesses will continue to suffer.

My hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond) made a similarly lucid contribution, offering the House a forensic dissection of the changes in capital gains tax ushered in by the Government. So comprehensive were his remarks that it is difficult to elaborate on what he said. However, up to 2 million sole traders will be damaged by the policy that the Chancellor knowingly introduced on Budget day while seeking to camouflage its effects from the British electorate.

My hon. Friend the Member for North Norfolk (Mr. Prior) drew on a vast well of commercial experience from the past 20 years, and he underlined the importance of the need for a change in the business rate regime.

My hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb) covered a wide span of issues of relevance to small business, and pointed to the damaging effect, which he has observed from constituency experience, of the hike in diesel duty. With the greatest of respect to the hon. Member for Preseli Pembrokeshire (Ms Lawrence), I must tell her that she was mistaken when she attempted to correct him. I offer her one piece of advice: to take on my hon. Friend the Member for Bognor Regis and Littlehampton on matters of taxation policy is singularly unwise.

My hon. Friend the Member for South Cambridgeshire (Mr. Lansley) has an extensive compendium of knowledge of small business from his background of working for a prominent trade association. He emphasised the role of small business people in taking risks, being prepared to have a go and putting their money where their mouths are. They should expect a supportive culture from the Government, not the scorn of Ministers. My hon. Friend also rightly referred to the need to increase skilling.

Despite genuine disagreements between Members, a common theme was the understanding that there has been a substantial expansion of the small business sector. Members recognise the centrality of small and medium enterprises to the future success of our economy. The Minister is responsible for those enterprises and for their increased input to British economic performance. At the risk both of embarrassing her and of damaging her upward rise through the ranks of the Government, let me say that I like and greatly respect her. She is the authentic representative of new Labour 1998. She satisfies the convergence criteria of the Mandelson guide to Front-Bench advancement. There is a great deal to be said for her. The only thing that she appears to lack is the tee-shirt with the Prime Minister's grinning countenance imprinted on it. I understand that such tee-shirts are on sale at Labour party headquarters at a suitably downmarket price; I suggest that, for her career advantage, the purchase of one would be a prudent investment indeed.

The Minister suffers from the difficulty that, although she understands and has a real commitment to small business, she has, in the President of the Board of Trade, a boss who has a great past in front of her and a great future behind her. That is a real problem. She has the added difficulty, which exacerbates the problems that confront her, that the Chancellor of the Exchequer is rampaging throughout the corridors of power, in an ever-increasing bid to stretch his influence.

As the Government are currently taking the Competition Bill through Committee, I hope that my hon. Friends would agree that there is a serious case for referring the Chancellor of the Exchequer to the new Competition Commission for an abuse of dominant position in the ministerial marketplace, because he is engaged in a process of ministerial empire building which appears to be a driving passion. He is a powerful and competent Minister, and it makes it exceptionally difficult for the Minister for Small Firms, Trade and Industry in seeking, as she does with passion and commitment, to represent the interests of small business when he is not on her side.

The Chairman of the Select Committee on Trade and Industry, the hon. Member for Ochil (Mr. O'Neill), in an early and measured contribution to our debate, wondered aloud whether the Select Committee report had been a little harsh on the Government. The hon. Gentleman has had to leave for a constituency engagement in Scotland, but I hasten to assure him that he certainly was not too harsh.

I remind the House of the content of the report—specifically, of the Committee's observation

"that the Government has yet to state clearly what its policy objectives are with regard to"

small and medium enterprises

"policy; how the achievement of those objectives can be assessed; or how existing policy measures fit within a broader context."

To date, we have heard little response to that constructive criticism; I hope that, when the Minister replies to the debate, we shall hear more. However, the House

[Mr. John Bercow]

should demand a thorough and comprehensive report, which demonstrates out that the Government have learnt some of the lessons and have detailed and worthwhile prescriptions for the interests of small businesses.

As the Select Committee report said:

"Now is the time for the Government's rhetoric with regard to"

small and medium enterprises

"policy to be matched with action."

It is necessary to show not just that the Minister has listened, but that she has heard and that she and her right hon. and hon. Friends propose to act.

There is grave concern that action taken by the Government on a broad range of policy has been detrimental to the cause of small business. That is true in relation to taxation and monetary policy. Let us remind ourselves of Labour's words before the general election. The Labour manifesto said:

"New Labour will establish a new trust on tax with the British people."

Well, it can be said that it has done so. That new trust is one that is forged before the election and broken afterwards. That is the reality of what has transpired, with a £25 billion tax hike on British industry and individuals during this Parliament.

The first Budget increased tax by £10.1 billion over what we proposed; the second increased the figure to £12.5 billion. I mentioned what my hon. Friend the Member for Runnymede and Weybridge said about capital gains tax. What do small business people, retiring after a lifetime of commitment, infer from the measures that the Chancellor has taken? They deduce that they are not valued, that they are not thought to be helpful and that they are not regarded as important—that they are simply a convenient source of revenue for a Chancellor who wants to fritter it away on other purposes.

We need to know what the Minister's position was in this matter. Before the Budget, did she make representations to the Chancellor of the Exchequer, opposing a retrograde change in capital taxation, or did she simply offer supine acquiesence in the game plan of the Chancellor? We have not heard. I think we should be told. I look forward to hearing her response.

The Forum of Private Business has said that we need a Budget compliance cost assessment. I wish that we had had it before now. If there had been such before the July Budget of 1997, or before the March Budget this year, I say without reservation that no amount of spinning or doctoring could have hidden from public view the dramatically damaging impact on the small business sector of the tax measures introduced by the Chancellor.

I said that monetary policy had been unhelpfully pursued as well, with the arrogation of power to the Bank of England to determine those matters. Now, interest rates are set not by people whom we do elect and can remove, but by people whom we do not elect and cannot remove. A 1 per cent. increase in interest rates adds £200 million to small business costs. The latest increase, therefore, means that there has been an interest rate hit on small business of £300 million since the Labour party came to office. That is a dismal record of which the Minister should be ashamed. Whether she is, we know not. It appeared from her opening speech that she was rather inordinately proud of the Government's poor record.

The second concern of the Opposition is about regulation. The Government's better regulation task force has, so far, been a gigantic flop. Labour Members have sought to misrepresent the record. Let it be clear what the record is. Under the previous Conservative Government, 37 deregulation orders were passed in the House. How does that relate to the record of the Labour party since May last year?

I am a charitable fellow, as all in the House can confirm. It is true that, since July last year—when the Government established the better regulation task force—they have introduced one deregulation order. However, even that—related to licensing arrangements—began its passage under the Conservative Government. It was inspired and conceived by Conservative Ministers.

The Economic Secretary to the Treasury, in a written answer on 2 June, confirmed that

"no specific regulations have been removed or amended"—[*Official Report*, 2 June 1998; Vol. 313, c. 195.]

by her Department. That is a lamentable record for which we hope there will today be a fulsome apology.

It is worse than that. Not only have the Government not deregulated, there is—as the British Chambers of Commerce correctly pointed out—a raft of new burdens. What concerns the British Chambers of Commerce—of which my hon. Friend the Member for South Cambridgeshire was once a distinguished servant—is that the requirements to maintain detailed records of compliance with the working time directive and the minimum wage may prove as burdensome for small and medium enterprises as the measures themselves. On top of that, there are 13 new quangos from the Government.

To all that, what is the Minister's response? It is to tell the House—without even a hint of self-mockery—on 7 November last year, in a debate on small firms and innovation:

"We are moving purposefully and very speedily to bring about simpler government and cut red tape, which is a real barrier to growth for small businesses."—[*Official Report*, 7 November 1997; Vol. 300, c. 483.]

If that is the Government moving "purposefully and very speedily" to minimise regulation, I hate to think what it would be like if the Government were moving without purpose and very slowly.

On regulation, the record is bad enough. Rates, too, are an equally legitimate concern. Despite the trumpeted intention of the Government to reform business rates for the better, there is no sign of that so far.

A real anxiety arises from the Government's consultation paper, which refers to the possibility of a supplementary local rate. It is that new Labour is not so radically different from old in one important respect: it believes that local authorities could legitimately have the power to jack up local rates to the detriment of local business, to finance its own profligate expenditure plans on its favoured interest groups—no doubt in the run-up to local council elections. That would be a shameful betrayal of small business, and I beseech the Minister, if she wishes to retain her new Labour credentials and to maximise the prospect of further advancement in the ranks of the Government, to resist any entreaties from the President of the Board of Trade to move in that direction.

We referred earlier to Europe, a subject on which my hon. Friend the Member for Macclesfield eloquently focused. The Government have done nothing to allay the

widespread and consistent concern about the impact of the social chapter and the extension of qualified majority voting to which they have signed up. The parental leave directive threatens to cost British business up to £200 million a year. Most recently, in addition to the European works council directive, we have the threat of a national works council directive, which could apply to companies with as few as 50 employees.

When the point was raised at Trade and Industry questions yesterday, the Minister made a forlorn, but brave, attempt to dismiss its significance. As she knows, on 5 November last year the European Commission confirmed its intention to proceed with the second stage of consultation in the process of seeking to agree a directive that would cover that subject.

On 9 November, the President of the Board of Trade was interviewed by John Humphrys on BBC's "On the Record" and was pressed on that point. She said that the Government opposed the application of such a directive to very small companies, and she continued to emphasise that opposition. John Humphrys simply said words to this effect: "Yes, yes. We understand that, President. But if the Commission is insistent, and if it is subject to qualified majority voting, what recourse in the final analysis do you have?" The right hon. Lady responded—I quote her with no hint of personal abuse, but simply on the basis of a faithful recollection of the verbatim transcript, of which I have a copy:

"Well—er—we shall see how things go."

Thus a senior member of the Government was all but admitting, but did not have the courage directly to do so, that she would be powerless.

That need not have happened. It is an act of almost criminal folly for the Government to have given up the veto and signed the social chapter, pretending at the time that there would be no damaging consequences for British business. They now seek to evade responsibility for the disaster which they are about to visit upon us by supine agreement to everything that comes from Brussels, Strasbourg or the European Court of Justice in Luxembourg.

Several of my hon. Friends drew attention to a further concern that we have about the content of the White Paper "Fairness at Work". Ministers are wont to emphasise their respect for, and the extent to which they pay attention to, the views of small business organisations. The Minister knows that the Federation of Small Businesses, which we both agree is a thoroughly respectable and responsible body, said that it has been very concerned—justifiably concerned—about the content of the Government's proposals. It is worried that the involvement of union representatives in grievance procedures will prolong and exacerbate those grievances. It says that there should be internal procedures to resolve such conflicts, and it is worried that the Government will put back the clock and damage industrial relations.

Several of my hon. Friends also referred to the threat of the minimum wage. My hon. Friend the Member for Ashford (Mr. Green) pointed out the dangers. Strictly speaking, the President of the Board of Trade contradicted herself during her appearance before the House at 3.30 pm yesterday. She began by saying that there would be no impact on jobs. Subsequently, she talked about the importance of minimising that impact. Which is it—no impact, some impact, a big impact or a small impact? Will the Government say? Is it a case of cannot say or will not say? I hope that the Minister will enlighten us—she said that the minimum wage would aid competitiveness.

The truth so far is that the Government have been bad for small business, bad for investment, bad for competitiveness, bad for exports and bad for jobs. We want small business to be stronger, not weaker; more competitive, not less; and better equipped to face the challenges of the 21st century, not worse. I hope that the Government will deliver. To date, they have not. I deplore that inadequate record, and look to the Minister to apologise for it and set out the way in which, through a comprehensive and credible strategy, the Government will do better in the future than they have done in the immediate past.

2.20 pm

Mrs. Roche: With the leave of the House, Mr. Deputy Speaker.

I congratulate the hon. Member for Buckingham (Mr. Bercow) on his first appearance at the Dispatch Box. I had the great privilege of speaking at the Dispatch Box before I got on to the Front Bench, and it was a good and useful experience. I congratulate him on the confident way in which he marshalled his arguments.

I agree with the hon. Member that this has been an excellent debate. It has also been a powerful debate, and I congratulate hon. Members who have taken part, but I have to say that, when I listened to the hon. Gentleman, I heard the glimmers of why the Conservative party lost the previous general election. Conservative Members live in a fantasy world where, apparently, all was right in the world until 1 May 1997: businesses were not failing or going to the wall, and the small business community was not deserting them in droves. The people who should be apologising to the House are Conservative Members, and it would be good to hear them do so.

I was greatly looking forward to the speech of the hon. Member for Christchurch (Mr. Chope), because I thought that, at last, we might hear the Opposition's policies. The hon. Member for Chesham and Amersham (Mrs. Gillan), his predecessor, was honest, because she said, "You won't be hearing any policies from us." I was waiting for the hon. Gentleman to say something, but we heard absolutely nothing about late payment, business rates or business support—nothing at all. He complained about the action update, however. It was placed in the Vote Office and the Library at 2.30 pm on Wednesday. Clearly he needs more reading time, and I shall ensure that we give him the maximum amount.

I agree with the hon. Member for Buckingham that my hon. Friend the Member for Ochil (Mr. O'Neill), the Chairman of the Trade and Industry Select Committee, made a good speech highlighting the need for professional standards for the personal business advisers in the business links, and the importance of the centres of expertise. I understand his remarks about the need for smaller businesses to be in overseas export markets. We take that on board, and I thank my hon. Friend for his contribution.

I also agree with the hon. Member for Buckingham that the hon. Member for Macclesfield (Mr. Winterton) made a wonderful speech, although it will not surprise him that I did not agree with all of it, especially his remarks about

[Mrs. Roche]

Europe. He was absolutely right, however, about training, skills training, professional standards for business advice, and, most important, family-owned businesses. There is a great deal more work that we can do, and we should consider that important sector in its entirety. I am grateful to him for making those remarks.

My hon. Friend the Member for Preseli Pembrokeshire (Ms Lawrence) spoke about the great importance of small and medium enterprises for economic regeneration. She also referred to the Design Council, which does a very good job. She was probably the only hon. Member to mention design; it should be discussed more often because it is not a luxury or an add-on, but vital to the success of all businesses. I congratulate her on making that point.

I thank the hon. Member for Weston-super-Mare (Mr. Cotter) for his kind remarks about late payment and for his support for that measure. I agree with him about the great achievements of the Prince's Youth Business Trust, particularly on mentoring. I share his view about the importance of mutual guarantee schemes, which we are working on with the banks.

I also agree with what the hon. Gentleman said about the importance of electronic commerce. That is why we have made certain moves, and have established the enterprise zone on the worldwide web. I am sure that he would agree that the Government have made tremendous strides in tackling the problem of the millennium bug to make up for the lamentable record of the Conservative party.

My hon. Friend the Member for Norwich, North (Dr. Gibson) has had a great academic career. He spoke of the importance of the scientific and academic base, and I agree with him. He was kind enough to tell me that he had an engagement, and gave me notice of his absence in his usual courteous way.

I listened to the hon. Member for Runnymede and Weybridge (Mr. Hammond) with some interest, because we have had some exchanges in the past and I was looking forward to a constructive dialogue. His approach was totally negative. He knocked the late payment legislation. That just shows how out of touch the Conservative party is with small business. The Midland bank survey showed that 79 per cent. of the small businesses surveyed supported the legislation and 77 per cent. said that they would use it.

My hon. Friend the Member for Clwyd, West (Mr. Thomas) spoke about the importance of the spirit of enterprise and of local community enterprise. He also praised the Prince's Youth Business Trust and the new deal. I agree with the important points that he made.

The hon. Member for North Norfolk (Mr. Prior) also referred to the importance of the academic base. He said that America was the great enterprise country. Yes, it is. I remind Conservatives Members that America has had a minimum wage for a number of years—and look at its record on enterprise and innovation.

My hon. Friend the Member for South Thanet (Dr. Ladyman) made important points about the relationship between small and larger companies. He referred to inward investment, to the supply chain and to spin-offs. The Government and the business sector are actively examining corporate venturing.

I have been struggling to find something positive to say about the contribution of the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb), but I have not been able to do so. It is only 2.28 pm, so I shall keep trying.

My hon. Friend the Member for Harrow, East (Mr. McNulty) rightly raised the issue of the skills shortage, which was not mentioned by Conservative Members. I have gone up and down the country, both in opposition and in government, speaking to small businesses, and they have told me time and again that they have a problem getting skilled people. That is why small and large businesses welcome the new deal, and I thank them for their contribution. They know that it is about social justice and economic efficiency and about ensuring that we close the skills gap.

My hon. Friend also mentioned the single vehicle approval scheme, as did the hon. Member for Christchurch. They will both be delighted to know that the scheme is being reviewed. It is soon to go to public consultation, which did not happen under the last Government. That is another illustration of the fact that the present Government listen to small business.

The hon. Member for South Cambridgeshire (Mr. Lansley) spoke of the importance of risk taking. I entirely agree with him: that is the enterprise culture that we wish to foster. I thought, however, that he was a little unkind to DTI officials, given that he was one himself. He forgot to mention that. Some of my best friends are DTI officials, and I will not have them knocked, especially given the hon. Gentleman's record.

My hon. Friend the Member for Dudley, North (Mr. Cranston) rightly referred to company law, and mentioned Judith Freedman—

It being half-past Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Deregulation Committee

Ordered,

That Mr. Stephen Hesford be discharged from the Deregulation Committee and Dr. Doug Naysmith be added to the Committee.—*[Janet Anderson.]*

Private Hire Vehicles (London) Bill

Ordered,

That, during the proceedings on the Private Hire Vehicles (London) Bill, the Standing Committee on the Bill shall have leave to sit twice on the first day on which it shall meet.—*[Janet Anderson.]*

London Lighthouse

Motion made, and Question proposed, That this House do now adjourn.—*[Janet Anderson.]*

2.30 pm

Ms Karen Buck (Regent's Park and Kensington, North): I am grateful for the opportunity to raise an issue that is of grave concern to a good many people with HIV and AIDS, and to my community in north Kensington: the future of the London Lighthouse. I am grateful to my hon. Friend the Minister for the personal help that she has given to the London Lighthouse, and to me, during a month in which we have negotiated over its future. That warm help was gratefully received. I hope that, in her reply, my hon. Friend will continue to express strong support for the Lighthouse's work, and for our attempts to secure a changed future for it.

As my hon. Friend knows, the London Lighthouse was founded in 1986 as a user-led service to meet the needs of people with HIV and AIDS, at a time when we were struggling—indeed, Governments were struggling—to come to terms with a pandemic that was affecting a new group of people, mostly young, who were looking for a way to live and to die with dignity.

The London Lighthouse offered from the start, and has continued to develop over the past decade, an holistic and user-centred model of services to meet the demands of a new service user group. It has clearly been dedicated to the support of people with HIV and AIDS over the years; moreover, it was independently validated by researchers who drew attention to its distinctive model of care, which combines social and medical, formal and informal, emotional and practical services in a community-based service centre.

The Lighthouse is seen across the country as a centre of excellence and a source of inspiration for others working with HIV and AIDS, but it also has an international reputation. Its staff have travelled across the globe offering training and consultancy services, especially to poorer countries in the developing world which are having to come to terms with the devastating effects of the AIDS pandemic.

As well as providing a service for people with HIV and AIDS, the London Lighthouse is an integral part of my home community of north Kensington. The building has a hugely important function as a community centre. It is used as a base for meetings by a wide range of community groups, including north Kensington pensioners' groups. Literally hundreds of north Kensington people go to the building every week to use its cafe and garden. It is a uniquely beautiful building—an oasis of calm and peace in the middle of the highly stressed inner-city community of Ladbroke Grove.

Yet today, as the Minister is aware, London Lighthouse is facing the greatest challenge in its 12-year history. After two years of reduced national health service funding, in the financial year 1998-99 Lighthouse will lose £1.7 million, or a third of its total budget. Foreseeing those cuts, Lighthouse began restructuring to reduce the management and administrative costs, but, in doing so, it has exhausted its cash reserves. There is no money left in the bank to draw on. Sadly, Lighthouse was not successful in its attempts to obtain transitional funding from the health authorities to help it to survive that crushing blow to its finances in a single financial year.

The Government have now allowed Lighthouse a loan to manage that transitional period over the coming months. I am extremely grateful to the Minister and to Baroness Jay for their very hard work in helping to secure that loan. However, the loan must be repaid at the end of September. Time is very short for Lighthouse if it is to be able to develop its alternative strategy.

Nobody could fail to welcome the new combination drug therapies that have so greatly improved the prognosis for people with HIV and AIDS across the country, and dramatically reduced the demand for residential care services. I am only too aware of the financial pressure that has been placed on health authority budgets to meet the cost of new combination therapies. However, we have several anxieties that set in context the changes that are affecting Lighthouse.

The first concerns a position that I do not think will change. High-cost drug therapies should not be financed at the expense of that sizeable minority of people with HIV and AIDS who are unlikely ever to be able to benefit from them. That is a central point.

A further concern is that combination therapy is still too new, and the research insufficiently conclusive, to justify too early a reclassification of HIV and AIDS as a chronic but manageable condition. I am aware that, only this week, new research has been published in American medical journals such as *Science*, and in *Nature*, that shows that combination therapies are even more successful than we had previously realised, which is marvellous news, which we all welcome. We all know that there has been a history of new drugs, combinations and treatments coming on stream, and it is only after many years that we can be absolutely confident that they have permanently changed health care and treatment.

Over and above those notes of caution about the impact of combination therapies, North Thames public health department, in its HIV and AIDS strategy, has recognised that existing services are not yet meeting the needs of all those who are affected, particularly people in the African communities and, particularly among them, women and children. Those are groups to whom Lighthouse has an excellent record of reaching out. Increasingly, Lighthouse's services have been drawing in members of black and ethnic minority communities, and women and children.

In the light of those factors, I admit that I query the wisdom of dismantling Lighthouse's residential care service while the long-term effects of drug therapies remain uncertain, especially as the unit is purpose-built, and has recently been refurbished. I confess also to being mystified by the fact that the health authority has not, over the past year, demonstrated its belief that Lighthouse is the jewel in the crown of the local health service.

The local health service has not covered itself in glory in its consultation procedures on this issue. It has seemed over the past few months to be in a defensive mode, rather than an open and explanatory mode that welcomes the changed service and seeks a new role for Lighthouse. However, we must be realistic about continuing a service for which there is insufficient health authority funding. Lighthouse has embraced the need for change, and is planning a future without a residential care element.

During this time, Lighthouse has been working on new service models and developing a fundamentally revised package including day care, drop-in services, pastoral

[Ms Karen Buck]

care, support and advice, complementary therapies, home care and support and child care. There is a new perspectives programme of assistance with return to work and study. Help with transport is provided. Lighthouse also offers training and consultancy for other organisations. It provides a base for counselling and welfare services that are offered by other organisations. We want those services to continue and develop in the Lancaster road building.

Local people, backed by many Lighthouse supporters throughout the country, are determined to maintain the building as a community resource for health and social care, and they hope that the Lighthouse will continue to provide services as long as they are needed for people with HIV and AIDS. We require either a cash injection of £2 million or a solution involving other organisations coming in as partners to share the building.

The most likely option, and the one that is being most actively explored, is the sale of part of the building for a compatible use, such as social housing, and the retention of enough space to meet the needs of service users. Lighthouse is putting together a funding package to achieve that in partnership with Notting Hill housing trust, which is a substantial provider of local social housing. I hope that the Minister will do everything within her power to support Lighthouse in its attempt to conclude those negotiations.

I thank the Minister for her help so far. I congratulate the managers of Lighthouse and those in the support campaign and their many friends in the community on their work so far in achieving changes and raising the profile of London Lighthouse. I thank those people in Notting Hill housing trust, in Kensington and Chelsea council and in the health service who have worked constructively for a positive conclusion.

The way forward must be clear by the end of July. There is no time to be lost if that magnificent building is to be saved as a resource for Londoners with HIV and AIDS and for the north Kensington community. It must be saved also for the many people throughout the world to whom Lighthouse is, as the name implies, a beacon of hope.

2.41 pm

The Minister for Public Health (Ms Tessa Jowell): I pay tribute to my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck) for providing leadership in the efforts to find a new future for London Lighthouse. As she has said, for 12 years the Lighthouse has led the way, along with other key organisations, in providing expert and sensitive care and support for people with HIV and AIDS.

In carrying out its work, Lighthouse has been supported by many individuals and organisations, and has received substantial funding from the national health service. Over the past 12 years, 80 per cent. of its income has come from the NHS, and most of that was for residential services. In addition, the Department of Health provided section 64 grants of more than £4 million, which will continue into this financial year.

People are deeply attached to the Lighthouse because of the services that it provides from Lancaster road, and the great symbolic value that it has acquired. Recent developments there have raised important issues not just for the Lighthouse but for the provision of HIV and AIDS services throughout London and more generally. I shall do my best to set out the Government's perspective on those issues and on how they relate to the Lighthouse in particular.

When the Lighthouse was founded, AIDS was an incurable disease. That remains the case, but there has been progress in its treatment. That means that the needs of people with HIV and AIDS have changed significantly since 1986. So far, the development of combination drug therapies has been effective in helping people to maintain their health and to live longer. Last year, there was a 44 per cent. reduction in deaths from AIDS, and a 30 per cent. reduction in AIDS cases.

However, those are not grounds for complacency. It is important, as my hon. Friend has made clear, that we maintain the messages and action on prevention. It is the success of our messages in relation to prevention that has done so much to curb the impact of the pandemic in the United Kingdom. Combination therapies are expensive. That is why I was happy to announce an extra £23 million for treatment and care this year, bringing the total budget to £228 million, a 10 per cent. increase on last year.

Nevertheless, the costs and benefits of combination therapies mean that health authorities have reassessed the most effective way in which to use their resources to meet the needs of people with HIV and AIDS. That allocation of money into new, effective drug treatments is affecting not just the Lighthouse, but other HIV-AIDS organisations that provided care before long-term remission was possible.

Lighthouse has faced other factors. Until two years ago, services for people with HIV and AIDS were commissioned for the whole of London by its local health authority: Kensington, Chelsea and Westminster. Since then, individual London health authorities have taken on responsibility for their populations, and many have responded by arranging services locally, rather than from the Lighthouse.

The needs of people with HIV and AIDS have been changing; many prefer to use more local services or to have support at home. It is right that health authorities should respond to those needs, and should reflect the needs and preferences of their local populations.

Lighthouse has undertaken two major restructuring exercises, resulting in significant redundancy costs—financed, as my hon. Friend has said, from its cash reserves. That left it facing a large deficit in 1998. It made its position known to the Department earlier this year, when it looked as if it might have to close if it could not find some more substantial financial assistance.

I met the Lighthouse on 19 February and again on 4 March to discuss its position, and I asked it and Kensington, Chelsea and Westminster health authority to work together to find a viable future for the Lighthouse. The conclusion was that keeping the Lighthouse's current accommodation in Lancaster road in its present capacity would need financial support that was both substantial and sustained.

In view of all the competing demands on resources, changing service needs and the general need to ensure the best possible value for money from public spending, I could not, with the best will in the world, justify providing the Lighthouse with the very large grant that it

requested from public funds to allow it to carry on as it was. Other services were available, and other HIV and AIDS organisations were also under financial pressure.

The London Lighthouse council of trustees considered its options, and decided to restructure Lighthouse services. That means discontinuing its residential services, disposing of the building on Lancaster road and resiting its other services for people with HIV and AIDS in new premises from September this year.

I was told of that decision when I met the Lighthouse, with Kensington, Chelsea and Westminster health authority officials, on 4 March. I was advised that alternative accommodation for residential care was not expected to pose any difficulties, and I now understand that the health authority has already found good alternative accommodation for the Lighthouse's residential patients after September 1998. I also understand that the health authority is to undertake a public consultation about the future of residential HIV services.

The option chosen by the Lighthouse trustees thus offers the prospect of the Lighthouse being able to continue providing high-quality day care and support services to my hon. Friend's constituency and beyond it. I have approved a continuation for this year of the Lighthouse's grant of £150,000 from the Department's section 64 allocation, so that it can continue to provide those services to people in the community with HIV.

As my hon. Friend said, the restructuring will require transitional funding to make it work. The Government have therefore agreed that Kensington, Chelsea and Westminster health authority can provide that funding, in the form of a loan secured on the sale of the Lancaster road building. The loan has to be subject to the usual audit and financial controls, and a maximum limit of £925,000 has been set. In line with Government accounting requirements, the health authority will be required to charge interest on the loan. I am pleased that the loan agreement has now been agreed by the Lighthouse council of management.

Kensington, Chelsea and Westminster health authority is continuing to work with the Lighthouse through the transitional period, and the Lighthouse building is being actively marketed. I am aware that the Lighthouse is also exploring the alternative arrangements mentioned by my hon. Friend—such as a sale and lease-back arrangement or partial sale of the Lancaster road building—to allow it, as it strongly prefers, continued use of part of the building to provide its services, instead of moving to a new site.

I understand perfectly the Lighthouse's desire to remain in its present building, and I wish it all the very best in its endeavours. However, if the Lighthouse is to achieve its desire to stay on in its present building, it will have to raise sufficient capital to meet its current financial commitments and to secure future viability.

It is generally realised that "no change" is not an option for the Lighthouse. I pay warm tribute to the Lighthouse's staff and trustees, who—with my hon. Friend, in her strong and effective advocacy—have dealt with a difficult period with great courage and evident common sense. They have at all times kept at the front of their minds the best interests of those who use the Lighthouse's services.

In dealing with the process of change, the Lighthouse will have to recognise and evolve with the changing world of HIV and AIDS, and with the changing needs of the communities that are affected by HIV and AIDS. Ultimately, of course, the decision will be for the trustees of London Lighthouse to make. I am aware that they remain committed to securing repayment of the loan which we have agreed can be made to help restructure the Lighthouse's services in line with local needs. I welcome that commitment. I am also pleased that we are able to provide support through a critical transition period.

Both the Department of Health and the national health service have committed significant sums from public money to support the Lighthouse through this period of change, and to ensure that it is effectively provided with support and equipped in its new role of providing a different type of service to people with HIV in the community. Those public funds have to be safeguarded, and certain conditions have to be attached to their use.

Although the Government and the Kensington, Chelsea and Westminster health authority will continue to do what we can to help the Lighthouse in the transition to its new role, we all have to ensure that those public funds are used in line with the agreed terms—that the Lighthouse continues to provide services to meet local needs and gives value for money, and that the loan is repaid within the agreed time scale.

Given the wealth of experience that resides with London Lighthouse, it is important that we safeguard and support its ability to provide national leadership in the development of services for people with AIDS and HIV in future as it has in the past. For that purpose, the Department of Health granted £150,000 in section 64 funding for this financial year.

I began by praising the invaluable work that the Lighthouse has done over the years. That was not an obituary. HIV is not going away, and nor is the need for top-quality care for people affected by it. The challenges facing the Lighthouse now are the same for other providers for people with AIDS and HIV throughout the country.

The Department of Health is seeking to do everything possible to drive that change, and ensure that resources continue to be used most effectively, delivering the highest-quality care to achieve the proper balance between prevention that has led to our success in containing the scale of AIDS and HIV, together with ensuring that all the benefits of ensuring that new drug treatments beyond the triple-combination therapy that has been so successful in recent years can be made available to treat and extend the healthy lives of those who are affected by HIV.

I believe that, by evolving and adapting now, the Lighthouse has the opportunity to secure a stable, long-term and extremely worthwhile future for itself, those it serves now and those it will continue to serve in future. It might not always be easy, or what it would necessarily have chosen given all the right conditions, but I am sure that, in the years to come, many people will continue to find cause to be grateful to the London Lighthouse.

Question put and agreed to.

Adjourned accordingly at three minutes to Three o'clock.

House of Commons

Monday 22 June 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Defence Diversification Agency

1. **Mr. David Hanson** (Delyn): What progress he is making with regard to the establishment of a defence diversification agency. [45218]

The Parliamentary Under-Secretary of State for Defence (Mr. John Spellar): We are now considering the responses to our consultative Green Paper on the establishment of a defence diversification agency. I hope that we shall be able to make an announcement before the summer recess on the way ahead.

Mr. Hanson: Has my hon. Friend seen recent research by the Institute for Public Policy Research, which showed that Britain has failed to capitalise commercially on its scientific success in the past? Does he agree that one of the reasons why we need a defence diversification agency is so that we can use the skills and talents in the defence sector to help boost and promote Britain's commercial success abroad?

Mr. Spellar: My hon. Friend is absolutely right. The pamphlet he mentions rightly draws attention to our failure to disseminate and diversify technical and scientific knowledge. It has been a failing across British industry, particularly in the scientific sector. British industry has suffered as a result and we believe that a defence diversification agency would play a major role in redressing the position.

Procurement

3. **Mr. Syd Rapson** (Portsmouth, North): If he will make a statement on his Department's plans for acquisition reform. [45220]

The Secretary of State for Defence (Mr. George Robertson): As part of the strategic defence review, we have conducted a ruthless examination of our procurement processes in conjunction with industry and independent consultants. Our aim is to ensure faster, cheaper and better delivery of our future requirements.

Mr. Rapson: Does my right hon. Friend agree that there are considerable savings to be made by reforming the way in which the Ministry of Defence procures equipment? Will the issue be at the forefront of thinking when the White Paper is produced, along with the policy on disposal, following the Chancellor's pressure to release land that we do not require in order to gain capital receipts?

Mr. Robertson: My hon. Friend is absolutely right. There must be better ways of procuring equipment than those that have been used in the past. I am not willing to tolerate the accusation that the MOD is a ministry of waste, but, all too often, equipment has been delivered late and has been overpriced and of inadequate quality. That must change and that is why I have made it one of the principle priorities of the strategic defence review to explore ways in which we can reverse that record and get better equipment faster.

On the second part of my hon. Friend's question on the disposal of assets, we are interested in retaining assets only so long as they contribute to the defence effort and the proper and effective discharge of our responsibilities in office. We have no interest in hoarding land, assets or equipment that we do not require if their sale can provide a better defence for the nation.

Land Mines

4. **Mr. Bob Russell** (Colchester): What representations he has received on progress in the destruction of United Kingdom land mine stocks; and if he will make a statement. [45221]

The Secretary of State for Defence (Mr. George Robertson): My Department has received a number of representations about the destruction of UK anti-personnel land mine stocks. We are committed to ratifying the Ottawa convention. In the past year alone, we have destroyed some 450,000 anti-personnel land mines—some 50 per cent. of the total.

Mr. Russell: I certainly welcome the final part of the Secretary of State's answer. However, there is great unhappiness about the fact that Britain has not ratified the treaty, as promised. Britain wishes to have a world role in defence matters. Until we ratify the treaty, many other countries will not do so either. Will the Secretary of State give an assurance that he will bring pressure to bear elsewhere within the Government to get the treaty signed?

Mr. Robertson: I can assure the hon. Gentleman that we desire to ratify the Ottawa treaty as quickly as we can and to make sure that we are among the number of countries required to ratify it before it can come into force. There is a very congested legislative programme because this is the first Session of the new Parliament, but, as and when the time is available, the measure will receive considerable priority.

The fact that we have not yet found the time in our busy schedule to ratify the treaty does not mean that we have not started to fulfil the obligations that we took on when we signed it. To date, we have destroyed almost 50 per cent. of Britain's stocks of anti-personnel land mines. I am way ahead of the target that I set myself for destroying all our stocks by 2000, which would have been

some five to six years ahead of the target that we set in Ottawa. Combined with all the other initiatives in which we are involved, our commitment to the cause of ridding the world of anti-personnel land mines is a record of which I am extremely proud.

Mr. Tam Dalyell (Linlithgow): We hear what the Secretary of State says, but what sort of figure does our country cut in the outside world when we wring our hands and say that we cannot ratify because of a shortage of parliamentary time? How much parliamentary time is needed for what we understand is an agreed measure?

Mr. Robertson: It is certainly an agreed measure in principle, but there are a number of potentially contentious details which may require deliberation. We shall move ahead as quickly as we can. Since October last year, when the treaty was signed in Ottawa, only 19 countries have been able to complete their ratification procedures. Not all of them have moved with the speed and effectiveness that we have shown in meeting the obligations placed on us. My Department has taken significant initiatives on humanitarian de-mining, which have been loudly praised by other countries that are equally involved.

Mr. Gerald Howarth (Aldershot): Given the Government's much-vaunted ethical foreign policy, is the Secretary of State not embarrassed by the fact that the Government have not yet ratified the agreement? Does he expect to be able to ratify it by the first anniversary of the death of the Princess of Wales? If the Government cannot do so, their resolve in such matters will be shown to be not as strong as they pretend.

Mr. Robertson: I do not want to strike an acrimonious note on a subject with which we usually deal cordially and on which there is consensus, but the hon. Gentleman has a brass neck to say that. When the Conservatives were in government last year, they were not in favour of signing the Ottawa treaty or doing away with anti-personnel land mines. At the earliest opportunity, we banned the export, manufacture, import and transfer of anti-personnel land mines; the previous Government would not do that. We have signed the Ottawa treaty; the previous Government refused to do so. In the past year, we have already destroyed almost half the stocks of anti-personnel land mines. We shall ratify the treaty when the time is available, but we have already acted on our obligations, unlike other parties, which did not think that we should ratify.

Mr. Martin Bell (Tatton): Does the Secretary of State agree, in a slightly less partisan manner, that it is necessary to ratify the treaty before the recess, or the anniversary of the death of the princess? What better way is there to honour her memory?

Mr. Robertson: The hon. Gentleman is never partisan in his questions. I appreciate the concern that we should live up to our obligations; we shall. We are in the first Session of a new Parliament. There is considerable congestion in the legislative timetable. We shall ratify the treaty as quickly as possible when there is time. I venture to suggest that the princess, who gave so much attention to the cause of eliminating anti-personnel land mines, would have been more interested in the efforts and energy of the Government to ensure that countries that have not yet signed the treaty do so, and to get rid of the stocks of anti-personnel land mines, which, as I have already announced, we are doing more quickly than any other country.

Territorial Army

5. **Mr. John Bercow** (Buckingham): If he will make a statement on the future role of the Territorial Army. [45223]

The Minister for the Armed Forces (Dr. John Reid): The future role of the Territorial Army is being considered as part of the strategic defence review. No decisions have yet been taken, but I am confident that the review will result in a TA that is more usable and more relevant.

Mr. Bercow: I thank the Minister for that reply, but I must press him further. If the Government decide to close 172 TA centres—more than one third of the total—resulting in a reduction of up to 18,000 in the number of part-time soldiers, how does the Minister intend to preserve the link between civilian life and the armed forces, which many hon. Members on both sides of the House regard as vital?

Dr. Reid: I regard that link as very important as well, and did so when the Conservative party cut the Territorial Army by 30,000—not by the speculated 15,000 which the hon. Gentleman has mentioned. There will be a number of stages to our examination of the TA, one of which will be to agree the principles on which the footprint—the geographical spread of estates and units—is discussed and decided. I am glad to say that those principles have been agreed between the Regular Army and the TA, and there is now the basis for us to examine in some detail in the coming months the questions raised by the hon. Gentleman.

Mr. Jim Murphy (Eastwood): My hon. Friend has answered in part the questions that I was going to ask him, but I should like to press him further on the future of the TA. In the past, it has been necessary, on occasion, to deploy members of the TA as individuals. Will he assure the House that in any future major crisis, members of the TA will be deployed not as individuals but within existing serving units, and will serve in that way?

Dr. Reid: My hon. Friend makes a good point. In the past half century, in spite of the contribution of the TA—for which every hon. Member is eternally grateful—TA members have never yet been called up in a formed unit. One of the ways in which we could place the TA more centrally in our defence thinking, make it more practically useful to our defence effort and increase its importance within our defence configuration is by considering calling up the Territorial Army in formed units in less than a full-scale war. I will give sympathetic consideration to that proposal, as it would make the TA more relevant in the future that it ever has been in the past.

Mr. John Maples (Stratford-on-Avon): Does the Minister agree with the views of the Army's Director of Infantry as set out in his letter to the

Commander-in-Chief, Land Command, published in yesterday's edition of *The Sunday Telegraph*, that cutting the TA to 40,000 would jeopardise recruitment and

"erode the foundations on which the Regular Army is built . . . impair the nation's ability to generate the manning required for unpredictable levels of fighting power, undermining the strategic defence of the country"?

Dr. Reid: I welcome the hon. Gentleman to the Front Bench for his first Question Time there, and his first lesson is never to quote out of context. I have the letter in front of me. Brigadier Monro—I assume that the hon. Gentleman is referring to his letter of 19 February—was asking for such contentions to be discussed openly, and for transparency in debating the issues which he raised. That, among other contributions, was taken seriously. Since then, we have had three debates in the House on those matters and I have answered several hundred letters and questions on them. No single subject has been given more scrutiny—as Brigadier Monro, others and I wanted—in the strategic defence review than the Territorial Army.

Secondly, as a result of those contributions, the figure which we are proposing for the TA—which will be announced in the not-too-distant future—is much greater than was initially proposed to me. Therefore, I agree entirely with the sentiments which have been expressed, which we have taken into account in our considerations.

Mr. Maples: The House will wait with bated breath for the long-overdue review and to see exactly what the Minister meant by that answer. I must add that I quoted accurately from Brigadier Monro's letter.

Is not the Secretary of State's problem that what started as a strategic defence review has become part of the comprehensive spending review? He has been told to find cuts, and the TA seems an easy victim. Is it also true—as we are told—that he rather naively offered £500 million of cuts as a pre-emptive concession? Predictably, the Treasury banked that £500 million and is looking for a little more. That is a rotten negotiating technique, and apparently the country's defences will suffer for it. Has the Director of Infantry not realised some of the consequences of the direction that Government policy is taking? When what is rapidly becoming the Treasury's defence review is published, will not the rest of the country realise those consequences too?

Dr. Reid: It is not the Secretary of State who is the problem, but the shadow Secretary of State—he knows all about Treasury-led defence reviews, as he was a Minister at the Treasury when, in the 10 years up to last year, the defence budget was cut by 30 per cent., the personnel in each of the armed forces was cut by 32 per cent. and the Territorial Army was cut by 30 per cent. None of us needs to take lectures on Treasury-led reviews from him.

Mr. Menzies Campbell (North-East Fife): Is the Minister for the Armed Forces not being rather dismissive about the letter? It was not any old letter, but one from the Director of Infantry to the Commander-in-Chief, Land Command—it was not from someone promoting a private or special interest. Brigadier Monro says that the future of the Territorial Army is

"inextricably linked to the long term health of the Regular Army",

and that

"there is little point in reducing the TA . . . to insignificance, whilst hoping to man an enhanced regular Infantry."

Are those not serious and substantial criticisms of the Government's proposals, which need to be taken more seriously than the Minister has done today?

Dr. Reid: No. I have the letter in front of me; it is dated 19 February, which I think, even using my rude mathematics, was about four months ago. Since then, all the points that the brigadier correctly made have been fully met. He did not want an insignificant TA; I have trebled the figures that were then being considered, as the hon. and learned Gentleman would know if he had watched the documentary on the strategic defence review. He also asked for transparency; the House has had three debates on the Territorial Army. So seriously did I take the suggestions that I not only paid attention to the letter and put right the problems, but discussed the whole issue of the TA with, among other people, the brigadier's father—indeed, I have met all the family.

Abbey Wood, South Gloucestershire

6. **Mr. Steve Webb** (Northavon): What plans he has for employment levels at the Ministry's offices at Abbey Wood in South Gloucestershire. [45226]

The Parliamentary Under-Secretary of State for Defence (Mr. John Spellar): Under plans already announced, it is intended that the transfer of staff from the Ships Support Agency to the Ministry's offices at Abbey Wood be completed by around the end of 2001–02. The impact of the strategic defence review may change the size and numbers of the units occupying the offices, but those offices should remain fully occupied by my Department.

Mr. Webb: Is the Minister aware that more than 2,000 people at Abbey Wood, many of whom are my constituents, have shown their loyalty to the Ministry of Defence by uprooting their homes and families to relocate there? Does he accept that those people deserve to be shown loyalty in return?

Mr. Spellar: Absolutely; I understand that, and we are grateful for the work that those people undertake. They understand that there is evolution and change in the acquisition process. In many cases, that change has been based on suggestions that they have made, which are strongly supported and welcomed by many who work at Abbey Wood. Announcements have been made about a steady reduction of staff over the next four years as part of the drive for increased efficiency. However, we understand the human problems that may arise, especially for those who have relocated; those problems will be sympathetically considered in the broader context of the reorganisation of work at Abbey Wood.

Mr. James Gray (North Wiltshire): The Minister announced last week that he would remove the final 370 jobs from RN Copenacre in my constituency to Abbey Wood by 2001. When will he announce whether the Defence Vetting Agency will be based at RN Copenacre as a replacement and, if the replacement is not to be the DVA, what it will be?

Mr. Spellar: That announcement will be made, with a number of others, after the completion of the strategic defence review. We will consider all the options; as the hon. Gentleman rightly says, there are a number of possibilities, of which he has mentioned only one.

Beef

7. **Mr. Barry Gardiner** (Brent, North): If he will make a statement on his Department's policy in relation to the purchase of British beef. [45227]

The Parliamentary Under-Secretary of State for Defence (Mr. John Spellar): Our food supply contractor is bound to seek the best market price for beef under the terms of its contract and is also required to give full consideration to British products. As I advised the House on 1 June, the European Commission has recently approved a regulation allowing access to intervention stocks of British beef for use by the armed forces at competitive prices. That should allow our contractor to increase substantially the amount of British beef supplied to our forces in the United Kingdom.

Mr. Gardiner: I should be grateful if, subsequent to that answer, my hon. Friend would tell me what percentage of the stocks purchased henceforth by his Department will be of British origin.

Mr. Spellar: We expect that it will be a considerably increased percentage. I am reluctant to go into the final figure, but we are looking at—

Mr. Menzies Campbell (North-East Fife): It will be in the defence review.

Mr. Spellar: Actually, we will not know until we have looked at the contracts, which is probably the better way of doing it, rather than speaking first and reflecting later. In the light of discussions with our contractors, we expect a considerable percentage increase. Also, we have been analysing the acceptability of intervention beef, which has gone down very well in tests—I have tried it myself.

Mrs. Margaret Ewing (Moray): Although I appreciate that the Minister is perhaps unwilling to talk about future percentages, can he clarify the exact percentages at this stage? Does he envisage a doubling or a trebling?

Mr. Spellar: It would probably be a little difficult to have a trebling, as that might take us over 100 per cent.; at the moment, it is something over 30 per cent. for beef, because of a number of measures which we have taken. We are at 100 per cent. for pork. We do not do well in the percentage for lamb—we have been in discussions with farmers to increase that percentage, possibly on the basis of long-term contracts.

We are engaging in discussions with the farmers, and we realise that it is an important issue for them, but we are extremely pleased that colleagues at the Ministry of Agriculture, Fisheries and Food have been able to negotiate with the Commission to get a major movement on a substantial increase in the percentage of beef coming from British sources via intervention stock.

Bosnia

8. **Mr. Nigel Beard** (Bexleyheath and Crayford): If he will make a statement on the number of British troops in Bosnia. [45229]

The Secretary of State for Defence (Mr. George Robertson): Last week, the United Nations Security Council, under resolution 1174, authorised the extension of the stabilisation force's mandate for another year. I can today announce that the UK contribution to the follow-on SFOR force will be around 4,800 troops in Bosnia and Croatia, together with some 350 personnel based in the SFOR headquarters and Italy. We expect to remain the second largest contributor after the United States.

Mr. Beard: I thank my right hon. Friend for that reply. Does he agree that it is vital that the forces stay in Bosnia as long as they are needed to prevent a reversion to the blood spilling that preceded the Dayton agreement? Can he say what steps NATO is contemplating to prevent further ethnic cleansing in Kosovo and to prevent Serbian expansion into Macedonia? Does he expect British ground troops to be committed to any such further NATO operations?

Mr. Robertson: On my hon. Friend's first point, he is absolutely right. Although Bosnia has left the headlines for the moment, there is little doubt in anyone's mind that, if it were not for the presence of NATO-led SFOR troops, there could easily be a return to the violence, hatred and bloodshed that we saw earlier this decade. When I go to Bosnia next Monday, I will be taking—I hope on behalf of the whole House—our commendations and congratulations to the British troops who serve so well, professionally and bravely in that part of the world, who have brought peace where there was war, and who, through their stabilisation efforts, are ensuring that democracy and a greater degree of inter-ethnic communality is beginning to emerge once again.

My hon. Friend mentioned Kosovo, which was part of the former Yugoslavia. Of course, we are worried about the violence that is erupting in that other part of the Balkans. That is why, in the past fortnight, NATO Foreign and Defence Ministers have paid such careful attention to that province of the Federal Republic of Yugoslavia. The violence that is on-going there is completely disproportionate to the sort of terrorist threat that comes from the separatist extremists who are attacking the Belgrade authorities.

We will not tolerate that level of violence. That is why NATO has made it clear that all military options—excluding none—are being examined with a view to deployment if the violence will not stop and if President Milosevic will not return to the political process that would restore normal living to that part of his country.

Mr. Crispin Blunt (Reigate): I am sure that the Secretary of State agree with the individual soldiers will and airmen and the members of the chain of command who briefed the Select Committee on Defence on our recent visit to Germany about the effects of operational overstretch and their threat to our long-term military effectiveness. Will he restrain the Prime Minister from lobbying fellow world leaders to take on extra operational commitments without a proper increase in the defence

budget? Will he explain how that threat to operational commitments and our military effectiveness will be helped by a cut of at least £500 million a year in the defence budget? Will he at least confirm that the commitment to Bosnia which he has announced today will be funded by the Foreign Office from the reserve, and not from the defence budget?

Mr. Robertson: Of course I am aware of overstretch and over-commitment. That is what I inherited from the previous Government, to whom the hon. Gentleman was a special adviser and who, by their hollowing out, contributed to the overstretch and created the over-commitments with which we must deal. The brunt of the strategic defence review was designed to address the problems that the hon. Gentleman's Government left behind for us to tackle. I am well aware of the need to balance our capabilities with our commitments, but we also have obligations on the international stage.

Although commanders in Bosnia and Germany would have told the hon. Gentleman and the Defence Committee about the problems, they would also have told him about some of the suggestions that have been made for resolving them. They would have told him, too, of their deep commitment to ensuring that the problems of Kosovo do not spill over into neighbouring countries, and into the wider region. In the strategic defence review, we have made sure that our country's foreign policy objectives will establish the capabilities of our armed forces. However, if that can be done by more efficient use of our resources, the country will expect us to do so.

Mr. Jim Marshall (Leicester, South): Can my right hon. Friend say how close we are to achieving the desired objectives in Bosnia? If we are not there yet, will my right hon. Friend suggest what time scale he foresees for the finding of an acceptable solution, and for when we might see the withdrawal of British troops?

Mr. Robertson: It would be a wiser, or a rasher, man than I who would make predictions about the attainment of objectives in Bosnia. All I can say is that the figures which I have announced for our troop commitment to Bosnia show a reduction in the numbers that were there for the past year. As progress is made towards normalisation and democratisation in Bosnia, I hope that there will be further reductions. We are there not as a permanent, long-term occupation force, but to allow democratic and civilised standards to grow again in that country.

Progress is being made towards Bosnia-wide elections in September. Dramatic improvements are occurring: for example, the problem of having a common vehicle licence number plate has been one of the biggest issues dividing the entities during the past few years, but that has been introduced; a common currency has been established; and even a common flag has been adopted. We are, quite remarkably, moving towards the objectives which were set, and I hope that, in the foreseeable future, we will see British troops back here or doing similar work, with as much commitment and as many rewards, in other parts of the world.

Mr. Tony Baldry (Banbury): The Secretary of State has confirmed that the United Kingdom is providing the second largest number of troops in Bosnia. In the context of the strategic defence review, will we have a sufficient number of troops to meet any realistic and reasonable United Nations requirements of the United Kingdom, or will our United Nations commitments be tailored to the amount of money that the Ministry of Defence will have left after the Treasury has mauled its budget?

Mr. Robertson: We see here another Tory ex-Minister revisiting the scenes of his crimes. Their year out of office may be the longest the Conservatives have experienced, but the fact is that for seven years they raided the defence budget by more than 30 per cent. They cannot come to this place and lecture the Government about the amount of money that we intend to spend on defence.

We have conducted a strategic defence review, starting—as the previous Government should have done and were advised to do—with this country's foreign policy objectives and establishing, on the basis of consensus, the realistic capabilities that are necessary to meet all the eventualities that can be foreseen or might occur in the future. That is the sensible way to proceed, and there will be a sensible result. I am sure the hon. Gentleman will recognise that—because he is a fair man—when the review is published in the next few weeks.

Aircraft Carriers

9. **Mr. Andrew Mackinlay** (Thurrock): If he will make a statement on his replacement programme for aircraft carriers and the provision of amphibious lift. [45230]

The Parliamentary Under-Secretary of State for Defence (Mr. John Spellar): We have considered the future requirement for aircraft carriers and amphibious lift capability in the strategic defence review. We expect to announce our conclusions in the near future.

Mr. Mackinlay: While I do not challenge the prudence of conducting the comprehensive spending review, may I respectfully remind my hon. Friend, and through him the Chancellor of the Exchequer, that it is made explicit in our Labour manifesto—our new Labour manifesto, which I signed and am proud to be associated with—that our strategic defence review would be foreign-policy-led? Essential to fulfilling our foreign policy objectives is the expeditionary capacity that is provided by carriers. If we are to have power projection to stay off horizon where necessary and help in humanitarian and peacekeeping operations, we need that carrier capacity. That matter should not be in any doubt, and the Government should proclaim now that the replacements for the Invincible class carriers will be delivered and are essential to our defence needs.

Mr. Spellar: They will no doubt be called the HMS Mackinlay. My hon. Friend argues strongly in favour of future aircraft carriers. Those arguments are being weighed heavily and seriously as part of the strategic defence review, and we hope to make an announcement on the outcome in the not-too-distant future.

Mr. Keith Simpson (Mid-Norfolk): As usual, the hon. Member for Thurrock (Mr. Mackinlay) has put his finger exactly on the Government's problem: whether they will deliver real carriers. Those of us who watched "The Paper

War", the BBC2 documentary on the strategic defence review broadcast the other week, witnessed a meeting during which there was much badinage between Ministers about naming the carriers. The Minister for the Armed Forces suggested HMS Robertson and the Secretary of State favoured the HMS Gordon Brown.

Does the Minister agree with the permanent under-secretary that there is no need to put anything definite in the strategic defence review? Does he believe that he needs to say only that the Government are minded in principle to have a new generation of carriers and will not, in fact, order them? Will it be a paper strategic defence review?

Mr. Spellar: I welcome the hon. Gentleman to the Dispatch Box. If he continues to ask questions such as that, he will be welcome to stay for a considerable time.

As I have said, the serious arguments advanced by my hon. Friend the Member for Thurrock (Mr. Mackinlay) are being weighed very heavily in the strategic defence review. The matter is being finally evaluated, and we shall make an announcement in the not-too-distant future. Those are the serious issues that are being debated—rather than, I regret to say, the superficial question to which we were just subjected.

Mr. John Hutton (Barrow and Furness): Is my hon. Friend aware that the Navy's three aircraft carriers, the first of which was built by my constituents, provide it with an important capability to support our forces, and those of our allies, when deployed in out-of-area operations? We are modernising our amphibious capability with the construction of HMS Ocean, again in my constituency, and two assault landing ships for the Royal Marines. Can my hon. Friend say more positively that, if we are to ensure that that new amphibious capability will be fully effective, we will need in due course to consider a replacement for the Invincible class carriers?

Mr. Spellar: I thank my hon. Friend for that question, and for his considerable and effective lobbying over several years on behalf of the Royal Navy and the excellent qualities of the shipyard in his constituency. These serious issues are being weighed in the strategic defence review. We look forward to making an announcement on that in the not-too-distant future. I take into account the excellent work of the Vickers yard in my hon. Friend's constituency, and of its loyal and highly skilled work force.

RAF Northolt

10. **Mr. John Wilkinson** (Ruislip-Northwood): What plans he has to change the status or role of RAF Northolt. [45231]

The Minister for the Armed Forces (Dr. John Reid): The future of RAF Northolt is being reviewed in consultation with the Department of the Environment, Transport and the Regions. This work is being undertaken against the background of the strategic defence review, the DETR's study of business aviation in the south-east and the policies relating to airports that will be set out in the forthcoming integrated transport White Paper. No decisions have yet been taken.

Mr. Wilkinson: Would not any responsible Government wish to retain under their control the specialist air transport facilities provided by RAF Northolt that are crucial to Her Majesty's Government, the personnel of headquarters at High Wycombe, Northwood and Bentley Priory and diplomatic personnel in the United States and other embassies? Should not those facilities remain under Royal Air Force control? Would not any question of RAF Northolt being transferred to civil control and becoming a satellite of Heathrow not only be bitterly opposed, rightly, by the local population but militate against its primary role, which is specialist air transport for the military and Ministers?

Dr. Reid: Any responsible Government would wish, first, to pay tribute to the continuing role and contribution of RAF Northolt and, secondly, to assure themselves and the House that any proposals that even considered changing the status of RAF Northolt would be subject to thorough consultation. As a Minister in a responsible Government, I am glad to be able to give the hon. Gentleman an assurance on both those points.

Mr. Stephen Pound (Ealing, North): May I assure my hon. Friend that I am as one with the hon. Member for Ruislip-Northwood (Mr. Wilkinson) on this matter, if, sadly, on few others? My constituents are as one with his in viewing with horror the possibility of increased civilian use of RAF Northolt. The only ray of sunshine that pierces the dark clouds hanging over Northolt is the prospect that, if the list of putative bidders is as printed in the popular papers, whoever takes over will start by sacking all the pilots and returning peace to the skies over Northolt.

Dr. Reid: I am sure that my hon. Friend and the hon. Member for Ruislip-Northwood (Mr. Wilkinson) speak representatively for their constituents. That will be a major factor in any consideration. As my hon. Friend referred to press reports, I should make it clear that my Department has received several unsolicited representations about RAF Northolt. Contrary to reports in the press, Stagecoach Aviation has not approached my Department, although an unsolicited commercial proposal was made by Glasgow Prestwick International in February last year before it was taken over by Stagecoach.

Cyprus

11. **Mr. Robert Key** (Salisbury): When he will visit Cyprus to assess the work of the British garrison. [45232]

The Minister for the Armed Forces (Dr. John Reid): My right hon. Friend the Secretary of State visited the Akrotiri sovereign base in March. I shall make a more extensive visit to the garrison in Cyprus, starting tomorrow.

Mr. Key: I know that the Minister will be warmly welcomed. I am grateful to him for facilitating my recent visit. Does he agree that the very few serious disciplinary offences committed by Her Majesty's forces in Cyprus should be put in proportion and that the discipline of British forces in Cyprus is second to none? When he visits Cyprus, will he examine particularly the recreational facilities available for single soldiers, especially as they

are now largely confined to barracks following incidents that have been mentioned? Does he agree that the tabloid image of British forces in Cyprus—that it is a posting to over-indulgence in sand, sea and sex—is a gross distortion and highly misleading?

Dr. Reid: I shall not comment on the last part of the hon. Gentleman's question; he has been to Cyprus more recently than I have. I would, however, make the serious point that British forces abroad, especially in Cyprus, are constantly in the media spotlight. That is more so in Cyprus because of the dreadful circumstances some time ago of the Jensen case. That terrible, tragic murder will continue to cast a shadow over the British forces in Cyprus for many years to come. I should therefore make it plain that we will not tolerate indiscipline. Some incidents over the past four years have been genuinely shocking, and the full weight of the law has been brought to bear on those responsible.

As the hon. Gentleman observed during his recent visit to the island, by far the majority of service personnel are well behaved. It is extremely regrettable that for the time being the many who day in, day out endure sacrifice in the service of their country are having to suffer for the irresponsible actions of the few. I should leave no one in any doubt that we will take robust action against anyone whose activities and ill discipline brings him and, unfortunately, his colleagues and country into disrespect.

Persian Gulf

12. **Mr. David Borrow** (South Ribble): How many British troops are currently deployed in the Persian Gulf. [45233]

The Secretary of State for Defence (Mr. George Robertson): Almost 1,000 service personnel from all three services are currently deployed on operations in the Persian Gulf.

Mr. Borrow: During the time I have spent on the parliamentary armed forces scheme, I have had the opportunity to have regular talks with members of the armed forces. They all share with me considerable pride in the role played by our armed forces in ensuring that Saddam Hussein was held to the promises he made to the United Nations earlier this year. Does my right hon. Friend agree that we must not be lulled into a false sense of security, and that we must remain prepared to make forces available to ensure that the promises made by Saddam Hussein are upheld in future?

Mr. Robertson: My hon. Friend is absolutely right. Our level of preparedness and our willingness to act if Saddam Hussein continues to confront the will of the international community and the role of the United Nations is not in question. My hon. Friend rightly says that many of our troops are still in theatre; not only those in Ali Al Salem in Kuwait—they went down there because of the immediate confrontation—but those who serve in the Armilla patrol, which has continued for about 14 years, and the pilots at Al Kharj in Saudi Arabia and in Turkey who police the no-fly zones in northern and southern Iraq. All those personnel are in place to ensure that the Iraqi regime lives up to its obligations and does not continue to threaten its neighbours and the international community as it has in the past.

Mr. Julian Brazier (Canterbury): Will the Secretary of State confirm that the first troops to arrive in the most recent Gulf crisis were American airborne troops? Will the right hon. Gentleman assure the House that, in considering future possible operations in the Gulf and elsewhere, he will maintain a full, rounded airborne capability, including the supporting elements and command and control facilities that are needed for rapid land-air deployment?

Mr. Robertson: The hon. Gentleman can be absolutely sure that, in the reshaping and modernising of our armed forces that will come from the strategic defence review, the capabilities we require to meet the sort of problems and conflicts we shall face in the future will be to his liking, and will make total common sense in relation to what the British people expect.

Maria Eagle (Liverpool, Garston): Are the service personnel who are currently serving in the Gulf offered the same cocktail of inoculations as those who served in the Gulf war? Is there any truth in newspaper stories that inoculation of service personnel may become compulsory? If so, will my right hon. Friend consider ensuring that, when ill effects are felt, personnel are compensated properly and immediately, without having to take the Government through the courts?

Mr. Robertson: No cocktail of drugs or inoculations was offered to any of our troops in the Gulf on this occasion. Anthrax vaccine was offered to our troops because that is a proven vaccination. To demonstrate my conviction that it was absolutely safe and had no visible side effects, I, my hon. Friend the Minister for the Armed Forces and the Chief of the Defence Staff, as well as the American Defense Secretary and Chairman of the Joint Chiefs of Staff, took the vaccination. We believe it to be safe. We have no plans at present to make it compulsory, although in any future climate of threat we would have to make an assessment about how best to protect our troops.

My hon. Friend asked a generalised question about compensation. We take our responsibilities for the safety and health of our troops with the utmost seriousness, but I cannot say that we shall offer compensation against things that we believe to be intrinsically so safe that we are willing to take them ourselves.

HOUSE OF COMMONS

The President of the Council was asked—

Modernisation Committee

31. **Mr. David Winnick** (Walsall, North): What further proposals she intends to put to the Select Committee on Modernisation of the House of Commons. [45253]

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): In addition to proposed changes to the legislative process, EU scrutiny and the explanatory memorandum accompanying Bills, I hope shortly to submit a memorandum on the parliamentary calendar.

Mr. Winnick: With no criticism intended of anyone who happens to be a servant of the House, if the word modernisation is to have any meaning at all may I ask what justification there can be, two years into the next century, for wigs, gowns and swords to be worn in much the same way as happened centuries ago? Now that the Modernisation Committee is carrying out important work, is there not a case for that matter being considered and action being taken during the lifetime of this Parliament?

Mrs. Taylor: That topic was mentioned in a recent report, and the Modernisation Committee is always open to ideas, but, so far, we have not been inundated with suggestions from hon. Members that that sort of change should be made. However, I noticed that, in a recent debate, the shadow Leader of the House, the right hon. Member for North–West Hampshire (Sir G. Young), said that he was taken with the idea of modernising in that respect, so we might return to that issue.

Sir Patrick Cormack (South Staffordshire): May I point out that my right hon. Friend the Member for North-West Hampshire (Sir G. Young) did not mention wigs, and that we wish to dissociate ourselves from the philistine comments of the hon. Member for Walsall, North (Mr. Winnick), which would lead to the sort of drab uniformity that may be suitable for the hemicycle in many continental chambers, but is not appropriate here?

However, the question I intended to ask the right hon. Lady is, when she is considering the parliamentary year, will she bear in mind that she has the sympathetic support of the Opposition so long as there is proper safeguarding of Opposition time in the year?

Mrs. Taylor: If would be interesting to have a debate on parliamentary dress, including wigs; if there were time, I should certainly try to schedule one in the near future. I know that hon. Members on both sides of the House are genuinely interested in changes to the parliamentary calendar, although I understand the hon. Gentleman's remarks about safeguards. Everyone will study any possible change carefully, but there may be some scope for improvement.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): If the Modernisation Committee and its members are serious about wanting to improve facilities for Back Benchers, instead of looking at nonsensical and superficial issues, they should seriously consider examining the work of the General Accounting Office in Washington to see how it provides detailed, accurate and factual support for Back Benchers who want to assess the implications of legislation. They should also consider expanding the support offered to Members of Parliament of all parties so that they can make uniformly useful contributions. The Committee should stop worrying about traditions that are important but hardly world-shaking.

Mrs. Taylor: My hon. Friend will have noted that the Modernisation Committee has chosen to concentrate on the issues it thinks the most significant. That is one reason we have not spent a great deal of time talking about dress and wigs.

The Select Committee system and our Library facilities already offer Back Benchers significant support, but we need to keep up to date with what Members require—not least because the demands on them are increasing all the time.

Mr. David Heath (Somerton and Frome): Will the right hon. Lady consider a fast-track procedure for the ratification of treaties that have been signed by Her Majesty's Government so that we can avoid the embarrassment of urging other countries quickly to ratify treaties that we seemingly cannot ratify ourselves?

Mrs. Taylor: Legislation can always proceed quickly if there is total agreement. During the time we have been in government, I have found there to be total agreement on very few issues.

Dounreay

32. **Mr. Tam Dalyell** (Linlithgow): If she will set up a Select Committee to assess the future of Dounreay. [45254]

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): No. This matter already falls within the responsibility of the Trade and Industry Committee.

Mr. Dalyell: That Committee's visit to Dounreay brought some sanity to a situation in which Dounreay has been the victim of sensationalist and technically ignorant journalism. Given the huge resources of skill on the north coast of Scotland, how can the Government do without the plant in tackling their own targets for carbon dioxide reductions?

Mrs. Taylor: I am sure that members of the Select Committee will note by hon. Friend's comments. Later this summer the Government will publish a wide-ranging and open consultation paper on policy options for meeting the Kyoto target and moving towards our domestic aim of a 20 per cent. reduction in carbon dioxide emissions by 2010. A great number of people will wish to respond to and take part in that consultation process; I am sure that my hon. Friend will wish to do so, too.

Recesses

33. **Mr. Simon Burns** (West Chelmsford): If she will make a statement about synchronising parliamentary recesses with school holidays and half-terms. [45255]

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): I hope shortly to submit a memorandum to the Modernisation Committee which will deal with this subject, as part of what I have already described as the parliamentary calendar.

Mr. Burns: I am grateful for that reply. When she makes her submission, will the right hon. Lady remember

that the timetable of the House of Commons does not always dovetail perfectly with school terms? Given that 516 hon. Members have children, a large minority of them of school age, and given the intolerable burdens of our life style in this place, will she do all she can to dovetail our recesses with school holidays so that Members can see more of their children?

Mrs. Taylor: I am extremely sympathetic to that suggestion. I know that many Members with families feel that we could sometimes order our timetable better at no inconvenience to the House—but for the convenience of Members. There are, however, certain problems: not all school holidays in England coincide, and Scottish holidays are different again.

I hope to touch on this problem in the paper that I submit, although there are no easy solutions. No doubt the Modernisation Committee will try to come up with some recommendations.

Mr. John Maxton (Glasgow, Cathcart): Is my right hon. Friend aware that Scottish schools finish term at the end of this week and that many Members, if they have children at school or spouses who are teachers, will be highly inconvenienced? Will she take that into account when considering the parliamentary year?

Mrs. Taylor: Not only Scottish schools, but schools in towns such as Burnley will start their annual holidays soon. It will not ever be possible to satisfy all hon. Members on the matter, but it is possible to try to rationalise the situation and make improvements without jeopardising parliamentary business.

Morning Sittings

34. **Mr. David Hanson** (Delyn): What progress she is making with regard to introducing additional morning sittings of the House. [42256]

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): This matter also will be included among the issues in the Modernisation Committee's consideration of the parliamentary calendar.

Mr. Hanson: Will my right hon. Friend accept that there is a compelling case for morning sittings, certainly on Tuesdays and Thursdays, which would enable better consideration of private Members' Bills, an early return to their constituencies for hon. Members such as me with northern constituencies and perhaps more opportunities for Ministers to take questions on the Floor of the House?

Mrs. Taylor: I do not want to pre-empt anything that might be in the report that goes to the Modernisation Committee. There are pros and cons of morning sittings and difficulties in terms of duplicating work in Committee and on the Floor of the House. The Modernisation Committee will want to consider all those matters. I hope that the memorandum that I shall publish will help hon. Members to concentrate their thoughts on practical solutions to those problems.

Factory Fire (Ballymoney)

3.30 pm

Rev. Ian Paisley (North Antrim) (*by private notice*): To ask the Secretary of State for Northern Ireland whether she will make a statement on the burning of the Lovell and Christmas factory in Ballymoney on Saturday 20 June, the effect that this disaster will have on local employment and the impact on the Northern Ireland pig industry.

The Minister of State, Northern Ireland Office (Mr. Paul Murphy): The Lovell and Christmas pig processing factory at Ballymoney was extensively damaged by fire on Saturday 20 June. I understand that the cause of the fire has not yet been established, but the House will want to know that there is no evidence of terrorist involvement. The fire is a serious event for the Malton Bacon company, which is part of the Unigate UK group which owns the factory, for the employees, and for the Northern Ireland pig industry in general.

Officials have been in contact with the company since the fire. The company has told us that, in conjunction with its insurers and advisers, it is assessing the problem in terms of its work force and operational requirements. Understandably, it wants to do that before making decisions about the future of the plant. It hopes to complete that process within the next few days, and to inform the work force of its plans as quickly as possible. In the meanwhile, the work force has been sent home on full pay, initially for the rest of the week.

Pig production and processing is an important sector of the Northern Ireland agrifood industry, which employs 2,500 people at processing plants and a further 1,300 people on farms. The Lovell and Christmas factory at Ballymoney had been slaughtering 13,000 pigs a week, which is roughly 40 per cent. of the average weekly pig slaughterings in Northern Ireland. Of that number, approximately two thirds were sourced from Northern Ireland producers. At this early stage, it is not possible to say with certainty what impact this event will have on local employment and the local pig industry, but it is clear that there is a significant potential problem in the short term as to how to deal with the pigs that are on farm and will be ready for slaughter over the next days and weeks.

I understand that representatives of the industry are currently addressing how that difficulty might be overcome, taking account of the slaughtering capacity available at the other three major pig processing plants in Northern Ireland. I welcome the fact that the industry is co-operating in that way.

I emphasise to the House that the Government fully recognise the potentially serious implications of the fire. Staff from the Department of Agriculture were at the site even before the fire was extinguished. Officials from the Department of Agriculture and the Industrial Development Board have been in contact with company representatives at the highest level to assist in overcoming the difficulties arising from the fire.

I am aware that the pig sector has been experiencing the same difficult trading conditions as other parts of the industry, in Northern Ireland and in the rest of the country. The fire represents an additional problem. The Lovell and Christmas factory is important to the pig industry in Northern Ireland, and I pay tribute to the significant work which the company had put into developing the scale of operation at the site, and the investment in the plant structure and facilities before the fire.

The company has undertaken to inform officials immediately it has developed its thinking on the future of the plant. The Department of Agriculture and the IDB will continue to work closely with the company and the industry to offer whatever assistance they can in dealing with the problem.

I pay tribute to the work of the Northern Ireland Fire Service, which dealt with the outbreak with the skill and courage that it has shown in Northern Ireland on so many occasions over the years.

Rev. Ian Paisley: I thank the Minister for that very full statement, which will prove to the people of Northern Ireland that his Government are taking the matter very seriously. I am sure that he will agree that such an accident, in an important factory that has just launched into more than £10 million of expenditure, is a terrible tragedy. He will understand the feelings of the workers as they stood outside the plant on Saturday, watching their future go up in flames. I am sure that he will want to assure them that the Government will do everything in their power—although I accept that that power is limited in this matter—to encourage the plant owners to rebuild and get the factory operating again on the site.

The hon. Gentleman will be aware that there is now a huge gap in the indigenous pig processing industry. Some 40 per cent. of all pigs slaughtered in Northern Ireland are slaughtered at that factory. Something must be done urgently if we are not to lose our indigenous pig processing industry.

I associate myself with the Minister's remarks about the firefighters, who did an excellent job against terrible odds. I am sure that the House will want to convey our wishes for a speedy recovery to the one person who was injured and the two people who suffered severe shock.

Will the hon. Gentleman assure the management of the company that their work is appreciated? We hope that they can pay all their suppliers this week, so that the farmers will not run out of cash.

Mr. Murphy: I give the hon. Gentleman the assurance he seeks, in so far as I can do so. The House is aware that between 300 and 400 people are employed at the plant, which is the biggest employer in the hon. Gentleman's constituency. It is a major tragedy for his area, and also for the rest of Northern Ireland, especially the agricultural sector.

As I said in my statement, officials in both Departments are prepared to do all they can to help, and will consider whatever sort of help may be needed. Of course, it depends on what the company has in mind for the future of the plant. My noble Friend Lord Dubs has been in touch with officials on this matter. If the hon. Gentleman and other Northern Ireland Members want meetings with him or with my other ministerial colleagues, they will be most welcome.

Mr. Andrew MacKay (Bracknell): Will the Minister be good enough to convey the Opposition's concern and good wishes to all who work at Lovell and Christmas—and, for that matter, the people of Ballymoney, who must be extremely worried following that dreadful fire?

We are grateful, as the people of Ballymoney will be, for the positive answer that the hon. Gentleman has given to the hon. Member for North Antrim (Rev. Ian Paisley). We are pleased to note that the Minister and his officials will do everything possible to ensure that a new plant is built, and that it does not go elsewhere in the United Kingdom or Europe. Can he give us an assurance that that will be the case—or, at the very least, that he will continue to use his best endeavours to ensure that it is the case?

Mr. Murphy: I am grateful to the hon. Gentleman for his comments. As more than 40 per cent. of pig processing in Northern Ireland was carried out at that plant, it is vital that the plant remains in Northern Ireland. That is uppermost in everybody's mind. I am grateful for the hon. Gentleman's comments, which I will pass on to the plant's management.

Mr. Jim Murphy (Eastwood): On a point of order, Madam Speaker.

Madam Speaker: I will deal with the hon. Gentleman's point of order later.

Official Report

3.39 pm

Madam Speaker: I have some information that I need to give to the House. On 18 June, the hon. Member for Belfast, East (Mr. Robinson) raised a point of order concerning exchanges between the Leader of the Opposition and the Prime Minister on 6 May. His concern was that the text of the *Official Report* did not accurately reflect what the Prime Minister had said. Later in the day, the hon. Member for North Antrim (Rev. Ian Paisley) and other hon. Members referred in debate to the same issue.

I wish to remind the House that the *Official Report* is intended to be a full report of proceedings in the House. A full report is defined in "Erskine May" as one

"which, though not strictly verbatim, is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which on the other hand leaves out nothing that adds to the meaning of the speech or illustrates the argument".

The Editor of the *Official Report* is responsible for ensuring the accuracy of the report. He would not entertain any attempt by any hon. Member, however eminent, to alter the substance of what was said. He has confirmed to me that on 6 May neither the Prime Minister nor anyone acting for him or on his behalf made any such attempt. The changes that were made to the Prime Minister's words on 6 May were made by the Editor in fulfilment of his responsibilities. He is of the opinion that the changes in no way altered the sense of what the Prime Minister said. I shall publish the Editor's letter in the *Official Report*.

It is a well-established rule of the House that the *Official Report* is the authoritative record of what is said, and that tapes cannot be used for the purposes of casting doubt on the validity of the *Official Report*. Nevertheless, I have thought it right, in view of the sensitivity of this issue, to listen to the tape and to compare it with the *Official Report* in order to satisfy myself about the accuracy of the record. I must tell the House that it is clear to me that the *Official Report* is an entirely accurate account of the substance of the Prime Minister's remarks, and that nothing that added to the meaning was omitted.

Hon. Members may be aware that on Friday my office issued a short factual statement to the press together with the Editor's letter. I thought it right to do so, since my concern is at all times and in every situation for the integrity of this House, its procedures and its status. It would have been wrong for these to be left in doubt a moment longer than was absolutely necessary. That is my ruling.

Following is the text of the Editor's letter:

"Dear Madam Speaker,

Mr Peter Robinson raised a point of order with you this afternoon in respect of our report of the Prime Minister's reply to Mr Hague on 6 May last at column 711 about the release of prisoners in Northern Ireland.

I can confirm that certain words were deleted. That deletion was carried out by us. Neither the Prime Minister nor anyone acting for him or on his behalf either requested that deletion or had any hand in making it.

The Prime Minister's exact words were:

'What is essential is that any agreement must be signed up to in full, as we said, and the answer to his question is yes of course it is the case that, both in respect of taking seats in the government of

[Madam Speaker]

Northern Ireland and in respect of the early release of prisoners, the only organisations that qualify for that are organisations that have given up violence and given it up for good.'

Fully in accordance with the requirement that the House places upon Hansard, and in compliance with Hansard's terms of reference as set out in Erskine May, that sentence of 73 words was edited. That was done in order to make it read better, a task that the House has traditionally entrusted to the Hansard reporters. The change in no way altered the sense of what the Prime Minister said and in my judgment cannot be criticised on that ground.

In raising his point of order with you, Mr Robinson repeated the words but not in the way that the Prime Minister uttered them, and that is a crucial difference. If, as Mr Robinson implied, we had left out the sentence 'The answer to his question is yes.', he would indeed have a point of substance. However, those words did not constitute a complete and self-contained sentence; they were a part of a much larger sentence, and they must be read in that fuller context, not removed from it.

I know that I do not need to remind you that Hansard is a full report, not a verbatim report. It has a discretion to amend the words as spoken, acting within the authority of its terms of reference, which state that

'though not strictly verbatim, [it] is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which on the other hand leaves out nothing that adds to the meaning of the speech or illustrates the argument.'

I suggest that the change that was made was completely in conformity with that description.

Yours sincerely,

Ian Church,

Editor.

Points of Order

3.43 pm

Mr. Nicholas Soames (Mid–Sussex): On a point of order, Madam Speaker. You have previously taken a robust line on the answering of written questions. May I draw to your attention an answer that I received on Friday—four days after I tabled it? I asked the Secretary of State for Culture, Media and Sport what were the aims and objectives of his policy on tourism and what the achievements of those policies had been since 1 May. He had four days to answer that question, and the reply I received was that he would reply to me as soon as possible. It seems to me a little odd that, when plenty of notice was given, a Department of a Government with such an enormous majority in the House of Commons was unable to answer in four days a written question on the aims and objectives of the Government's policy on tourism. Could you, Madam Speaker, have a word with the Leader of the House and ask her to instruct Ministers that, when possible, answers must be given on the due date?

Madam Speaker: I am grateful to the hon. Gentleman for giving me an indication of his point of order. I have dealt with such matters on a number of occasions—I think that the last time was on 11 June. My advice to Ministers on answering written questions is exactly the same as the advice I give on answering supplementary questions to oral questions. As the hon. Gentleman will be the first to appreciate, the satisfaction of the questioner cannot always be guaranteed by the answer. Sometimes hon. Members are not happy and are quite disappointed with the answers they receive. That has always been the case. The hon. Gentleman is concerned that it took four days to answer his question. Many points of order are raised by hon. Members who complain that it takes a long time to answer questions. I do not know whether four days is a long time, or four weeks. I cannot guarantee that all hon. Members will be satisfied by the answers to their questions, but there are several senior Ministers on the Treasury Bench, and they will have noted what the hon. Gentleman has to say.

Mr. Soames: Further to that point of order, Madam Speaker. I do not wish to push you any further, but I am used to being terribly dissatisfied with the answers that I receive, and it is not that of which I complain. I am complaining that I did not get an answer. Four days after I had tabled the question, I received no answer as to the aims and objectives of a Government Department. That seems grossly casual and disrespectful to Parliament.

Mr. Dennis Skinner (Bolsover): On a point of order, Madam Speaker. Just to put the record straight, I remember dealing with the hon. Member for Mid–Sussex (Mr. Soames) when he was an Agriculture Minister and the lives of four farmers were placed in jeopardy because of the Coalite matter. I made representations to the hon. Gentleman, his senior Minister and all the rest of the gang. It took me six months or more even to get a meeting. When I brought a busload of people from Bolsover, the hon. Gentleman complained because there were too many.

Madam Speaker: I think that that answers the hon. Member for Mid–Sussex (Mr. Soames).

Mr. Jim Murphy (Eastwood): On a point of order, Madam Speaker. I seek your guidance on an investigation by Grampian police fraud squad into allegations of abuse and fraud against a Moray councillor who also happens to be a candidate for the Scottish Parliament. Have you received a request from any member of the Scottish National party to come to the House to clarify these important accusations, so that we set the record straight once and for all?

Madam Speaker: No, I have not received such a request from any hon. Member.

Rev. Ian Paisley (North Antrim): Further to your statement earlier, Madam Speaker. I apologise for the absence of my hon. Friend the Member for Belfast, East (Mr. Robinson), but he did write to tell you that he would be unable to be here.

The only matter that perturbs me is that the Editor of *Hansard* now has the right to say that nothing is going to be left out from or added to what is said in the verbatim report. I wonder whether an affirmation such as "yes" is not something that should be in the report. I appreciate the fact that you issued the letter. It is a good thing that we have that letter, and I know that my hon. Friend agrees with me. However, it will perturb some hon. Members if the sole authority rests with the Editor of *Hansard* to say whether he has edited a speech in such a way that it is as strong as it was at the beginning.

Madam Speaker: I am sure that the hon. Gentleman will appreciate that I have gone as far as I can in giving my ruling, which was very clear. I also took into account precedents before I gave the information to the House, but I have heard what the hon. Gentleman is concerned about.

WELSH GRAND COMMITTEE

Motion made, and Question put forthwith pursuant to Standing Order No. 107 (Welsh Grand Committee),

That the matter of the New Economic Agenda for Wales, being a matter relating exclusively to Wales, be referred to the Welsh Grand Committee for its consideration.—*[Mr. Clelland.]*

Question agreed to.

CRIME AND DISORDER BILL [*LORDS*] (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No. 82 (Business Committee),

That the Report [2nd June] from the Business Committee be now considered.—*[Mr. Clelland.]*

Question agreed to.

Report considered accordingly.

Resolved,

That this House doth agree with the Committee in its resolution.—*[Mr. Clelland.]*

Following is the report of the Business Committee [18 June]:

That—

(1) the order in which proceedings on Consideration are to be taken shall be, New Clause 10, New Clause 11, New Clause 1, remaining New Clauses, Amendments to Clauses, new Schedules, Amendments to Schedules;

(2) the days allotted under the Order [16th June] to proceedings on Consideration and Third Reading shall be allotted in the manner shown in the following Table and each part of the proceedings shall, if not previously brought to a conclusion, be brought to a conclusion (in accordance with the Order) at the time specified in relation to that part of the proceedings in the third column of the Table.

TABLE

Allotted day	*Proceedings*	*Time for conclusion of proceedings*
First day	New Clause 10, New Clause 11	Three and a half hours after commencement
	New Clause 1 (including any Amendments to it selected by the Speaker)	Six and a half hours after commencement
Second day	Remaining new Clauses, Amendments to Clauses, new Schedules, Amendments to Schedules, Third Reading	Six and a half hours after commencement

Report to lie upon the Table.

Madam Speaker: Before we come to the main business of the House, hon. Members might like to know that there is a guidance note as to when Divisions will fall and amendments will be called. It is in the No Lobby. Hon. Members who are interested will find it all in there.

Orders of the Day

Crime and Disorder Bill *[Lords]*

As amended in the Committee, considered.

New clause 10

FOOTBALL BEHAVIOUR ORDER

'.—(1) If it appears to a chief officer of police that the following condition is fulfilled with respect to any person in his police area, namely that the person has acted in such a way as to give reasonable cause to believe that an order under this section is necessary to prevent him disturbing good order at any designated football match outside the United Kingdom or during the period before or after any designated football match outside the United Kingdom, he may apply for a football behaviour order in respect of that person.

(2) Such an application shall be made by complaint to any magistrates' court.

(3) If, on such an application, it is proved that the condition mentioned in subsection (1) is fulfilled, the magistrates' court may make an order which prevents the defendant from doing anything described in the order.

(4) The prohibitions that may be imposed by a football behaviour order are those necessary for the purpose of maintaining good order at any designated football match outside the United Kingdom or during the period before or after any designated football match outside the United Kingdom.

(5) A football behaviour order shall have effect for a period (not less than five years) specified in the order or until further order.

(6) Subject to subsection (7) below, the applicant or defendant may apply by complaint to the court which made a football behaviour order for it to be varied or discharged by a further order.

(7) Except with the consent of both parties, no football behaviour order shall be discharged before the end of the period of five years beginning with the date of the service of the order.

(8) The acts referred to in subsection (1) above include acts committed outside the United Kingdom.

(9) The period referred to in subsections (1) and (4) above means a period of two weeks.

(10) The football matches referred to in subsections (1) and (4) above are football matches designated under the Football Spectators Act 1989.

(11) If without reasonable excuse a person does anything which he is prohibited from doing by a football behaviour order, he shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.'.—*[Sir Norman Fowler.]*

Brought up, and read the First time.

3.49 pm

Sir Norman Fowler (Sutton Coldfield): I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss the following: New clause 11—*Amendment of Football Spectators Act*—

'.—(1) The Football Spectators Act shall be amended as follows.

(2) For subsection (1) of section 15, there shall be substituted the following subsections—

"(1) A court by or before which a person is convicted of a relevant offence or, if a person convicted of such an offence is committed to it to be dealt with, the Crown Court on dealing with him for the offence shall make a restriction order in relation to him unless there are exceptional circumstances in relation to the offence which justify its not doing so.

(1A) Where a court does not make a restriction order under subsection (1) above it shall state in open court what the exceptional circumstances are."

(3) Subsection (2) of section 15 shall cease to have effect.

(4) In section 16, there shall be inserted the following subsection—

"(4A) A constable may arrest without warrant any person whom he reasonably believes to have failed or to be about to fail to comply with the duty to report imposed by a conviction order."

(5) In subsection (5) of section 16, substitute "six months" for "one month" and "level 5" for "level 3".'.

Government new clause 12—*Football spectators: failure to comply with reporting duty.*

Government amendment No. 166.

Sir Norman Fowler: I shall not spend a great deal of time painting in the background and stating the reasons why we have tabled new clause 10. Last week, the vast majority of this country felt shame at the behaviour in Marseilles of so-called English supporters—who comprised only a small number of the English people in Marseilles, and in no way represented genuine English football supporters, any more than they represented the people of this country itself.

Nevertheless, we saw for ourselves the damage that was done and the violence that was committed. It is not something that was got up by the press. The evidence was there, and, throughout last week, it was seen on television newscasts by millions of people in the United Kingdom. Not surprisingly, there was a genuine sense of outrage and anger in this country at what those thugs had done, not least to this country's reputation.

It is easy enough to condemn the events in Marseilles, but the more difficult matter is to make proposals aimed at ensuring that such events do not happen again. The Opposition have sought to meet that task. I should say straight away that it is very unlikely that any system of defence that we erect will be able to exclude every football hooligan and thug going abroad to international matches. However, equally beyond doubt is the fact that the current position and regulations are not working effectively enough.

As far as I am concerned—I am not wedded to a particular form of drafting in our proposals—we will co-operate to the fullest with the Government to achieve a better and workable solution. I am committed to improving the current position.

The violence at Marseilles graphically illustrated some of the defects in our defences against hooligans and thugs. It was clear, for example, that, although some of those going to Marseilles may not have had convictions for football-related offences, they had been convicted of other offences of violence that might well have brought them under police suspicion. It was equally clear that people's convictions for football-related offences involving violence, drink or damage to property have not been accompanied by restriction orders to prevent convicted offenders from going to overseas matches.

Last week, in *Hansard*, in answer to a parliamentary question tabled by my hon. Friend the Member for East Surrey (Mr. Ainsworth), the Home Office revealed figures

showing that, in the past five years, there had been 20,000 convictions for football-related offences, whereas only 71 people are currently subject to restriction orders under the Football Spectators Act 1989.

The obvious question to ask is, how will we deal with the problems? I shall start by explaining our proposals to make restriction orders more effective, as stated in our new clause 11. However, I should say first that I very much welcome the action taken by the Government in tabling new clause 12, which effectively accepts several of the main points that we have made. I reiterate that our objective is to achieve a permanent improvement in the situation. We are much more likely to accomplish that objective if the Government have an open mind on the type of proposals being made by the Opposition.

I think that we can now take it that some of the arguments used in 1989, in the debate on Second Reading of the Football Spectators Bill—that football hooliganism was simply a product of the previous Government—have now been proved spectacularly inaccurate as a diagnosis, and that the issue of violence confronts any Government, of whatever political complexion.

In our first proposal, new clause 11, we seek to increase the deterrent value of restriction orders. It seemed to us that such deterrence would not be achieved if a maximum sentence of one month was available in dealing with someone who ignored a restriction order. We suggested that six months should be substituted, and I am glad that the Government have accepted that in new clause 12.

We went beyond that point, however. A few months ago, just after Christmas 1997, the Home Secretary announced that he had reminded the courts of the power to impose restriction orders on those convicted of football-related offences. Unhappily, perhaps, the Home Office chose to headline his press statement of that date "Britain takes the lead against football hooligans". On reflection, the Home Secretary might feel that perhaps that was not the happiest way of describing his plans. Nor was it a case of everyone being wise after the event.

On the same day as the Home Secretary announced his plans, Detective Inspector Peter Chapman, who heads the National Criminal Intelligence Service's hooliganism unit at Scotland Yard, pointed to one obvious defect. He said that, under the legislation, police could not arrest a convicted hooligan until he had failed to report to a police station at an appointed time, usually during a match. He said:

"The nonsense of it is that I can see that individual pass through Heathrow four, five or six hours earlier knowing full well that he is going to that particular football match and can't do anything about it. I don't have the power to stop him."

Therefore, in subsection (4) of the new clause, we have sought to make it possible for a constable to arrest a person

"whom he reasonably believes to have failed or to be about to fail to comply with the duty to report imposed by a conviction order."

The Government have also accepted that principle in new clause 12, and I welcome that.

The question that remains is whether those two additions are enough to deal with the threat we face. It seems self-evident that the answer must be no. Currently there are only 71 restriction orders in existence. There are still the best part of 20,000 people convicted of football offences in the past five years who are not subject to restriction orders. If we are to make the restriction order system more effective—I suggest that that is precisely what our aim should be—we have to tackle that issue, too.

The new clause proposes to make it obligatory on the courts to grant such a restriction order unless there are exceptional circumstances against doing so. I am quite prepared to listen to arguments that, for example, make it obligatory upon the court to consider making a restriction order or any other practical way forward. However, the evidence suggests strongly that the present system is not working effectively.

Of course it is true that many of those who took part in the riots in Marseilles had not been convicted of football-related offences. I do not deny that, and I shall return to the point in respect of our other new clause. However, it seems essential that, as well as any additional measures we take, we should ensure that the present system of restriction orders works better and more effectively than it does at present. Our proposal is designed to ensure that, when a court convicts a person of a football-related offence, it is under a greater obligation to consider the case for making a restriction order. That is the principle that we are seeking to enforce.

I hope that the Home Secretary will be able to move towards us on the issue. It seems a pity that, having accepted so much of new clause 11, he did not take that further step.

I now turn to new clause 10—the football behaviour order. It seeks to widen the powers of the police in applying to a court for a restriction order. It owes something to other measures that are already in the Crime and Disorder Bill, such as the anti-social behaviour order.

I do not entirely understand the point that the Prime Minister made on the subject during Prime Minister's Question Time last Wednesday. The right hon. Gentleman seemed to suggest that we were in some way opposed to the anti-social behaviour orders. That is not the case. No reasonable person could come to that conclusion. We could not have done more to allow the Bill through. We did not vote against it on Second Reading, in contrast to the attitude of the then Labour Opposition in 1989 to the Football Spectators Bill, when they voted for a reasoned amendment and voted against Second Reading.

4 pm

In Committee, we sought to establish whether the Government's proposed anti-social behaviour orders would work. That is not unreasonable. Several legal academics had claimed that the orders were contrary to the European convention on human rights. We have to consider whether they would be effective. As my hon. Friend the Member for Hertsmere (Mr. Clappison) said in Committee:

"One of the main purposes of the amendments is to ascertain whether the provision is workable, and whether it helps deal with the problems in practice."—[*Official Report, Standing Committee B*, 28 April 1998; c. 20.]

That is unquestionably the function of any Opposition. I am amazed that the Prime Minister should seek to challenge it.

I am not wedded to the exact wording of the new clause. I am committed to the principle of strengthening our position and the action that we can take against football hooligans moving abroad. Again, that is not a new point.

[Sir Norman Fowler]

The day after the Home Secretary's announcement at Christmas time, Mr. Richard Ford, following an excellent tradition as home affairs correspondent of *The Times*, reported that the police were demanding that the Government should make it compulsory for anyone convicted of football-related violence to be barred from travelling abroad as a supporter. He wrote that the police were expressing serious doubts over the Home Secretary's plan, and said that a key part of the legislation was flawed. According to the report, the police called for an order barring travel abroad to support England to be made a mandatory part of any sentence imposed on an offender convicted of football-related violence.

That takes us back to new clause 11. An alternative approach would be to allow the police to go to court when they had reasonable cause to believe that an order was necessary to prevent an individual disturbing good order at a football match outside the United Kingdom. Who would be covered by that? The first group is those almost 20,000 who have been convicted of football-related offences but have had no restriction orders placed on them. The police may believe that, if such people travelled overseas to a game, there would be a serious risk that they would cause disturbance and damage. The new clause would allow the police to go to court to put that case. The decision would rest with the court, but the police would be allowed to make the case.

Mr. Andrew Lansley (South Cambridgeshire): Does my right hon. Friend agree that smaller in number, but with an even greater reason to be included in the football behaviour orders, are those against whom exclusion orders have been made in the United Kingdom? There is a powerful case for them to be covered. There are several times more such people than are presently covered by restriction orders.

Sir Norman Fowler: Indeed. I shall come to that. The factors to be taken into account should be in the Bill, rather than allowing total discretion. I have no difficulty with that proposition. As my hon. Friend says, many groups might be included.

Mr. John Bercow (Buckingham): I recognise that subsections (5) and (7) of new clause 10 refer to the order applying for not less than five years. Does my right hon. Friend agree that there are circumstances in which it might be appropriate at the outset, on the strength of an appalling track record of behaviour, to impose an order lasting longer than that—potentially for life?

Sir Norman Fowler: The only trouble with this debate is that one is attacked both ways. Sometimes I am attacked for being too severe, and—although "attacked" is the wrong way to put it—my hon. Friend suggests that I am being too lenient. In the spirit of our approach to the matter, we would listen to any argument. One can foresee circumstances in which five years might be lenient, but it is not an unreasonable figure, and relates to the restriction orders and the 20,000 people could potentially be covered by them but are not covered at the moment.

The order would allow the police to go to court and say that an individual, although he had not been convicted of a football-related offence, had been convicted of some other offence, perhaps a crime of violence, and was therefore likely to pose a danger if he went to an overseas match. The decision would be taken by the court, but the police would be empowered to show that the individual's past criminal conviction would lead a reasonable man to the conclusion that there was a substantial risk that his presence at a football match would lead to violence or to other disturbance.

The new clause would enable the police to go to court even if the individual concerned had not been convicted up to then of a serious offence. Those who think that that is one step too far should look at the detail of the anti-social behaviour orders. The powers being given by the orders do not require a conviction for a previous offence to be established. Indeed, it would be extremely difficult to see how that could be the case if an order were to be effective.

In dealing with football hooligans, the police may not want to reveal the intelligence that they have gathered on an individual who, although he is without a conviction, nevertheless presents a serious and real threat. The police may be reluctant to put that intelligence information to the court, and would prefer to deal with the matter by means of sensible co-operation between one police force and another.

If that is the case, I am entirely content that reasonable cause should be linked to past offences, but that those past offences should include not only football-related offences but others. In other words, the measure would not be entirely exclusive to football-related offences. It would then be up to the court to decide how relevant the offences were to the decision.

Mr. Dennis Skinner (Bolsover): The thing that worries me about the debate—this applies to the Government as well as to the Opposition—is that, once we start talking about anti-social behaviour, giving the police extreme powers and not merely football-related hooligan offences but football-related offences, I wonder where it will stop.

Would the measure have anything to do with people like Cantona? What about people like Tony Adams, who has been charged with serious offences and is now performing well on the field for England? Would it have anything to do with somebody like Stan Collymore? I am trying to suggest—not only to the right hon. Member for Sutton Coldfield, but to my right hon. and hon. Friends—that, if we give the police those tremendous powers, we will finish up with half a football team.

Sir Norman Fowler: I take the point that the hon. Gentleman makes in his customary manner. However, we are not dealing with the members of football teams in the amendment—that is, unless they are going out on to the streets of Marseilles to riot and cause damage, which seems an unlikely event, and so far one which has not been suggested. I should point out gently to the hon. Gentleman that his wider concerns go to the heart of the Bill.

The anti-social behaviour orders, among others, give the police greater powers, but our proposals are more limited. They would deal specifically with football hooliganism, which was so offensively illustrated last

week, as everyone saw, and to which the proposals are not an unreasonable response. They would not give the police unchecked—

Mr. Skinner: It sounds like they would.

Sir Norman Fowler: They would not—the police would have to ask the court to make an order, and the court would have to make its decision on the basis of the application.

Mr. Joe Ashton (Bassetlaw): One of the problems is that exclusion orders and restriction orders have loopholes. If the right hon. Gentleman says at the Dispatch Box what those loopholes are, all the villains will learn about them. Indeed, many of them already know about the loopholes; they travel by different routes, or four people drive an old van with another person stuck in the back, for example. It is easy, in a mass exodus, for people to get around court orders.

Sir Norman Fowler: As I said at the outset—I know the hon. Gentleman was here—I do not think that either we or the Government would claim that there was any guarantee that a football hooligan or thug could be excluded from a match; that would be impossible under any law. However, I believe that the current situation could be improved. The effectiveness of our system—again, I do not think that there is anything between us and the Government on this—is brought into question by the fact that, in the past five years, 20,000 people have been convicted of football-related offences, but only 71 restriction orders have been made.

I hope that I have said enough to demonstrate the seriousness not only of the threat that I believe such people pose, but of the Opposition's approach to that threat. We are grateful to the Home Secretary for taking up two of our proposals, but we hope that he will use the principles that are set out in the other proposals as the foundation for other measures. I do not believe that we can rely only on the two measures that he has accepted; we need to do more if we are to have a realistic prospect of dealing with these people, and that must include giving more powers not only to the police but to the courts, which would have to take decisions.

Parenthetically, I raise another issue, about which I wrote to the Home Secretary over the weekend. Last week, the Prime Minister suggested that, on returning to this country, convicted football hooligans should be disciplined by their employers and perhaps sacked. I do not want to dispute the deterrent value of that as an immediate measure, although the last thing we want is for those people to be kept at the taxpayers' expense on social security. However, in the range of action that is open to us, certainly over the next few weeks, the suggestion could provide a reasonable deterrent.

In the medium term, we need to examine how we can progress beyond that. My basic belief is that people who have been found guilty of causing damage overseas—in this case, France—should be required to make reparation to help to pay for the damage that they have caused. As I understand it, the French have a criminal claims compensation scheme. I see no reason why convicted offenders who have caused damage overseas should not pay into that scheme, which would require some system of attachment of earnings for convicted offenders on their return to work in this country. That would best be done by an agreement between the United Kingdom and France. We are talking about an important principle—offenders should be required to pay for the damage that they have caused.

I would welcome the guidance of the Home Secretary on that issue, but above all I would welcome his response to the issues that we have set out with the aim of strengthening our defences against the actions of hooligans overseas, who have done a great deal in the past week to damage the reputation of English soccer.

4.15 pm

The Secretary of State for the Home Department (Mr. Jack Straw): First, I thank the right hon. Member for Sutton Coldfield (Sir N. Fowler) for the manner in which he spoke to his new clauses on an important and current issue. I also thank him for tabling them, even though they will use up valuable Opposition time.

I echo the right hon. Gentleman's remarks, and place on the record, as I did last Monday, the abhorrence of all decent people in this country, who were angry as well as shocked to see the disgraceful scenes involving a relatively small number of English so-called supporters in Marseilles.

The world cup tournament France '98 is plainly enormously important for this country and, in particular, for those who reside in two of its nations—Scotland and England—or who support those teams. It is a great sporting festival and we want it to be remembered as such. As a Government, our aim has always been to promote it as an enjoyable and safe tournament for law-abiding supporters from England and Scotland. Regrettably, that has meant that we have had to spend a huge amount of time and effort on the small minority of hooligans who want to cause trouble and disrupt things.

Before dealing with the specific points that the right hon. Gentleman raised, I must remind the House of what we have been doing to lay plans to combat hooliganism in France and ensure, as far as possible, that the games are as peaceful and enjoyable as they can be. As soon as we took office last May, we entered into immediate discussions, which continued through the summer, about preparations for the world cup. Last October, the Prime Minister asked me to co-ordinate those efforts and to establish a world cup co-ordinating group.

Within that group, all parties—Government, police and footballing associations—have worked together on all matters affecting supporters going to France and, obviously, those attending games. In doing so, we have had three main aims. The first was to ensure that the world cup is first and foremost a sporting festival. The second was to promote the interests of respectable football supporters and prevent a hooligan minority from bringing disgrace to our country, as, sadly, they did last weekend. The third was to work closely with our French counterparts to achieve those aims.

In March, we published a detailed action plan, which we sent to all hon. Members and which received wide approval. It set out the measures that we have taken to achieve those objectives. That action plan had two distinct and simple purposes. The first was to provide the decent supporter with the confidence of knowing that the British and French authorities are properly looking after their

[Mr. Jack Straw]

interests and welfare. We need to remember that thousands of supporters are going to the games to support our teams, and it is partly their vigorous, but peaceful, support in the stadium that makes a significant difference to the morale, and therefore, we hope, the success, of the English and Scottish teams.

In saying that, I pay my tribute to Sir Michael Jay, the British ambassador in France, and all his staff, whom I know from my many visits to the embassy in Paris. They have worked tirelessly, in some cases full time on this matter, with the consular authorities in Marseilles, Boulogne and elsewhere in France to ensure that good arrangements were in hand to look after the interests of the decent supporter and traveller in France.

The second purpose of the action plan was to provide clear and unambiguous warnings to the hooligan that his behaviour would not be tolerated. I had many discussions, beginning at the Justice and Home Affairs Council of the European Union in May 1997, with my two opposite numbers, M. Jean-Pierre Chevènement, the French Minister of the Interior, and Elizabeth Guigou, the Minister of Justice—although most of the responsibility is M. Chevènement's.

We discussed ways in which we could greatly improve co-operation between ourselves and the French. I am pleased that the French authorities indicated early that they would apply the law firmly to those who chose to break it. From the first, we gave full support to that approach, and we welcomed the statement, which has been proved by events, that prosecutions would follow for those who broke the law, and that, in many cases, imprisonment would be the immediate punishment for those found guilty before French courts.

Our co-operation with the French Government, police and other authorities has been excellent. The Football Association and the Scottish Football Association paid preliminary visits with their security advisers to the places where their teams would play and stay. Equally important, senior police officers from England and Scotland visited the various match venues well in advance to see the layout of towns and grounds. They have also shared our expertise on policing and crowd safety, and have established close and successful working contacts with their French colleagues.

At the end of February, in, I am proud to say, Blackburn, at Ewood park, one of the founding homes of world football—Blackburn Rovers was one of the 12 founding teams of the English Football League, without which there would be no world cup—I hosted the European Union's seminar on the policing of football. It was a successful and well-attended event at which representatives of football associations and police authorities across the EU shared experience and advice, and developed good contacts with French counterparts, including Dominique Spinosi, who heads the French organising committee, and George Quérry, a senior official from the French Ministry of the Interior who is dealing with the world cup.

Mr. Nicholas Soames (Mid–Sussex): I congratulate the Home Secretary on the extensive co-operation that took place beforehand, and I associate myself with his remarks about Sir Michael Jay and his colleagues in Paris. However, will the right hon. Gentleman say how many of the hooligans who were convicted following the unspeakable events and behaviour of a very small minority in Marseilles were already known to the police, and had been identified to the French police as known troublemakers?

Mr. Straw: The hon. Gentleman will forgive me, but we made an early decision not to give that kind of information, for reasons that will, I think, be readily understood. I can say, however, that it was obvious to the police that a large number of those involved during the initial stages of the trouble in Marseilles were not previously known to, for example, the National Criminal Intelligence Service.

We agreed with the French that British football intelligence police officers—spotters—would work in France during the tournament. I must make it clear that it is for the French to police the world cup, and not for us. We must respect the facts that France has different traditions of policing, and that the French police are autonomous in their own country. The French agreed that spotters could act as a vital source of information on which they could act, and those intelligence officers have been operating successfully. Discussion about their precise role and their numbers continues.

It is important that there should be flexibility, and we intend to ensure that the French authorities receive all the targeted help that they request, and we can provide. I emphasise that one sovereign country may make a request of another, if it wishes to have police officers on its soil acting in any kind of operational, or even advisory, capacity. The House will accept that it would be inappropriate for me to go into further details, particularly of the number of our police officers who are present.

The French are organising their police operation nationally through a co-ordination centre in Paris. British police, including some from the NCIS, are present at that centre. I express my thanks for the enormous amount of willing assistance that we have had from the authorities in France over important policing questions. Both we and the French officials were worried about whether arrangements for collaboration would stand the test of the front line when trouble broke out. I am pleased to say that that has been the case so far.

Mr. Lansley: I understand why the Home Secretary does not wish to provide detailed information of the kind requested by my hon. Friend the Member for Mid-Sussex (Mr. Soames). However, given the reliance placed on the NCIS in this country, the notification provided to French authorities of those who might be suspected of being involved in football hooliganism and the lack of evidence regarding those who were actually involved in much of the hooliganism that occurred in Marseilles, what conclusions can the Home Secretary draw from the events in Marseilles?

Mr. Straw: I am sorry, but I did not entirely follow the hon. Gentleman's question. I shall give way to him again if he is not satisfied with my answer. It is true that some of those involved in the trouble in Marseilles were not known to the NCIS. I am afraid that it is in the nature of the human condition that not all people who are about to commit crimes are known to the police—would that that were the case; it would make my job and that of the police very much easier.

The NCIS, which was established by the previous Government, placed on a statutory framework under the Police Act 1997 and brought into force under this Government, is envied across the world because of the great skill and professionalism that it brings to bear on criminal intelligence. Almost uniquely—although I was told in my grammar lessons that something is either unique or it is not—the NCIS combines all law enforcement agencies, such as the police, Customs and Excise, and many other agencies that operate in this country, in a single resource for the pursuit of criminal activity in whatever form.

I shall give an example of the extent of the co-operation between Britain and France. I signed and brought into force on 1 June the bilateral agreement with France so that convictions for football-related offences in France could trigger restriction orders in the British courts. If I had not been able to do that, and if I had not received that co-operation from our French counterparts, much of our discussion about how we could effectively ensure sanction in British courts against those who committed deeply appalling offences in France would have been nugatory.

Mr. Ashton: Is not one of the problems the fact that the Data Protection Act 1984 prevents the criminal intelligence unit connected with football from revealing names, addresses and pictures of thugs to clubs, ferry companies and airlines? That is a major restriction. The Act must obviously protect people's privacy, and certain information should not be made public. However, people connected with football who want to prevent violence should have access to that data, which until now has been forbidden to them.

Mr. Straw: I share my hon. Friend's frustration with the data protection legislation and the way in which it is sometimes interpreted. We must strike a balance between the rights of individuals to have information about them subject to privacy protection, and the public interest involved in revealing that information—particularly for the detection and prevention of crimes. That issue has arisen in the Bill, where we require authorities to establish partnerships that can be achieved effectively only if they share information. Some police forces have been very reluctant to do that, and I am pleased to say that amendments have been made to the Bill to facilitate that transfer of information.

While the data protection provisions have not blocked the supply of information or the checking by the NCIS of ticket applications within the England members club, they have had other effects that we shall have to consider when the world cup is over.

There is also a wider issue. For example, older juvenile offenders—16 or 17-year-olds—may seek the protection of anonymity under the Data Protection Act, when we all know that, if their names and pictures were made available to the press and the public, it would act as a considerable deterrent to their commission of further offences. I am pleased to say that we have taken significant steps to persuade the youth courts to be much more open in the publication of the names of older juvenile offenders. I want the press to be vigorous in checking whether the courts are following our advice.

4.30 pm

We have taken other steps to help bona fide supporters from Great Britain. Our advice to supporters was summed up in the phrase, "No ticket, don't travel." Television advertisements supported that message. I know that it was criticised in some quarters, but, in my judgment, it was the only sensible message that the Government could have given to football fans, and it remains our message.

The proof lies in the fact that, across this country and Scotland, hundreds of thousands of football fans were able to gather, often in clubs or public houses, to enjoy the communal atmosphere of watching a game without the problems that could have arisen had they gone ticketless to France. There is an alcohol ban on Eurostar trains during the tournament. Although we do not have powers to enforce such a ban, I hope that other carriers, such as ferries and airlines, will restrict the availability of alcohol in appropriate circumstances.

I turn to the new clauses. We share the objectives of the right hon. Member for Sutton Coldfield, especially in the light of recent events, which we all deplore. Last Monday, I spoke to Mr. Chevènement to apologise on behalf of the British Government and people for the events in Marseilles. We are committed to doing whatever we can to ensure that such disgraceful scenes are not repeated in future soccer tournaments. The right hon. Gentleman is right to say—I commend him for saying it—that, even with the best plans that we can think of, there is no way to guarantee that trouble will not take place. We never suggested that that was possible. However, as far as possible, we can guarantee that those causing trouble will be apprehended and dealt with as severely as possible.

The right hon. Member proposed that the penalty for breaking a restriction order should be increased to six months' imprisonment. We agree, and our new clause 12 brings that into proper order. I hope that that is acceptable to him. He also proposed a power of arrest when someone subject to a restriction order is in breach of it. That, too, we accept. For the benefit especially of Conservative Members, I should say that the difference between the Opposition proposal and ours involves simply getting it into proper order and hooking the offence into the Police and Criminal Evidence Act 1984. That not only provides powers to arrest where a scheduled offence has been committed but ensures that an arrest can be made when it appears on reasonable evidence to a police officer that such an offence is about to be committed.

If a restriction order was imposed whereby a person had to report at 3 pm to a court in, for example, in Sutton Coldfield—I pick that example at random—but at 2.30 pm that person was at Heathrow airport waiting to board an aeroplane, then, despite the efforts of the right hon. Member during his time at the Department of Transport to improve transport between Heathrow and Sutton Coldfield, the police would have reasonable grounds for believing that an offence was about to be committed, and would be able to make an arrest.

I understand—I shall deal with the point later—the gravamen of the right hon. Member's proposals for football behaviour orders and for making it almost automatic that a restriction order should be imposed whenever there has been a relevant offence. I should like

[Mr. Straw]

to explain why I do not believe that we can put those proposals into law at this stage. In no sense do I express disapproval for the principle behind the orders.

The Opposition's football behaviour order would allow the police to apply to the courts when they had reasonable cause to believe that a particular individual would cause disturbances at a football match outside the country. The court would be able to make an order placing prohibitions on the person concerned.

As the right hon. Gentleman made clear this afternoon and on the "Today" programme this morning, these proposals closely follow the Government's proposals for anti-social behaviour orders. It is important that the matter should be debated in an all-party way. However, in the spirit in which the right hon. Gentleman gently teased the then Opposition for having voted against the Football Spectators Act 1989, I shall gently return the compliment, if such it is, for the position that the Conservative Opposition previously took on anti-social behaviour orders.

I realise that Conservative central office is sometimes off message these days, but it must be said that the Conservative research department, in a brief that it published earlier in the year about the Bill, described the anti-social behaviour order as a policy gimmick that had been dreamed up by us in opposition. It was not a policy gimmick but a serious proposal. Someone should have a word with Conservative central office about that. It may have been taking its cue from the right hon. Member for Skipton and Ripon (Mr. Curry), who was a Minister in the Department of the Environment. When we made our proposals in opposition, he described anti-social behaviour orders as unnecessary.

As the right hon. Member for Sutton Coldfield has raised these matters, it must also be placed on the record that, in *The Sunday Telegraph* of 12 April 1998, the hon. Member for Hertsmere (Mr. Clappison) not only referred to the European convention on human rights but was quoted as saying—perhaps he did not say this; it was *The Sunday Telegraph*—that the Government's proposals were "dangerously unworkable". There is always time for sinners to repent, and I am glad that the forensic and persuasive powers of the Minister of State, my hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael), have persuaded the Opposition of the value of anti-social behaviour orders.

An issue was raised about the extent to which the orders, which are not criminal convictions, could fit properly with the rights of individuals under the European convention on human rights. That was the serious point that the hon. Member for Hertsmere was raising when he kicked anti-social behaviour orders to one side and said that they were "dangerously unworkable". We are clear that the orders are not in breach of the European convention on human rights, but it has to be put on the record, as I think it was in Committee, that they had to be drafted carefully to ensure that they were not.

Otherwise, there was a danger that the orders, which are civil orders that prohibit people from doing things that, in any event, are unlawful, and retrospectively make that prohibition, could appear to be in the nature of a conviction and a punishment for a past offence. It is palpable that a court can base its decision to grant such an order only on evidence that typically will refer to past behaviour as an indication of future misbehaviour.

We believe that anti-social behaviour orders have struck the right balance, but it has taken a long time to work the issues through. I first proposed such orders—they had a different title then; they were called community safety orders, but that was the principal difference—about three and a half years ago, when we were in opposition. We published two detailed technical consultation documents. Even so, and given the benefit of much helpful profession advice, it was not possible to translate those proposals, on which we had been working for at least a year and a half, into legislation when we came into government. A great deal more work had to be done on the orders before we got them into what we think is a form that will work and is consistent with the European convention on human rights.

The Bill is close to the end of its passage through the House, and it is extremely important that we achieve Royal Assent before the end of July, so that many of the important proposals can be brought into force as swiftly as possible. I do not need to go through all of them, but one issue that is causing great anxiety to hon. Members on both sides of the House is that of serious sex offenders who were the subject of conviction before the Criminal Justice Act 1991 came into force and who, currently, can leave prison without any restriction being imposed on them.

Thanks to assiduous work by the police and probation service, working closely together and led by the Minister of State, my hon. Friend the Member for Cardiff, South and Penarth, arrangements have been put in place to deal with some of those serious sex offenders; however, those are temporary arrangements. It is extremely important that we get the sex offenders order on the statute book as quickly as possible, so that we can use those orders and ensure that those people are the subject of proper supervision and that the public are properly protected.

If we were to try to insert in the Bill at this stage a large new order, with the complications that the Opposition themselves accept relate to anti-social behaviour orders, there is a grave danger that, at best, the Bill's passage would be delayed until the spillover part of the Session in late October, and that therefore we would lose at least three months before the Bill could be enacted. Moreover, restriction orders would deal with offences such as those that are being committed in France, whereas the proposed orders would not deal directly with that problem.

Under the new clause moved by the right hon. Member for Sutton Coldfield, a police officer would need to have a reasonable belief that an order of the sort proposed was appropriate and would go to court to seek the order. The right hon. Gentleman accepted that, in some cases, the police would not wish to apply for an order: because of the nature of the intelligence that they had received, they would not think it appropriate to bring that intelligence before the court. Other than convictions, in almost every case involving football hooligans—*[Interruption.]*

I can see that those on the Opposition Front Bench are concerned about the light shining in their eyes, which makes thinking difficult. After 18 years of experience on that side of the House, I can tell them that a word to the

Clerk, followed by a word to a Doorkeeper, will always secure the raising of the blinds. This short interruption will also give me a chance to drink a glass of water. Many a time when I was bathed in sunlight on the Opposition Front Bench, I could see that those on the Treasury Bench were enjoying my discomfort; however, we are a compassionate Government.

The new clause states that the chief officer of police has to have

"reasonable cause to believe that an order under this section is necessary to prevent"

a person

"disturbing good order at any designated football match outside the United Kingdom".

In short, he must believe not only that an order is appropriate or reasonable, but that it is necessary. I recognise the difficulties of drafting in opposition, but that wording is such that, in almost every case, the evidence that would be required to be put before the court would be intelligence evidence.

There are two problems with that. One is that in few cases is intelligence evidence good evidence for cause, because it is in the nature of hearsay evidence. The rules relating to evidence in civil courts are wider than those in criminal courts, but even courts where the civil rules of evidence and the civil burden of proof apply have to ensure that the evidence proves the point; otherwise, any decision they made would be overturned on appeal. The second problem is that, even if intelligence evidence were ruled admissible in the court, which in itself would be difficult to achieve, it is questionable whether it would be in the public interest for the courts routinely to be told about the nature of the evidence that was being introduced.

For example, evidence to be found on the National Criminal Intelligence Service database typically includes evidence from informants. In this country, we rely heavily on informants: it may be an unpleasant aspect of police work to pay criminals or to pay people to act as agents in order to gain good intelligence about other criminals, but it is necessary. It is my judgment, and it has been the judgment of successive Governments, that, although clear rules have to be laid down regarding the proper conduct of informant operations, the public interest would not be served if the nature of informant handling was routinely brought to public notice, as it would have to be under the new clause.

The result would be that police officers would judge that it would not be in the public interest to seek the orders under the new clause, given the other difficulties relating to the chief police officer's having to prove that an order was necessary to prevent the person concerned from

"disturbing good order at any designated football match outside the United Kingdom".

4.45 pm

Sir Norman Fowler: Would not that argument disappear if we were to limit the clause to past offences? It seems to me that one of the problems with which we have to deal is the fact that 20,000 people have been convicted of football-related offences, yet only 71 restriction orders have been issued. Under the new clause, it would be open to the police to put it to the magistrates court that an individual had been so convicted, which would provide the necessary ground for seeking a further restriction order.

Mr. Straw: I shall deal later with restriction orders. I am not telling the right hon. Gentleman that we believe that what is contained in new clause 10 is simply to be dismissed—I do not believe that for a moment. It is an important idea, and one which we should sit down and work on.

However, as the right hon. Gentleman, who was a Minister for many years, often said, in answer to a point from the Opposition, that the Government have a duty to ensure that law passed by the House is good law. The proposition was only made last Thursday, and it will not be possible to put it into proper order within the time available to get the Bill passed, especially given the time it took to get anti-social behaviour orders into shape.

The right hon. Gentleman knows that, as soon as we got sight of his proposals, I sat down with officials and went through them to find those that we could accept, which we got parliamentary counsel to ensure were put into good order, and those that required more work. If I had thought that we could accept the lot, that would have given me the greatest pleasure of all.

Mr. Ashton: Will my right hon. Friend ask the right hon. Member for Sutton Coldfield (Sir N. Fowler) about the 20,000 convictions to which he referred? Is not the right hon. Gentleman thinking of 20,000 arrests? It seems a large number and probably goes back about 20 years. I would suggest that some of those convictions are for pickpocketing, peddling drugs, or drunkenness inside a football ground—offences which are not really connected with the problem being debated. Many statistics get lumped together and, of the 20,000 convicted, probably only 500 were convicted of serious hooliganism.

Mr. Straw: I have to tell my hon. Friend that the right hon. Member for Sutton Coldfield was referring to an answer given to one of his hon. Friends by one of my Ministers last week about the number of football-related offences recorded in the past five years. Football-related offences cover the sorts of offence to which my hon. Friend refers, as well as offences of violence and specific hooliganism of the sort exhibited in the south of France.

It may be appropriate to deal directly with restriction orders. We accept that there are defects in the Football Spectators Act 1989. The right hon. Gentleman teased me about the fact that we voted against Second Reading of that Bill, so it might be sensible for me to put on the record our reasons for doing so.

We did so to save the Conservative Government from the grave error of going down the road of football identity cards. At that stage, I believe that the right hon. Gentleman was not spending sufficient time with his family and was still a member of the Cabinet. As he is a man of great wisdom, I have no doubt that he told Mrs. Thatcher that an identity card scheme was likely to make matters worse, not better. I know that many other people said the same to her. Besides me, she is the only other honorary vice-president of Blackburn Rovers; but her knowledge of soccer and attendance on the terraces are not exactly as extensive as mine. In short, she did not understand how the system would operate. That is why we voted against Second Reading of the Football Spectators Bill.

In the end, the previous Government saw the wisdom of what we were saying, and did not bring into force the relevant part of the Bill. My right hon. Friend the

[Mr. Straw]

Member for Copeland (Dr. Cunningham), speaking for the Opposition—it was a Department of the Environment Bill—said:

"We can at least agree the principle of part II of the Bill and the intention to restrict people convicted of a football-related offence from travelling to matches abroad."—[*Official Report*, 27 June 1989; Vol.155, c. 860.]

More recently, in 1995, we said that the restriction orders should be used more often by the courts.

Sir Norman Fowler: Returning to the point raised by the hon. Member for Bassetlaw (Mr. Ashton), the fact is that 20,000 football-related offences have been committed in the past five years. Will the right hon. Gentleman confirm that all their perpetrators could have been subject to restriction orders?

Mr. Straw: I cannot confirm that. The definition of a relevant offence in the Football Spectators Act is different from, and narrower than, the definition that the police use for recording purposes. If I am wrong, I shall try to provide more information later in the debate.

As we know, restriction orders prevent those subject to them from attending matches abroad involving teams from England and Wales. The offenders concerned have to report to police stations in this country when such matches take place. The right hon. Member for Sutton Coldfield said that restriction orders had almost fallen into disuse when we took office. That is true: last year, there were only nine extant orders. I decided to issue a circular, which went out on 27 December last year, to the courts, the CPS, the Magistrates Association and the police, reminding them all of this power. As a result, the number of orders in force has risen from nine to 71.

Detective Inspector Chapman of the NCIS wanted us to take other measures as well, some of them impossible, but the publicity surrounding the circular, and its implementation, have meant that the courts are now seized of the need to impose the orders—they are responding to the advice extremely well.

I want to pick up the right hon. Gentleman's point about whether the courts should automatically impose orders. Operational instructions have been provided to prosecutors; the Lord Chancellor's Department has reminded courts of their powers under the 1989 Act. Operational guidance to the CPS asks prosecutors to make applications for bail conditions for the prevention of further offences, and, when appropriate, for the surrender of passports. It also asks prosecutors to make applications for restriction orders when appropriate. Instructions advise prosecutors, when the circumstances surrounding a football-related offence are not made clear on the case file—sometimes they are not—to approach the police for further details.

I do not want to speak for much longer, especially as I have just been handed a note to that effect by my Minister of State, but I should like to deal with the point about automaticity. The right hon. Member for Sutton Coldfield will be aware of the apprehension felt in the courts whenever an automatic penalty is imposed. The facility was used sparingly by the previous Government, and when, with our support, such propositions were presented, they resulted from the most detailed scrutiny. The relevant part of the new clause is unacceptable to us, as it goes too wide.

I can only tell the right hon. Gentleman that I stand ready to institute further discussions with the Lord Chancellor and the CPS to ensure that the courts are advised, whenever a football-related offence is before them, to consider imposing a restriction order. We shall also advise them to give reasons when they do not do so. Given the public's concerns—magistrates are also members of the public—about what has happened in France, I believe that the courts will readily accede to such advice.

In the light of what I have said about football behaviour orders and the extension of automaticity, I hope that the Opposition will not press the new clause to a vote.

Mr. Lansley: Does the Home Secretary agree that it was because there was no immediate prospect of England travelling abroad to football matches that restriction orders were not sought for a long period—they were not required in relation to any particular events? Has he considered the scope for applying restriction orders retrospectively to given offences?

Mr. Straw: There is a general prohibition on creating retrospective criminal offences. That is a principle of our law and of the European convention. I am advised, however, that the changes that I hope the House will agree later today—in respect of stronger punishments for breaches of restriction orders—will apply to all new orders, including those made in respect of offences already committed in France. Thus, those who have committed such offences in France will be caught, because the orders will not be made until the Bill—with luck—becomes an Act. To that extent, retrospective effect will be given to convictions already obtained—and to those that I hope will continue to be obtained in France for hooligan offences committed during the world cup.

Sir Norman Fowler: Is the Home Secretary saying that he does not oppose the principle of our football behaviour order, and that he would be prepared to listen to further arguments, perhaps put at a meeting, about how such an order could be given practical effect?

Mr. Straw: The answer is yes. For the avoidance of dubiety, however, I should add that I do not believe that it will be possible to conclude those discussions before the end of the Report stage. It is important not to make the best the enemy of the good; we must get the Bill into law as quickly as possible, not least to ensure that anyone breaking a restriction order suffers the maximum penalty of six months, not one month; and to give the police the power of arrest. I nevertheless undertake to instigate discussions on the issue as quickly as possible.

I have spoken at some length because these are important issues. I wanted to explain to the Opposition why we have accepted two parts of their new clauses, and why we have been unable to accept the wording of two other parts. It is clear from the debate, however, that the whole House is united in its opposition to what happened in Marseilles, and in its determination to act ever more severely on football hooliganism, in this country and abroad.

Mr. Edward Leigh (Gainsborough): Anti-social behaviour orders, on which the new clauses are based, were debated at length in Committee. Last weekend, the

Prime Minister seemed to suggest that the Opposition were less committed than the Government to stamping out hooligan behaviour. He was undoubtedly basing those remarks on information that had been given to him by the Minister of State, Home Office, who, in turn, was misquoting what my hon. Friends and I said in Committee. It must be placed firmly on the record, so that the Home Secretary appreciates the matter, that the Opposition were not opposed to the anti-social behaviour orders in Committee, and we are not being cynical because we have tabled new clauses containing orders that are based on the anti-social behaviour orders for debate on the Floor of the House.

5 pm

I shall remind the Home Secretary of some of the questions that we asked in Committee. We wanted to ensure that there was rigour about the anti-social behaviour orders, that they were not sweepingly defined, and that it was clear who the victim was. We were not opposed to the anti-social behaviour orders, but we argued in detail that existing legislation, especially the Protection from Harassment Act 1997 and section 5 of the Public Order Act 1986, which mentions

"threatening, insulting or . . . abusive behaviour",

already covered the sort of behaviour about which the Government have complained. We were trying to probe precisely what new form of behaviour would be covered by the orders, as is our duty.

The Minister of State, Home Office (Mr. Alun Michael): I remind the hon. Gentleman that we spent a long time discussing the fact that prevention rather than punishment was the aim of the anti-social behaviour orders. He does not seem to have grasped that point yet.

Mr. Leigh: We did spend a long time discussing that point. As the Minister made clear, if an anti-social behaviour order is imposed, punishment in terms of criminal conviction does not follow, but, as he well knows, other punishment follows, and a number of restrictions can be placed on the defendant by the courts if the defendant does not comply with the order. We made those points in Committee, and we were perfectly entitled to do so.

We also made it clear that, at heart, the Bill was a Conservative Bill, and that many of the matters that we were debating were originally mooted by the Conservative Government. We were trying to tease out from the Minister precisely what sort of behaviour would be covered. On many occasions, he was either unwilling or incapable of telling us in detail what sort of behaviour the orders were designed to catch. Indeed, he used a famous phrase, saying that we would recognise such behaviour as the elephant on the doorstep. I said to him:

"The elephant on your doorstep is not the language of Lord Denning."—[*Official Report, Standing Committee B*, 30 April 1998; c. 67.]

The Minister, however, seemed happy to say to the Committee, "Don't worry; we can't define what sort of behaviour will be covered, but the magistrates will deal with the matter adequately when it comes back to them." We said, "No. What sort of behaviour will be covered by an anti-social behaviour order—playing a CD too loud, irritating the neighbours or causing distress, although there might not be a particular victim?"

The Opposition have tabled in the new clause an anti-social behaviour order that provides, for the first time, a clear definition of such behaviour. It also includes a definition of a victim that I believe would not fall foul of the European convention on human rights. We have clearly defined a problem. The whole House is aware that there are major difficulties with football hooliganism—that is international news—and the Conservative Opposition have provided a closely defined form of anti-social behaviour. Apparently the Government will reject our new clause, but I can think of no good reason why they should do so.

The Home Secretary said that the Bill would somehow be delayed if he did further work on the new clause. I do not believe that that is true. It would be perfectly possible for the Government to come back in a week or two with their own form of anti-social behaviour order which dealt precisely with football hooliganism. Why are the Government opposing the new clause? Perhaps they are doing so out of a sense of pique, because the Conservative Opposition have correctly identified football hooliganism as the issue of the hour and provided a definition of a form of anti-social behaviour that the public want to be addressed. We have also identified the fact that the Bill does not address such behaviour.

Why are the Government opposing the new clause? They could have said, as the Home Secretary was careful not to, that it was incorrectly drafted. He could have passed it to the parliamentary draftsmen, and I would have understood it if he had said, "The essence of the new clause is correct, but it is defectively drafted. Let us redraft it, and we shall see whether we can put it in the Bill." He has not said that, but has come back with loose and ill-defined opposition to our new clause.

For the life of me, I cannot understand why the Government will not accept the new clause: after all, it could be used on the basis of clear evidence. In the Committee debate on anti-social behaviour on council estates, we said that it is often difficult to prove a particular form of behaviour. There may be malicious prosecutions and disputes, and, as in cowboy movies, no clear sense of good and bad. There are many grey areas such as domestic disputes between and within families, but we have provided a clear and close definition of such behaviour and an order could be based on a conviction.

As my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) has said, there have in recent years been 20,000 convictions as a result of behaviour on or about the football terraces. As anti-social behaviour orders are being introduced, what could be easier than introducing a clearly defined form of anti-social behaviour specifically in respect of hooliganism at football matches? What clearer message could be sent out to the general public? I believe that the new clause is sound, and I urge hon. Members to support it.

Mr. Eric Martlew (Carlisle): I am concerned that football hooliganism is the issue of the moment. As the hon. Member for Gainsborough (Mr. Leigh) said, it has been picked out by the Conservatives. Often, Parliament does not do justice to legislation because it has been rushed through. Hon. Members who were in the House when we rushed through the Dangerous Dogs Act 1989 will know that that was particularly bad legislation.

I am also worried when there is consensus between Front Benchers. There is consensus today, but I remind hon. Members that there was consensus when the Child

[Mr. Eric Martlew]

Support Agency legislation—the Child Support Act 1995—was passed; and we know what we got with that. I welcome what my right hon. Friend the Home Secretary has said, and there is a need to tighten the law.

Regrettably, one of my constituents has a record of violence at or in the vicinity of football matches going back 10 years. I shall not mention his name, because he would only glory in being mentioned in Parliament. That gentleman was involved in Dublin in 1995, when the match between Ireland and England had to be abandoned—he was arrested, given a suspended sentence and deported. In October 1997, he attacked an Italian pensioner on a train while travelling to Rome for the world cup qualifying match.

My constituent is a known hooligan. He went on record as saying that he was going to France to cause trouble, so I decided to write to my right hon. Friend the Home Secretary, making three points. First, I asked whether this hooligan could be prevented from going to France, because he had said that he was intent on violence. My right hon. Friend replied that, regrettably, that could not be done because my constituent did not have a restriction order on him, and that he would be allowed to travel to France.

I appreciate my right hon. Friend's reply, which I received today, but I did not need it, because Cumbria police had said that they could not stop my constituent, and in Saturday's edition of *The Mirror*, it was reported that my constituent was in France, had bought a ticket on the black market, and was staying at a good hotel. Obviously, he was able to get through the net—there was nothing we could do to stop him. I understand—although this has not been confirmed—that he has now returned to England. The man boasts about the trouble he causes. He has caused trouble in both Ireland and Italy, but it seems that we cannot do anything about it.

Secondly, the man has now said that he intends to produce a book to coincide with the world cup. He will make up to £800,000 out of recording his violent behaviour. I asked my right hon. Friend whether there was any way in which to stop publication of the book, or to take away the man's profit and give it to the victims of his crime. The answer was that such action would be very unlikely. Again, that cannot be right. It should not be possible for criminals, which is what they are, who have been through the courts—and the man concerned has been in prison on a number of occasions—to capitalise on their criminal record. The publishers are interested only in profits, and the companies selling the books say that they do not want to behave like censors. It cannot be right for these criminals to profit.

Thirdly, there was a suggestion that the man would sell his story to a newspaper and that it would be serialised. I asked my right hon. Friend the Home Secretary whether that could be stopped. The answer was that, regrettably, it could not be stopped because it is perfectly legal. It was suggested that the Press Complaints Commission might be able to do something, but the Government could not stop it.

Hon. Members will understand why people in my constituency who know the man want the law to be changed. The law needs to be changed. It should not be possible for one or two thugs to make a fool of the law—and, to be honest, a fool of Parliament. The vast majority of football supporters from Carlisle and the rest of the country have gone to the world cup to have a good time. They are of good character and law-abiding. One or two supporters are spoiling things, and we must take action to stop them.

We cannot assume that we have taken the necessary action. I suspect that many hon. Members, on both sides of the House, believed that we had passed the necessary legislation. Perhaps even my right hon. Friend the Home Secretary thought so. Previous Home Secretaries have said, "We are doing this, that and the other," but when it has been tested, the law has been found wanting.

I hope that my right hon. Friend will push ahead with his proposals today, but return to the House at a later date with further proposals to prevent criminals from writing books about their exploits. In a law-abiding society that wants to go forward, it is not acceptable that such people should be able to drag us down.

Mr. Bob Russell (Colchester): There has been broad support for the Government's proposals, and I wish to continue that consensus. We are united in deploring the incidents that have occurred and we pray that there will not be any more. The problem is that many of those involved thrive on the oxygen of publicity, as the hon. Member for Carlisle (Mr. Martlew) said. It could be argued that this debate provides more publicity. Although I accept that the incidents occurred, I question the way in which they were portrayed by the media—it was exactly what the thugs wanted. I hope that both the media and the thugs have now had enough.

The Liberal Democrat party supports the spirit and the sentiments that have been expressed from both Front Benches. However, I hope that the Home Secretary can clarify certain issues that may cause concern. Will he confirm that incidents that happen overseas will not be subject to further trial in this country? I am referring to the imposition of a restriction in this country, rather than the offence being dealt with a second time.

Will the right hon. Gentleman confirm that restriction orders will be served only on those who have been found guilty of an offence, and not in the circumstances referred to by the hon. Member for Carlisle where there had not been a conviction? I acknowledge the points that the hon. Gentleman made, but if there has not been a conviction, I question whether a restriction order would be valid. I hope that the Home Secretary will clarify the matter.

5.15 pm

I was disturbed to hear that there are some 4,000 convictions a year for football-related offences. Although the incidents at the world cup over the last two weeks have focused attention on the English disease—I was about to say the British disease, but in fairness, it is an English football disease—I would welcome further clarification of how we are to deal with the continuing problem of football hooliganism within the English game—the home season.

Does the Home Secretary believe that the clubs are doing all that is necessary? I include in that question those who wear their clubs' colours on the pitch, and their activities when they are not on the pitch. We are looking for leadership from our professional footballers. Hon. Members are aware that one or two of them have

not set the best examples. It is possible that one or two of the hooligans thought that they were settling a score. If there are 4,000 convictions a year, should there not be an increase in the use of restriction orders? I do not refer only to the big clubs; there are also problems with the smaller clubs. I am also worried about how the proposals will be policed. It will be another burden on our hard-pressed police forces.

Although I acknowledge that the House and the public want action to be taken, I want to dissociate myself from the Prime Minister's suggestion that those who are convicted of an offence overseas should be sacked from their jobs in this country. The consequence of doing that will be the public purse having to support those people. I am not defending football hooligans, but I think that the Prime Minister has overstepped the mark.

Mr. Martlew: The man in the case that I cited was sacked from his job after the Italian attack. It is a punishment. Surely employers have the right to dismiss people who discredit their companies.

Mr. Russell: That is a matter for the employers and the tribunals. A virtual instruction from the Prime Minister is not helpful. If the hooligan is in an occupation where good order is paramount, sacking might be justified, but it is not necessarily relevant—

Mr. Michael Jabez Foster (Hastings and Rye): What occupation would be appropriate for such action?

Mr. Russell: I will not be drawn into that question. It is not the role of Government to instruct employers on how they should dispense with the services of those whom they employ. I stand by that statement. I had not thought that the state was interfering with employers to quite that extent.

I join the two Front-Bench spokesmen in congratulating the police in this country and in France, and the British officials overseas on what they have done to try to improve the situation. I trust that the minority—and it is the minority—will not prevail, and that thousands of law-abiding English and Scottish supporters will be able to enjoy the remainder of the world cup without the thugs dragging English soccer further into the mire.

Mr. David Crausby (Bolton, North-East): I unreservedly condemn the hooliganism in Marseilles. The so-called English patriots who marauded through France brought nothing but shame on the nation and on the football team. It is ridiculous to refer to them as brave, aggressive young men: they are nothing of the kind. Even to speak of them in the same breath as the genuinely brave men who died in past wars is disgraceful. The individuals who marauded through France are the cowards of the crowd and they should not be considered brave in any circumstances. All hon. Members should surely agree with that. Their behaviour is ruining the world cup and our prospects in that tournament. They are not representative of the decent fans who want to enjoy a celebration of the game.

It is pretty clear that the present system is unable to deal with the problem. The solution is not new law, but a tighter use of restriction orders by the courts. I accept that 71 cases is too few, but there has been an improvement this year. At the beginning of the year there were only nine, so at least some progress has been made. I am convinced that the Crown Prosecution Service, the courts and the police can make greater use of restriction orders.

The real solution to hooliganism does not lie with the law: it lies with a change in the culture of the game. It comes down to what the game is about, including the people who participate in it. A great deal of work has already been done. Anyone who takes a tour of football grounds will realise that enormous steps have been taken towards finding a solution to the problem of hooliganism. Remarkable improvements have been made to facilities.

Football must heal itself. A change in culture must be backed by football clubs and, most important, by players, who make a lot of money out of the game. For the future of the game and for the future of our young people, they have a responsibility to show, both on and off the field, that good behaviour is the only way forward for this great game of ours.

Mr. Nick Hawkins (Surrey Heath): I share the views of the hon. Member for Bolton, North-East (Mr. Crausby). It is interesting that he and the hon. Member for Carlisle (Mr. Martlew) were united in their view that the current law is not adequate to deal with this problem. The hon. Member for Carlisle supported the point, argued by my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler), that we need to go further than the Government have proposed. The Government should accept the entirety of new clause 10. It is clear that there is unanimity in the House about the importance of this issue, and that the Opposition's new clauses go further than the Government have been prepared to go.

Hon. Members are united in their concern for the French police officer who was attacked during further mob violence. He is married and has two children. I am sure that we all send our best wishes to his family. My heart sank as the news of the attack was broadcast, but then it became clear that German, not English, fans were involved. I applaud the German football authorities for offering to withdraw their team from further participation in the tournament. That offer has been declined, but it shows that football authorities rightly recognise that the appalling spectacle of violence has affected the tournament, as the hon. Member for Bolton, North–East said. It has been a national disgrace for all the countries whose supporters have been involved in violence.

All hon. Members condemn hooliganism, but we also have a duty to say how we can best deal with the problem. I was surprised that the French authorities took decisions only after the first violence occurred in Marseilles. Bars are to close at 11 pm, and the giant screens which the fans wanted, are to be removed as a punishment and will be restore only if there is no further violence and hooliganism. Surely it would have been common sense to close all the bars somewhat earlier than 11 pm. It is clear from our sadly extensive experience of football violence over many years that much of it is drink-related.

Mr. Vernon Coaker (Gedling): Does not shutting bars treat the symptoms rather than the cause? We should be driving out the hooligans. Fans from other nations drink and use bars until goodness knows what time in the morning, but they do not get involved in fighting, and

[Mr. Vernon Coaker]

there is no stain on their nation. Hooliganism must be dealt with without spoiling the enjoyment of the rest of us, who behave responsibly.

Mr. Hawkins: I agree that it is sad that the enjoyment of law-abiding people is spoilt because bars have to close, but we are not talking about them. I think that the hon. Gentleman is realistic enough to accept that drink has always played a part in such offences. Although I entirely agree that we must find a way to deal with hooliganism—we are debating ways of extending the law to deal with the hooligan problem—it is extraordinary that, given the extent of the shared police intelligence during the build-up to the world cup, more thought was not given to the significance of drink in the behaviour of hooligans.

Mr. Tony McWalter (Hemel Hempstead): I draw the hon. Gentleman's attention to the fact that drink was not an element of the German offence, of which he gave a clear description. Perhaps his argument that drink always plays a role in hooligan offences should be corrected.

Mr. Hawkins: I take the hon. Gentleman's point, but the film footage of the scenes of violence in Marseilles involving England supporters clearly showed that drink had played a part in those incidents. *[Interruption.]* The hon. Gentleman is nodding.

Mr. Soames: I endorse entirely what my hon. Friend has said. I have read with increasing disbelief the histories of some of the people involved in this thuggery. What the hon. Member for Hemel Hempstead (Mr. McWalter) said applies to the ringleaders. Drink is not a part of their methods: they are calm, controlled and determined. They wickedly and ruthlessly take advantage of those who are already drunk. Of course drink is a problem, but the leaders are wicked, evil people who are not drunk, and who behave in this way for a purpose.

5.30 pm

Mr. Hawkins: I agree with my hon. Friend, but there can be trouble not only at football matches, but at other sporting events when no ringleaders are involved. Not long ago, I was at a race meeting with my two young sons when a drink-related fight broke out. No ringleaders, sober and bent on violence, were involved; several young men who had had far too much to drink simply became violent. Much of what we are talking about is undoubtedly drink-related.

All hon. Members who have spoken so far agree about the need to use restriction orders more. We would all encourage the courts to make greater use of the powers they already have, but much of the planning for the world cup, worthwhile though it was, did not go far enough. Before it started, disquiet was expressed about the limited number of tickets available to England fans, but the Government's instruction to fans not to travel without a ticket was, sadly, always doomed to failure.

I do not criticise the Home Secretary for what he said. I am sure that any responsible Minister would have made the same kind of statement, but we all recognised at the time that many supporters were bound to travel to France without tickets, hoping to get them on the black market. We recognised that many supporters would end up rootless and shiftless in the streets around the towns where the English team was due to play, and that there would be trouble when drink was involved.

I hope that the Home Secretary will reflect on what my right hon. Friend the Member for Sutton Coldfield said about the need to consider the issue further. The Home Secretary is being very realistic in saying that he is prepared to examine the problem beyond the confines of this debate, but I ask him to take seriously what my hon. Friend the Member for Gainsborough (Mr. Leigh) said. We did not deal with this subject in Committee, but we did consider general anti-social behaviour. As my hon. Friend said, in Committee we were concerned to make the Bill work and we believe that our new clauses would be effective.

Ms Sally Keeble (Northampton, North): In Committee, we discussed at some length the proposition that separate orders should be introduced only to cover distinct and recognisable behaviour, and that they should not be applied too generously. Will the hon. Gentleman explain exactly the distinct type of behaviour that the football behaviour order would cover, and how that behaviour would be distinct enough to justify a separate order?

Mr. Hawkins: I hear what the hon. Lady says but, as my hon. Friend the Member for Gainsborough said, we want the Bill to be effective in practice.

The Home Secretary talked about the seminar at Ewood Park which, as I think he is aware, was also attended by a superintendent from my area and that of my hon. Friend the Member for Woking (Mr. Malins). He was previously a Metropolitan police officer in charge of policing at Stamford Bridge, but more recently he has been the senior officer in charge at Woking during Woking's successful cup run, so he has experience of being in charge of policing at a major premier league club, and of the problems associated with premier league matches as well as smaller clubs. Problems can arise when smaller clubs are visited by larger clubs and the ground does not always have the capacity to cope with all the supporters. It was a successful seminar and I have had good reports of it. I am sure that the Government will continue to encourage the police to cross-fertilise experience and opinion—internationally as well.

I am delighted that the Football Association has employed a former senior police officer, whom we all heard speak at length in the media in the aftermath of the violence. It is good that such expertise is available, but we know that despite all the good intentions and the hard work the trouble has continued. I believe that new clause 10 would be a better way to deal with it.

Mr. Lansley: Will my hon. Friend reflect on the fact that considerable progress in controlling violence has been made at domestic football matches in recent years? Does he agree that the world cup is a relatively accessible tournament to which people spend considerable time travelling, and that it is those circumstances that give rise to the particular need for new clause 10?

Mr. Hawkins: My hon. Friend makes an extremely good point. It has become clear that many of the people involved in the violence at international tournaments—

this perhaps relates to the point made by my hon. Friend the Member for Mid–Sussex (Mr. Soames)—have well-paid jobs. They can afford to travel internationally. There is undoubtedly a need for the courts to consider seriously how to exert their powers in order, as the hon. Member for Carlisle said, to hit where it hurts most. It is important to examine how the courts can use restriction orders and how the powers can be extended.

I hope that the Government will reflect further on this matter. I also hope that, in due course, something very much like new clause 10 will appear in a subsequent Bill—if the Home Secretary cannot take the proposal on board now. It is certainly important to look very hard at what is suggested in new clause 10.

Mr. Michael Jabez Foster: As a dedicated and long-term supporter of Hastings Town football club, I have no personal experience of crowd troubles, as the team's best crowd of the season was 375. However, with promotion to the Ryman league, we are hoping for better things.

Sitting by our televisions and experiencing the humiliation the nation suffered because of the behaviour of our so-called supporters means that we are all involved, but it would be a great pity if the agreement that exists across the House that something needs to be done were fractured by petty, party political points—the hon. Member for Gainsborough (Mr. Leigh), for example, impugned the Government's good intentions because they do not wish to accept new clause 10.

The most important thing is to introduce provisions that work. On the face of, there are problems with new clause 10. It has been suggested that it fits in with clause 1—and the heading "Crime and disorder: general"—which deals with anti-social behaviour orders. With respect, it does not.

There is a need for provisions to be precise. Clause 1 is very precise in that it states that an application for an anti-social behaviour order may be made if a person

"has acted . . . in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself".

There may be judicial interpretation of precisely what that means, but it is sufficiently clear to help the judiciary in their consideration.

New clause 10 is much less precise. My right hon. Friend the Home Secretary has already alluded to the test of necessity. It is a very high test and it could well be too high in this instance. The new clause states that a football behaviour order may be applied for if

"the person has acted in such a way as to give reasonable cause to believe"

that such an order is necessary, but there is no assistance in interpreting what "such a way" is. Phrases such as "in such a way" are so vague and unintelligible that it is difficult, certainly for the layman and, in turn, for the judiciary, to understand what they mean.

Like my right hon. Friend the Home Secretary, I would support a new clause that achieved the Opposition's objective, but new clause 10 is not the one.

Mr. Humfrey Malins (Woking): I should like first to apologise to the Home Secretary and to other hon. Members for missing the first few minutes of the debate. I was unavoidably detained. However, it has been a very good debate. It is also quite clear that hon. Members on both sides of the House feel very strongly about the issue—about which there is a great deal of unanimity. It is absolutely not a party political issue.

In the past couple of weeks, one of the saddest things for us all has been to switch on the television and to see pictures not of great football matches but of the violence surrounding those matches. Our reputation abroad has been partly destroyed. Many good, ordinary people watching those disgraceful scenes on the television will ask themselves, "How on earth did some of those hooligans and thugs get there? How were they allowed to go there in the first place? What kind of system do we have when they can travel willy-nilly? Why weren't their passports taken away? Can't something be done about it in future?" The only answer is that we must never let it happen again.

The truth of the matter is that the vast majority of football fans in this country are good, law-abiding people. My hon. Friend the Member for Surrey Heath (Mr. Hawkins) mentioned Woking football club, which is in my own constituency. It has a wonderful side, which has a great family following and always maintains an outstanding atmosphere. There are many such teams across the country.

So far as I can determine, there are two types of hooligan. One type is the more sinister, tending to go to matches to create violence without taking any drink. They are very nasty, wicked people. There are plenty of those around, who will try, whenever they can, to get to a match to cause violence for its own sake. Some of them are politically driven by one extreme or another of the spectrum. They are very serious and very nasty people.

The second type of hooligan is perhaps less serious and nasty, although it is not at all pleasant. It is composed of those who are normally law-abiding but behave out of character when full of drink.

Both types of hooligan require attention, and new clause 10 is an important step in that direction.

Mr. Lansley: Does my hon. Friend agree that, in Marseilles, there was some evidence—not least from the deportation orders made by the French authorities—that the number of those in the first category of hooligans that he mentioned, who are known as category C hooligans, was relatively small? The difficulty is that there was a relatively large number of those whom he might have included in his second category. Part of the difficulty, which new clause 10 deals with, is how to prevent relatively large numbers of such persons arriving in such circumstances at an England game.

Mr. Malins: My hon. Friend is absolutely right. The number of those who are in the first category of hooligans is relatively small, and the number of those in the second category is the highest.

I should like to talk to the Home Secretary about the difficulties that he mentioned about new clause 10, and offer my suggestions on how those difficulties might be overcome. I believe that, early in his speech, the Home Secretary—he will forgive me for having entered the Chamber after he started his speech—said that one of the problems with provisions such as new clause 10 is the hearsay nature of the evidence that might be brought

[Mr. Malins]

before a court and the fact that often informants are used and are very relevant in such proceedings. He was essentially saying that there would be evidential problems, which I can appreciate.

In the spirit of all-party co-operation, however, would the Home Secretary consider whether an application for a football behaviour order should be brought not only in a magistrates court but in a Crown court, before a judge? I make that suggestion specifically because the Home Secretary has mentioned evidential problems in making such orders. There are evidential problems when informants are responsible for a tip-off, advice or hearsay and second-hand evidence because, under natural justice, the defendant is entitled to see the evidence against him and to know its origin—which takes us into the sphere of public interest immunity certificates.

Public interest immunity is a complicated area of the law. However, in granting certificates, the judge or tribunal deciding a case has to take a decision, based on case law, on whether there should be disclosure of the source of information.

I hope that the Home Secretary will take on board the fact that one of the benefits of seeking a football behaviour order in the Crown court would be that the difficulties that he mentioned—about information based on informants—would be overcome partly by a Crown court judge's ability to listen very carefully to difficult, complex arguments on public interest immunity, and, when necessary, to reject those arguments out of hand.

5.45 pm

Crown courts may also—I say this with no disrespect to magistrates courts—bring more expertise and expedition to the decision-making process. That may be one reason for requiring the orders to be made in a Crown court. Nevertheless, there may still be a difficulty because of the speed required in making an order. Information that someone might be behaving in a manner that may make it necessary to grant an order to prevent him disturbing good order may come to light only fair late on, sometimes within a day or only a few hours of the proposed departure for the match. I recognise that difficulty, and the possible need for some sort of expedited proceedings.

Another argument for bringing the proceedings in the Crown court rather than the magistrates court is that, under new clause 10, breach of a football behaviour order would entail a maximum 6 months' imprisonment. Hon. Members will know that, in practice, under provisions in the Crime and Disorder Bill, six weeks is the maximum sentence that can be served in custody in a six-month sentence. We have consistently to remind the Government about that point.

I have tried in my speech specifically to point up the matter of public interest immunity. There is some danger in rushing through legislation that has not been thought out properly. The House has seen sufficient examples of such legislation. There is perhaps a temptation to have a knee-jerk reaction to current events in France and elsewhere, and to try to pass today a law that will sort out the problem. I do not think that it is possible to solve the problem today.

Today, the House can debate the issues. I hope that we will advance that debate in a spirit of co-operation, so that we might move towards a solution—which will be in place, if not next week, as soon as reasonably possible—and ensure that such events do not happen again.

I do not think that we will ever stamp out football hooliganism, here or abroad. Human nature and a free society are such that such behaviour will happen. Life is like that, and we will not change it. However, we can do quite a lot to cut down on the incidence of such behaviour. As the years go by, we can hammer away at the edges to improve matters. It is important for us to attempt to do that.

I dare say that this debate, which has focused on the behaviour of some English people abroad, may apply also to the behaviour of some young people from other countries. The problem is not unique to this country, and is currently probably being faced by other parliaments. I am quite sure that the Home Secretary is discussing with his counterparts across Europe and around the world whether any magic solutions—or solutions better than those that we are considering—have been discovered elsewhere. I rather doubt that any such solutions have been found, but I am sure that the Home Secretary has tried to find them. I am sure that the House would like to hear his proposed solutions.

Mr. Coaker: I apologise to the House for missing much of the speeches by Front Benchers in opening the debate. I should like to ask my right hon. Friend the Home Secretary whether it will be possible after the Bill is passed to impose an anti-social behaviour order on some of our train companies, so that hon. Members might arrive for debates on time.

I very much agree with the hon. Member for Woking (Mr. Malins) that it is important that the House should be debating the issues surrounding football-related violence. This group of new clauses and amendment No. 166 give us the opportunity for such a debate. Given the seriousness of what has happened in the past few days, the British people would not understand if we did not have a full and frank discussion in the Chamber. Indeed, they would have felt let down had there not been an exchange of views on how we can prevent or minimise such events in future. I very much agree with the hon. Member for Woking about the importance of the debate and the opportunities afforded by the new clause.

It is important for hon. Members to reflect on how we felt just over a week ago when we saw on television the behaviour of so-called English football supporters in Marseilles. What should have been a great feeling of elation, joy and expectation before the game, and after the game a sense of tremendous joy that we had won, became for many of us despair, disillusion, frustration and, quite frankly, embarrassment. That was a common theme.

I recall people telling me that the football match had become almost irrelevant, and the result had been soured by what had happened. When we saw the scenes on the beaches of Marseilles before the game, we could not help thinking that the people involved were supposed to be supporting the English football team and representing our country, but were simply dragging it into the gutter. Although we must recognise that they were a minority of the supporters, none the less they disgraced us all.

In discussing the new clauses, we should dispel some of the myths surrounding violence at football matches and the ways in which those involved dress up their behaviour

in an attempt to excuse it. We have become accustomed to so-called supporters saying on television, on the radio or in newspapers that they were standing up for England. I do not want them standing up for me. The vast majority of people I have met do not believe that those people are standing up for England, and it is important that that message gets through to them. I am sure that hon. Members agree that it is no good such people wrapping themselves in the banner of English nationalism as an excuse for thuggery and hooliganism, and we will have no part of it.

We must also recognise that such action is not taken by a few hooligans from depressed council estates who go abroad to vent on the streets of a foreign land their frustration at their lack of opportunity in their own society. People who commit such offences come from all sections of society. For too long we have excused hooliganism, thuggery and anti-social behaviour by saying that the people involved are kicking against bad times and a lack of opportunity. It is a lame excuse, which does not wash. It is an insult to us all, not least the law-abiding fans in Marseilles.

We must also accept that this is an English problem. The Scottish supporters drink considerable amounts of alcohol and dress in particular ways, and have been having a good time dancing in the streets, but, although they have been a little the worse for wear, by and large they have not resorted to the behaviour of the so-called England supporters.

I welcome the fact that my right hon. Friend the Home Secretary spoke about stiffer penalties for such offences, which are also proposed in new clause 11. The tightening of the law is the very least that the British public expect. The mythical ordinary man and woman in the street would say that, although it should not have happened, we should make sure that people who have degraded our country should not be allowed to get away with it, and are punished for what they have done. That is what the public demand of us.

I say to the Minister of State that nothing undermines public confidence in the legal system or in Parliament more than our discussing issues and passing laws that are then not enforced. We are discussing stiffer penalties. If we are drawing a line in the sand and saying that people who cross that line will be in trouble, the new laws must be enforced.

If the courts do not enforce the law and impose stricter penalties, people will say that Parliament was interested in the problem when it was on the news and caused embarrassment, and that we pretended to take action but in reality did nothing. If we increase the penalties and say that we are determined to take action against football hooliganism and anti-social behaviour, of which football hooliganism is an extreme example, it is important that the courts enforce the legislation and use their powers to impose penalties.

Mr. Lansley: On that point, does the hon. Gentleman agree that it might be preferable to proceed in the way proposed in new clause 11, which requires the court to make a restriction order on a person who commits a football-related offence, unless there are exceptional circumstances, rather than proceeding in the way suggested by the Home Secretary, which involves guidance to courts and encouragement, without the House setting out its specific intentions?

Mr. Coaker: I understand that my right hon. Friend the Home Secretary was saying that there has to be a balance between the independence and rights of the judiciary and the right of Parliament to set the guidance within which the courts operate. When Parliament tries to give guidance on how the courts should respond in particular cases, they often ignore it or regard it as less important than we do. My right hon. Friend was saying that the framework of the Crime and Disorder Bill offers a way forward to ensure that the will of the people expressed through Parliament is enforced in the courts, and that we do not get to the point at which laws exist but are not enforced.

Finally, I congratulate my right hon. Friend the Home Secretary on the way in which he supported the actions of the French police. We should apologise to the French people, and tell them that we wish the world cup to continue to be a celebration of football, as it has been in the vast majority of matches in the majority of cities, and represent all the best about that terrific game. My right hon. Friend was right to support the French police, and the English police in working with them. I hope that they get the message that we want them to be tough when it is necessary.

We recognise that we are talking about a small minority of hooligans rather than the vast majority of law-abiding fans. However, that small minority is a disgrace to our country and to us all. Parliament needs to address the problem in the longer term, and we hope that the French police will deal with it harshly and firmly during the world cup.

6 pm

Mr. Soames: I congratulate the Home Secretary on the spirited way in which he has taken up this excellent Tory Bill. This is my first opportunity to speak on it. I ask the Minister to convey my gratitude to the Home Secretary for the very thoughtful way in which he received a delegation that I led about public order matters and anti-social behaviour. The people I took to see him were very grateful for the measured, sensible and forthright way in which he dealt with their concerns. I am pleased that the Bill deals with such important matters. I congratulate him on having the courage to take it forward.

I also warmly endorse the points made by the hon. Member for Bolton, North-East (Mr. Crausby). I agree with his comments on the behaviour of professional footballers on the field. A lot needs to be done in the management of professional sport. I saw a young British player being sent off in a rugger match the other night for stamping on the head of another player. Someone who commits that offence on the field of competitive sport should be banned from playing from his country again.

One of the best regulated sports that I have seen in Britain is Army boxing, which I followed closely when I was Minister for the Armed Forces. One element that dignified the sport was the fact that one breach of any rule would exclude the young man concerned from fighting for the Army or the regiment again. That produced a discipline and sense of sportsmanship in the ring that greatly added to the sport.

[Mr. Soames]

I sympathise with the frustration expressed by the hon. Member for Carlisle (Mr. Martlew). He was aware that a known football hooligan had gone abroad, but, although he had the courage to get hold of the Home Secretary to initiate an inquiry, nothing could be done. The Minister and the Home Secretary know that that frustration at not being able to do anything causes great resentment about our civil law. The hon. Member for Gedling (Mr. Coaker) made an important point about the House being seen to take action for the long term, not just because the issue was a matter of the moment.

I warmly support my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler), although what the Home Secretary said was eminently sensible. The Home Secretary, the Home Office team and the police have done an enormous amount of work to close the loop on dealing with football hooligans, and the French have co-operated positively. I do not often go to football matches, and I am not an expert in crowd control, but I thought that it was a mistake to allow a lot of young over-refreshed football supporters on a beach in Marseilles to stand beside a temporary grandstand full of a lot of naturally over-excited—and, I am sure, well intentioned—Tunisians.

That was a cocktail likely to go badly wrong. It is a pity that it went badly wrong, because, if there had been police between the sets of supporters, however awful it is that there should have to be police protecting the wretched Tunisians from British supporters and vice versa, I like to think that they would have stopped what happened.

The Home Secretary is right to say that nothing can be done to guarantee the prevention of such incidents. I fully understand why the Home Secretary cannot tell me who is who and what is what in our football intelligence organisations. I wish them the best of luck as they do a very difficult job. They clearly did a very good job the night before last in spotting some of those people in Toulouse. However, it is a pity that, despite all the liaison and intelligence back-up, England was humiliated the other night by the behaviour of a small minority of disgraceful young men. That makes what happened in Marseilles even more disappointing and serious.

My hon. Friend the Member for Surrey Heath (Mr. Hawkins), who spoke with great authority, pointed out that drink was a major factor. I am sure that many of the young men—and not so young men—on the beach at Marseilles on the night of the match against Tunisia had had too much to drink. That was not the scene of the most premeditated violence; it seemed more spontaneous. However, some of the young men who go abroad seem ruthlessly and viciously determined to start fights. It is frightening that there is a core determined to wreak violence and havoc wherever they go. Those are the people we must deal with.

My right hon. Friend the Member for Sutton Coldfield wanted to enable a wider and broader restraint through restriction orders on more people. That is an admirable and sensible proposition that commands support on both sides of the House, although we may differ on how to go about it. I am glad that the Home Secretary has taken up some of our ideas, and I hope that they will work. I share his anxiety—for several reasons, not just connected with football—that the provisions should be on the statute book as soon as possible.

I hope that the Home Secretary will convey a message from me and every other former service man that any service man found guilty of having taken part in any of the serious offences will be brought back and disciplined with the rigorous application of military law. They should be court-martialled at once, and thrown out of the services.

What has happened has undoubtedly damaged the good name of our country. It will have been watched with horror and anguish by our friends abroad, many of whom remember a more generous and spacious English spirit.

Mr. Ashton: My hon. Friend the Member for Gedling (Mr. Coaker) mentioned the peculiar fact that there has been no violence from Scottish supporters. Somebody asked me last week why English supporters have rioted while the Scots have not. The answer is simple. The Scottish nationalists have a political party. They can channel their tartan fervour into politics. The English people who have rioted are fascists. There is a strong National Front element behind the riots that we have seen. My right hon. Friend the Home Secretary cannot reveal all the details because of data protection laws.

Such violence has not happened in this country since the Hillsborough disaster, because of better policing and video cameras. My good friend Detective Inspector Peter Chapman is in charge of football intelligence and often goes plain clothes into the crowd. He is about 5 ft 8 in tall; no one would think he was a policeman. He and his colleagues do a marvellous job.

When England go abroad, the gang of National Front hooligans get together. Their greatest asset these days is the mobile phone. They all carry them to communicate with each other. They call themselves section 18: 18 represents the first letter of the alphabet, A, and the eighth letter, H, and stands for "Adolf Hitler". It is no coincidence that a French policeman was beaten over the head with an iron bar by a German fan. In Germany, those fans call themselves "the white knights". There is a fascist link-up. That is why such incidents do not happen in this country; they happen only when England plays abroad.

The guy who was arrested in Marseilles—they called him the pig of Marseilles—comes from Naseby in Northamptonshire. He does not support any team—none of them do. The hon. Member for Mid-Sussex (Mr. Soames) referred to a soldier who was among those involved. An art dealer was among their number, and one was a currency dealer from London. These were not working-class thugs. People on low wages do not have the money to go over to France and organise there. The network is known to the police, but it is very clever. It is not just a question of our imposing exclusion orders; it goes far beyond that.

The problem does not exist among the Scots, who have a different nationalist fervour. The Irish, perhaps, have problems with a different kind of nationalism. We are talking about British nationalism here, and it is difficult to stamp out. The hooligans are well organised and have plenty of money. That is the perspective into which these things must be put. They are under continual surveillance but they are recruiting all the time, and are clever.

Riots have happened in Dublin, Rome and now Marseilles. Marseilles is significant because of the Tunisian influence, Le Pen and the very strong French anti-immigrant or racist feeling there. It was an act of

incredible stupidity to take the first game to Marseilles, because the city has a huge Tunisian population and is very near Tunisia. The Tunisians do not have a vote in France—one of the strong complaints of immigrants in France. They will take the opportunity of an instance such as the match to demonstrate and to make a row about every grievance. They might try to stick it on the British—although I am not defending what happened.

No matter how much we try, we cannot get across to British fans the fact that there is a difference in policing methods in Britain and on the continent. If there is a row, a riot or a punch-up in Britain, the police will move in to arrest and lock up the three or four people having the fight. That is not the case in France or Italy. They clear the streets. Their policy is "no arrests"—they get the riot squad, with their staffs and sticks, and clear the streets. If innocent bystanders get whacked, they get whacked.

Time after time, I have told football supporters from our country not to think—because of that old nonsense about the Italians running away during the war while the British did not—that the Italians are cowards because they run away. Italians are taught from being kids that if they see the police come out with the riot sticks, they should run, because the police take no prisoners. Our British lads stand and watch, and they think that they are doing nothing wrong. When they get whacked, they start to protest—understandably. There is a different form of policing abroad.

Let me refer to alcohol. Many years ago, we realised that, if booze was flowing freely and if people could buy a bottle of cheap supermarket wine for a couple of quid—as they can, even in our country—when people were hanging around in the sun with nothing to do and were tired because they had had a long drive or an overnight journey on a ferry, it was a recipe for trouble.

One other thing sparks off trouble, and I regret having to say this—television cameras. I am not saying that we should not televise sporting events—that is democracy. But as soon as those lunatics see a television camera, they will try to get arrested. They will be in the news—the macho bandits showing off to all their mates all over Britain. They will be the cowboys riding into town with no law and order, and with a price on their heads. I have seen it during the miners' strike, on picket lines, at football matches and anywhere that a crowd of young men gather—even outside a pub on a Saturday night. If they think somebody is taking pictures, the violence gets worse. Even if we avoid television cameras, we still have to understand the macho thinking and attitude.

No matter how much the police say, "Don't sell alcohol," cafe and restaurant owners in Italy and elsewhere see a big crowd coming into a city and see the opportunity to make a great deal of money. The French bar owners said that they had never seen people drink so much and remain on their feet. They said that about the Scots—but the Scots do not have that National Front organisation.

The problem goes much deeper than football or violence on the streets. For young men now, there is no war. There has been no outlet since the Berlin wall came down. The Hillsborough disaster meant that our stadiums had to be all-seater and equipped with video cameras. There was no conflict. There was nowhere to have a punch-up. Schools have tended to cut down on sports, including football and boxing. The jobs where young men could get rid of their energy—in the pits or the docks—have gone. They are attracted to the feeling of being in an invading army—like their fathers or grandfathers, who marched into Berlin or Tobruk with their rifles and hobnail boots. That is the British tradition.

6.15 pm

Let us not kid ourselves—the British are a violent race. We conquered half the world with the British Army, and we flogged them before the mast to get to Australia. We have always been a violent race, and it is nonsense to say that we can get it out of our system with cricket. It is time we accepted that.

In terms of exclusion orders, Interpol should be involved. The French police said that the British told them about the villains, but that the villains came armed with a sheaf of papers and a thousand rules, and the police could not keep track of them. Nobody was there to say, "Nab him, nab him and nab the other one." While we have the EU rules on free movement, we will have free movement for crime as well. Whether it is drugs being brought in easily across boundaries or thugs crossing for football matches, it is an EU problem. It is time the EU started looking at that problem, rather than shifting it on to the French or British police.

Mr. Lansley: I am grateful for the opportunity to add to what has been an interesting and important debate at an important time. I listened with interest to the hon. Member for Bassetlaw (Mr. Ashton). I am sure that there is some truth in his comments about the impact of fascist and racist activity among English hooligans, but one must look abroad. In Germany and Holland, there is a record of fascist groups—and of football violence, but not to the same extent. Such violence is being controlled in every country and, in this country, it is being controlled substantially.

It is incumbent on us to find measures to seek to minimise the opportunities offered to those who travel abroad under the guise of being English supporters and who seek, for whatever reason, to foment violence. The matters to which the hon. Member for Bassetlaw referred did not lie behind what happened in Marseilles to the same extent as may have been the case on other occasions; that was the burden of some of the interventions during the Home Secretary's speech.

It is not immediately clear whether some of the notifications sent to the French authorities in relation to intelligence from NCIS gave rise to prior knowledge of the extent to which those individuals were the sort of characters to whom the hon. Member for Bassetlaw referred. The proposals in new clauses 10 and 11 might be especially useful in that context, although I quite understand that they can never wholly deal with those who seek to orchestrate and inspire violence. Those people will have to be tackled with the full rigour of the law, and the utmost care must be taken to try to establish the link between them and those in other countries.

The most important aspect of this debate has been the Home Secretary's announcement that, as an immediate response, he spoke to his opposite number in France to apologise for what had happened in Marseilles. I have listened to my hon. Friend the Member for Mid-Sussex (Mr. Soames), to the hon. Member for Gedling (Mr. Coaker) and to other hon. Members, and I think it

[Mr. Lansley]

incumbent on the House not only to apologise for what happened in Marseilles, but to demonstrate that we feel shame and a determination, as my hon. Friend the Member for Woking (Mr. Malins) said, to do what we reasonably can to ensure that such events do not happen again. In that context, new clauses 10 and 11—to which the Home Secretary made it clear he was responding—are particularly useful.

I welcome the Government's proposal to increase the sentence from one month to six months. I accept that new clause 12 represents the Government's intention to make failure to comply with a reporting duty imposed by a restriction order an arrestable offence under the Football Spectators Act 1989, but—I am not speaking as a lawyer—the intention behind new clause 11 is not only to make such a failure an arrestable offence but to give a police officer the power to arrest someone who he believes is likely to fail to comply.

Mr. Straw *rose—*

Mr. Lansley: I happily give way to the Home Secretary if he wants to put me right.

Mr. Straw: The point of subsection (2) of new clause 12 is to hook into section 24(2) of the Police and Criminal Evidence Act 1984, which contains a list of arrestable offences. Police officers also have a general power of arrest—I think under a further subsection to that section—in respect of any of the offences in the list. The power of arrest may be used where the police officer has reasonable cause to believe not only that an offence has been committed but that an offence is about to be committed. New clause 12 therefore does exactly what new clauses 10 and 11 would do.

Mr. Lansley: I am grateful to the Home Secretary, not least for listening to the debate and being available to give the helpful clarification that the powers would apply when the police knew so much about an individual that they could see that he intended to attend a football match overseas, and would therefore not be available to report under the restriction order.

Restriction orders have not met—indeed, in the current circumstances, we can say that they do not meet—the various needs. For example, it is clear from what the Home Secretary said that, when football-related offences have come to court, the police have sought restriction orders not as a matter of course but in very few cases—the number has increased only in recent months. One has to ask whether—even given the assurances that the Home Secretary gave in his response to the remarks of my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler)—the courts will necessarily impose restriction orders in all the circumstances in which one would desire them to. The difference between the number of restriction orders that have been imposed and the number that would have been justified is dramatic.

Ms Keeble: Will the hon. Gentleman define more specifically what the tests should be? If 4,000 such orders are to be imposed each year—that is the number of people who are convicted of offences under the legislation—that would be incredibly difficult to police, which could bring the law into disrepute. What test would he use in imposing the orders that he suggests?

Mr. Lansley: The hon. Lady raises an interesting point. I suspect that, shortly after this debate ends, those 71 or so people to whom restriction orders have been applied will be reporting at a police station, but, as far as I am aware—the Home Secretary will correct me if I am wrong—none of those people are known to have been in Marseilles last week. If, as the hon. Lady rightly says, restriction orders are automatically applied whenever a football-related offence has occurred, a substantial burden will be placed on the system—there is a risk that thousands of people would have to report to police stations and be monitored.

Now may not be the moment, and I may not be the person, to specify all the circumstances in which a restriction order should be applied, but we need to recognise that restriction orders have not been applied in anything like the appropriate number of cases, and that it would be better if they applied more widely. Perhaps new clause 11 goes too far by making application automatic, but I believe that new clauses 10 and 11 combined would give rise to a different structure.

Ms Keeble: I thank the hon. Gentleman for giving way again. If we are to vote on the new clauses, with which I am sure many people have great sympathy, we need to know—and it is fair to ask—in what circumstances the powers would be applied, so that we could be absolutely sure that the orders would be workable.

Mr. Lansley: It is not for me to say whether we shall vote on new clause 11—from the way in which my right hon. Friend the Member for Sutton Coldfield spoke to the new clauses, I had the impression that he was focusing on new clause 10. New clause 10 would substantially add to the powers under new clause 12, which to some extent replicates new clause 11 in a way that the Government believe to be more appropriate. The difference between the proposals relates to the automaticity of the imposition of restriction orders in cases of football-related offences.

I accept that new clause 11 represents a substantial step forward, but I believe that, just as it is incumbent on the Opposition in tabling new clause 11 to contemplate the heavy burden that would arise if thousands of restriction orders were applied where previously there were only tens, so it is incumbent on the Government in rejecting the new clause to show that perhaps hundreds, rather than tens, of restriction orders will be imposed. I am informed that some 375 exclusion orders have been imposed, but even that greater number may be insufficient to meet the need.

As I said in an intervention on the Home Secretary—the right hon. Gentleman generously responded, but was not sure what point I was driving at—the evidence suggests that events in Marseilles, to which the hon. Member for Bassetlaw alluded, were not orchestrated by category C hooligans. The events arose because there was a critical mass of people susceptible to being violent in certain circumstances—that is, in effect, a description of category B hooligans. As the Home Secretary rightly said, even the best intelligence-led system with the best police spotters and video tape evidence does not equip

the police to identify in advance all those who are likely to commit violence in all circumstances—and a critical mass of such persons were in Marseilles.

This country has enforced many measures that have had considerable success in identifying those likely to cause football violence. However, those measures are not sufficient to deal with a large body of persons travelling abroad to take part in a tournament; they go for a considerable time and many opportunities for violence arise.

Under those circumstances, rather than concentrating only on the identification of individuals through systems that have worked well in the past, we must contemplate putting in place a system designed to frustrate the intentions of relatively large numbers of people who have engaged in football-related violence or who we have reasonable cause to believe could be engaged in it, from travelling to another country for a tournament.

6.30 pm

There is a certain element of rough justice in these matters, as I am sure my right hon. Friend the Member for Sutton Coldfield would not deny. However, such a system would substantially reduce the critical mass of supporters travelling; the number not travelling under the auspices of the Football Association supporters scheme; and those travelling without tickets.

My second point to the Home Secretary in an intervention was that the substantial difference between his proposed response and the Opposition's two new clauses is that retrospection as regards the application of restriction orders would be prevented. The Home Secretary is right to say that one should not necessarily go down the path of retrospection and impose an additional penalty for those who have attended court, perhaps years ago, received their penalty and moved on. That is the sort of retrospection that the House would certainly be right to disavow. However, new clause 10 offers a particular benefit—the opportunity to request a court for an order to prevent someone from going abroad in pursuit of a designated match if there is reasonable cause to believe that he or she would engage in violence there.

What would be the evidence? In most cases, I imagine that it would not necessarily be informants' advice or police intelligence, but rather the hard evidence of the person's having committed a football-related offence. A degree of retrospection is involved and it is an additional penalty for having committed an offence, but it is important that we find some mechanism by which to reach back into the large body of people who have committed those offences, and frustrate the opportunity for a large number of them to travel abroad, attend England matches and possibly participate in violence.

That was the import of my two interventions on the Home Secretary and I feel strongly that my arguments demonstrate the importance of identifying the benefit of new clause 10 and not merely new clause 11, to which the Government have responded positively in two important respects. If we agreed to new clause 10, we would be able substantially to reduce the risk of the sort of violence occurring that occurred in Marseilles. The proposal would buttress measures that have until now rested on the identification of given individuals within groups travelling to other countries.

Overall, it is important to recognise that by such measures we may be able to restore a degree of confidence in the way in which English authorities deal with English supporters abroad. One difficulty that has arisen because of our failure to control English hooligans abroad—together with the French authorities, but we must take substantial responsibility—is that it has reflected badly not only on the English game and England but, potentially, on our ability to stage a tournament here.

It is wrong for that to be the implication. The European championships in 1996 were a testament to how well we can stage such a tournament. Were England to stage the world cup in 2006, we could once again show how an extraordinarily well-managed and trouble-free tournament is run. It would be an immense pity if the events in France last week led to the conclusion that England could not manage international tournaments on its own territory again.

If we can show that we are taking the additional measures necessary to control English hooligans abroad, we can get the focus back on to the success with which the authorities in this country have used NCIS, video tape evidence and so forth substantially to reduce the impact of football violence and to make football once again a popular sport and, in many instances, a family sport. On that basis, I hope that, by what we do and say this afternoon, we may promote England's cause for the world cup in 2006."

Mr. Ivan Lewis (Bury, South): I welcome the opportunity to contribute to this debate. Most Labour members of the Standing Committee were incredibly well disciplined in their contributions—I even refused to be goaded by a comment by the hon. Member for Hertsmere (Mr. Clappison) when he referred to the sadness of those people in Manchester who support Manchester City. I remind him that years in the wilderness do come to an end—he should consider where his party and mine sat in this House—and I hope that, in the case of Manchester City, it does not take 20 years.

Both inside and outside the House, we should at every opportunity condemn the behaviour of English fans in France. We cannot allow any excuses to be made for them and their ilk—and there can be no hiding place, either. A consistent, all-party approach to the issue is important. At no point should there be any public perception that this is in some way a party political issue: it is not. We must also resist the temptation not to back the authorities in another country. If such behaviour were being perpetrated by foreign supporters in this country, imagine how we would feel were there any doubt about the Governments of their countries fully supporting our authorities in taking the necessary action. It is important that we give the consistent message that such behaviour is unacceptable.

It is wrong to label football hooliganism as exclusively a football problem—in many ways it is a society problem. We should ask ourselves why so many young people in our society are so full of bitterness, aggression and hatred. We need to consider some of the behaviour on the streets in our cities, which has nothing to do with football, and question why we are creating citizens with so much venom, aggression and violence inside them.

[Mr. Ivan Lewis]

A couple of weeks ago, a woman constituent in her mid-20s came to see me. She found it difficult to suppress her emotions and told me that, a week earlier, her 25-year-old boy friend had gone into the centre of Manchester for a drink with a friend and had come across two gangs of young people fighting and arguing. He had taken the trouble to intervene to break them up, only to be pursued by one gang, stabbed and, effectively, murdered. It is impossible to explain that level of hatred and violence—behaviour with which we find it so difficult to come to terms.

Undoubtedly, some people hijack football to peddle their violence and aggression and, as has been said, in some cases, a right-wing political agenda—well organised and often co-ordinated. Such violence brings with it status and, too often, the oxygen of publicity. In any discussion of the problem, we must consider the responsibility of the press and the media and the way in which they report such incidents. There is a thin dividing line between naming and shaming those people and giving them the status that they actively desire among their peer group—other people who behave in that way.

Not only the media and the politicians have a responsibility to respond to violence, aggression and inappropriate behaviour in football. The football authorities need to police football, and the behaviour of players on the field. What message is given to young people when sports stars publicly attack their partners, committing acts of domestic violence that seem almost to be an accepted part of celebrity status? Famous footballers are allowed to get away with that with no disciplinary action taken. What does that say about what is acceptable in football, and in the events surrounding it?

Mr. Bob Russell: Should such players be sacked by their managers?

Mr. Lewis: If I ran any organisation, whether a business or a football club—as I am a Manchester City fan, that is possible—I would undoubtedly feel that the recent behaviour of a famous international footballer justified his dismissal. The Prime Minister was right to talk of encouraging employers to sack hooligans. They must understand that the consequences of their actions will impact on every aspect of their lives. It is not acceptable to go to another country, have a bit of "fun", and come home to resume everyday activities. They should not be allowed to view their behaviour in that way.

We should not forget that there is a direct link between the behaviour of those people and its economic consequences for the nation. It is not just our reputation that is at stake. There is a real risk of our losing international sporting events, such as future world cups, because of the behaviour of English fans abroad. That will have direct economic implications for the United Kingdom, and that is why there should be economic implications for individuals who perpetrate that behaviour.

It is important not do anything with the law that is regarded outside the House as gimmickry. Legislation should be seen to be effective—to work. We need more time to reflect on the changes being proposed today. It is good to know that an all-party view is being taken about how we must treat and condemn hooligans.

Mr. James Clappison (Hertsmere): There has been a great deal of common ground in this good and constructive debate. The hon. Member for Gedling (Mr. Coaker) and my hon. Friend the Member for Woking (Mr. Malins) were both right to say that our constituents expect us to have such a debate in the light of last week's events. We must consider what more we can do to counter such events.

It was perhaps predictable that there would be condemnation during the debate of those events and the behaviour involved. There have been differences of emphasis on the two sides of the House about the underlying causes of those events. Having listened to the arguments about different causes, I believe that we would be unwise to discount any of them. Anyone who has listened to the debate will have been struck by the feeling on both sides that we need to do whatever we can to bring those events to an end. The Home Secretary took the House through both the Government's action and his response to our new clauses. In the light of what he said, I think that it was well worth our exploring what more we could do through the Bill to confront the problem.

I must introduce one discordant note, although I do not want to. I must do justice to my own remarks on the Bill in the light of comments made by the Home Secretary. I was surprised to hear him follow the Prime Minister's example of quoting me as saying that the Bill was "dangerously unworkable". I did not ever say that in Committee. It is a quotation which the Home Secretary found in an article in *The Sunday Telegraph*. He had to trawl through the press cuttings library to find it, but what he has done shows the danger of quoting remarks out of context. He looks surprised; perhaps he did not have the whole article. If he reads it, he will find that it is about use of the anti-social behaviour order in neighbour disputes.

The headline is "Neighbours risk jail in moves to curb 'incivility'". It begins:

"People who swear at irritating neighbours will be on course for a five-year prison term under plans drawn up the Home Office."

It goes into some detail about that, quoting the secretary of the National Association of Probation Officers, Mr. Harry Fletcher, as saying:

"The Bill rightly targets impossible neighbours, but every street has neighbours in dispute and it would be ridiculous if they all ended up in court."

I am then quoted as saying that the proposals were "dangerously unworkable", and possibly in breach of the European convention on human rights.

I was surprised that the Home Secretary did not acknowledge the context of my comments.

Mr. Michael: Keep digging.

6.45 pm

Mr. Clappison: I shall dig a very big hole for the Home Secretary, because I was even more surprised, in the light of the Government's own guidance on anti-social behaviour orders, which was issued on the day the Bill began its proceedings. It was not available when my remarks were made to *The Sunday Telegraph*, but its first paragraph stated that the orders were intended to be used for criminal or sub-criminal activity, not for civil disputes between neighbours. I am surprised, therefore, that the Home Secretary reproaches me for agreeing with the Government, and for having probed what the Government

were trying to do, until they came to agree with me. Not once in the debates on the anti-social behaviour orders did we vote against them. If the Home Secretary is referring to consistency on the Bill, he is skating on very thin ice on a wide range of issues for himself and his hon. Friends..

My hon. Friend the Member for Gainsborough (Mr. Leigh) was right to talk of the need to probe the definition of anti-social behaviour orders. He was also right to say that, although we have had reservations about the wide-ranging nature of the definitions, we all know what sort of thing we are aiming to bring to an end among football hooligans.

The hon. Member for Carlisle (Mr. Martlew) made some interesting points. He mentioned events in Dublin three years ago, which I and many members of the public will remember. There was a terrible disturbance involving English football supporters at an international so-called friendly. Such events have happened all too often, and they underline that, as well as condemning them, we must see what more we can do about them. My hon. Friend the Member for Surrey Heath (Mr. Hawkins) was among the hon. Members who spoke about that, making important points about the role of drink. My hon. Friend the Member for Woking, along with hon. Members on both sides, rightly drew attention to certain sinister people who go to football.

My hon. Friend the Member for Mid-Sussex (Mr. Soames) made an important speech about discipline. He struck a chord with many of us by saying, with some authority, that any service man who takes part in such events should expect severe discipline. He was right to say that the sense of discipline that the Army engenders sets a good example on and off the sports pitch. One of the most important examples of Army discipline that I have seen recently was the good work done at the Colchester military correction facility—the young offenders experimental institute known as the glasshouse—with young offenders.

My hon. Friend the Member for South Cambridgeshire (Mr. Lansley) made a good speech, and teased out the Government's intentions on power of arrest. He will know that the police have been concerned that they should have a power to arrest people who look as if they will break a restriction order, and should be able to deal with them at that point instead of having to wait until later. He secured a valuable reply from the Home Secretary about his intentions in that regard.

The debate was well worth having, and it was worth considering the proposed new clauses. The Government have accepted the point that we made in our new clauses about the need for a power of arrest to be attached. The police have sought such a power in the past. The Government have also accepted that there should be a stiffer penalty for people who breach restriction orders—one month is not enough; six months is more appropriate.

We welcome the Government's assurances about extending guidance to magistrates courts and prosecutors, to ensure that restriction orders are deployed more widely. However, we put the Home Secretary on notice that, in view of the relatively small number of restriction orders made, it is important to examine the matter and ensure that more are made in the future. People who have been in trouble at football matches in this country should not be allowed to travel abroad and export that trouble.

We noted the Home Secretary's remarks about the future adoption of a football behaviour order, and we listened carefully to his reasons for not being able to accept the proposed new clause in its present form. While we were not entirely convinced by the largely technical reasons that he gave, we are prepared to join in any future consultations on the issue. It is incumbent on all hon. Members to do all that we can to resolve the matter. We cannot guarantee that such people will be prevented from travelling abroad and creating trouble, but the Government have accepted that we must do more than we are doing.

We must reassure our law-abiding constituents—who surveyed recent events with absolute horror and felt a sense of shame at the damage that those hooligans did to our international reputation—that we are doing all we can within the ambit of the law to resolve the problem and to prevent such people from travelling abroad, sullying our name, causing damage and upset to other people, causing injury and becoming involved in criminal activities. We must be continually on our guard to see what more can be done. The Opposition will continue to approach the issue in that constructive spirit.

Mr. Straw: I commend the speech by the hon. Member for Hertsmere (Mr. Clappison) and repeat my thanks to the Opposition for arranging the debate. I also thank hon. Members on both sides of the House for the spirit in which they have entered the debate.

My hon. Friend the Member for Carlisle (Mr. Martlew) sagely warned the House about the dangers of enacting emergency legislation and of not examining propositions carefully when we agree with their objectives. That is good advice, but we must send a clear message that, despite differences of detail and emphasis, there is absolutely united opinion in the House—as I believe there is among decent people across the country—against those who commit violence and disrupt the enjoyment of football at home or abroad.

My hon. Friend the Member for Bury, South (Mr. Lewis) made something of a confession when he admitted that he is a Manchester City supporter. I regard that as a badge of honour. If he wishes to join the ranks of eccentric football supporters, he might encourage his colleagues on the Public Administration Committee to ask Mr. Alastair Campbell, the Prime Minister's press secretary, who will appear before the Committee tomorrow, how someone with such excellent professional skills could be a long-term supporter of Burnley football club.

My hon. Friend has raised a serious point for Manchester City supporters—which also gives me an opportunity to rib Mr. Campbell yet again regarding his support for Burnley—as soccer provides great enjoyment to people not only through watching the game but by giving them a sense of place. It gives them an opportunity to share common experiences and to rib each other in a friendly manner. That is part of the richness of our society and of many others. For that reason, people are very angry to see a game that provides simple enjoyment to many millions of people besmirched in this way.

The principal issue that we have debated is whether new clause 10 is sufficient to pass immediately into legislation in its present form. The hon. Member for Gainsborough (Mr. Leigh) chided me and implied that

[Mr. Straw]

I was unwilling to accept the new clause simply—I paraphrase his argument—because it was proposed by the Opposition. When I first entered the House 19 years ago, there was considerable debate across the Chamber. That was greatly to the credit of both sides of the House and the reputation of Parliament. I regret—both parties were at fault; I do not mete out blame—that debate in the House became coarsened during the 1980s. If the then Conservative Government proposed a measure, we felt that we had to oppose it by virtue of that fact, and vice versa.

That showed great disrespect to our voters, and I do not believe that either party gained any advantage from such an approach. I determined—I think that this view is shared by my colleagues—that, if I sat on the Treasury Bench, I would not adopt that approach. I have sought to ensure that I listen to all propositions—that has been obvious with the Human Rights Bill and other legislation—and judge them on their merits. We did that as soon as the two new clauses were proposed. I accepted two parts of them, and I have explained how we can achieve a third proposition via a different route.

We examined new clause 10 in detail and sought the views of both the Association of Chief Police Officers and the NCIS. I do not think that we could have consulted those organisations more promptly—they were contacted within the day. It may interest the House to learn that ACPO wrote to officials in my Department saying:

"We agree with the principles expressed in proposed amendments . . . We have some concerns about the standards of proof required to obtain an order. We are concerned also about the legislative patchwork that is developing in relation to policing football matches. It may be appropriate to take a more considered view of the problems through existing European Union Working Groups."

The NCIS wrote to an official to say:

"Whilst the proposal to create a Football Behaviour Order may initially look attractive NCIS has reservations regarding the standard of proof that would be required to obtain such an order."

It also raised the point, which I made, about the problems that would arise if it were necessary to provide details of current intelligence in order to obtain a football behaviour order. They are some of the problems with the current proposal for an order.

The hon. Member for Woking (Mr. Malins) asked whether the Crown court rather than the magistrates court should have the power initially. That is a very sensible suggestion, which we clearly cannot consider in the time available. The hon. Member for Surrey Heath (Mr. Hawkins) said that the Opposition had considered the idea of anti-social behaviour orders so that the Bill would contain workable provisions. I commend the Standing Committee and Opposition Members for doing so. However, that examination took a considerable period, and time is not available now.

The hon. Member for Gainsborough said that it would take only one or two weeks to examine the Bill and put it in order. That is possible, but not likely, given the number of people we would have to consult and whom they would have to consult in turn—for example, ACPO would have to consult its members. Given the stage we are at in the parliamentary timetable, two weeks' delay would mean that the Bill could not become law until late October. By that time, many of those who had served sentences in France would be back in this country. The additional powers of arrest and the extension of sentences from one to six months would not be available in respect of those who had been convicted of relevant offences in France and for whom the restriction orders could be obtained.

I am grateful to all hon. Members who contributed to the debate. We are embarked on a common purpose to ensure that the national shame that has been heaped on our land in the past week as a result of the behaviour of some so-called supporters in Marseilles does not happen to that extent again, or, if it does, that even more effective measures are taken by courts both abroad and in this land properly and effectively to punish such people and so reduce the prospect of such behaviour ever happening again.

As I have explained, there are difficulties with new clause 10. In the light of what I have said and of the undertakings that I have given thoroughly to consult the Opposition, the right hon. Member for Sutton Coldfield (Sir N. Fowler) may see fit to withdraw the motion.

Sir Norman Fowler: In view of the undertaking and assurances that the Home Secretary has given, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New clause 1

REDUCTION IN AGE AT WHICH CERTAIN SEXUAL ACTS ARE LAWFUL

'.—(1) In subsections (1A) and (1C) of section 12 of the Sexual Offences Act 1956 (buggery), for the word "eighteen" there shall be substituted the word "sixteen".

(2) In subsections (1) and (6) of section 1 of the Sexual Offences Act 1967 (amendment of law relating to homosexual acts in private), for the word "eighteen" there shall be substituted the word "sixteen".

(3) In section 13 of the Criminal Law (Consolidation) (Scotland) Act 1995 (homosexual offences)—

(a) in subsections (1) and (5)(c), for the word "eighteen"; and

(b) in subsection (8), for the word "18", there shall be substituted the word "sixteen".

(4) In paragraphs (1) and (5) of Article 3 of the Homosexual Offences (Northern Ireland) Order 1982 (homosexual acts in private), for the word "18" there shall be substituted the word "17".'.—*[Ann Keen.]*

Brought up, and read the First time.

7 pm

Ann Keen (Brentford and Isleworth): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Michael Lord): With this, it will be convenient to discuss the following amendments: Amendment (a) to the proposed clause, in line 2, after 'sixteen', insert

'(except when one party is in a position of authority, influence or trust in relation to the other, in which case both parties must have attained the age of eighteen).'.

Amendment (h) to the proposed clause, in line 2, after 'sixteen' insert

'(except when one party is over the age of twenty-one years, in which case the other party must have attained the age of eighteen).'.

Amendment (b) to the proposed clause, in line 3, leave out 'and (6)'.

Amendment (c) to the proposed clause, in line 4, leave out 'word "eighteen"' and insert 'words "eighteen years"'.

Amendment (d) to the proposed clause, in line 5, leave out 'word "sixteen"' and insert

'words "sixteen years (except when one party is in a position of authority, influence or trust in relation to the other, in which case both parties must have attained the age of eighteen years)"'.

Amendment (i) to the proposed clause, in line 5, leave out 'word "sixteen"' and insert

'words "sixteen years (except when one party is over the age of twenty-one years, in which case the other party must have attained the age of eighteen years)"'.

Amendment (e) to the proposed clause, in line 5, at end insert—

'(2A) In subsection (6) of that section, for the word "eighteen" there shall be substituted "sixteen, or as the case may be, eighteen".'.

Amendment (f) to the proposed clause, in line 10, at end insert—

'(3A) In that section, after subsection (8) there shall be inserted—

"(8A) Where one of the parties to a homosexual act is in a position of authority, influence or trust in relation to the other, subsections (1), (5) and (8) shall have effect as if "eighteen" were substituted for "sixteen".'.

Amendment (j) to the proposed clause, in line 10, at end insert—

'(3A) In that section, after subsection (8) there shall be inserted—

"(8A) Where one of the parties to a homosexual act is over the age of twenty-one, subsections (1), (5) and (8) shall have effect as if 'eighteen' were substituted for 'sixteen'."'.

Amendment (g) to the proposed clause, in line 13, at end insert—

'(4A) In that Article, after paragraph (5) there shall be inserted—

"(5A) Where one of the parties to a homosexual act is in a position of authority, influence or trust in relation to the other, paragraphs (1) and (5) shall have effect as if '18' were substituted for '17'."'.

Amendment (k) to the proposed clause, in line 13, at end insert—

'(4A) In that Article, after paragraph (5) there shall be inserted—

"(5A) Where one of the parties to a homosexual act is over the age of 21, paragraphs (1) and (5) shall have effect as if '18' were substituted for '17'."'.

New clause 4—*Circumstances in which certain sexual acts are lawful*—

'—(1) In subsections (1B) of section 12 of the Sexual Offences Act 1956 (buggery), the words "(a) when more than two persons take part or are present; or (b)" shall cease to have effect.

(2) In subsection (1) of section 1 of the Sexual Offences Act 1967 (amendment of law relating to homosexual acts in private), the words "(a) when more than two persons take part or are present; or (b)" shall cease to have effect.

(3) In subsection (2) of section 13 of the Criminal Law (Consolidation) (Scotland) Act 1995 (homosexual offences), the words "(a) when more than two persons take part or are present; or (b)" shall cease to have effect.

(4) In paragraph (2) of Article 3 of the Homosexual Offences (Northern Ireland) Order 1982 (homosexual acts in private), the words "(a) when more than two persons take part or are present; or (b)" shall cease to have effect.'.

New clause 8—*Abuse of position of trust*—

'(1) It shall be an offence for a person to whom this section applies to have unlawful sexual intercourse with a girl under the age of 18 years.

(2) This section applies to a person in a position of authority, influence or trust in relation to the girl with whom he has sexual intercourse.

(3) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for not more than two years.'.

Government amendment No. 1.

Amendment No. 6, in clause 119, page 95, line 14, at end insert—

'( ) section *(circumstances in which certain sexual acts are lawful)*(3);'.

Amendment No. 61, in page 95, line 21, at end insert—

'( ) section *(Abuse of position of trust)*'.

Government amendments Nos. 2 and 3.

Amendment No. 7, in page 95, line 31, after 'Sections', insert

'(circumstances in which certain sexual acts are lawful)(4),'.

Amendment No. 62, in page 95, line 31, after 'Sections', insert

'(Abuse of position of trust)'.

Government amendment No. 4.

Amendment No. 8, in schedule 8, page 157, line 21, at end insert—

'113. In section 1 of the Sex Offenders Act 1997, there shall be inserted the following subsection—

"(4A) Notwithstanding the provisions of this section, a person subject to the notification requirements of this Part by reason of an offence which ceases to be an offence after the commencement of sections *(Reduction in age at which certain sexual acts are lawful)* and *(circumstances in which certain acts are lawful)* of the Crime and Disorder Act 1998 shall no longer be subject to those notification requirements after the commencement of those sections."'.

Government amendment No. 5.

Amendment No. 9, in title, line 5, after 'trial;' insert

'to bring the criminal law affecting homosexual acts more in line with the criminal law affecting heterosexual acts;'.

Ann Keen: This debate is about equality. The purpose of new clause 1 is to make the age of consent equal for everyone. It is an all-party clause, which will be decided, as I believe it should be, on a free vote.

It is fundamental in any democracy that the rights and responsibilities of all citizens are protected equally under the law. The question is whether that principle of equality should extend to gay men. We are one of the last nations in the European Union yet to legislate for equality on the age of consent. Just over a week ago, the Finnish Parliament passed a similar law, on a unanimous vote, without one speaker opposing it. A spokesperson for the Parliament said:

"The politicians were more interested in other serious issues affecting the Crime Bill."

Many of us taking part in this debate and the campaign as a whole regard the case for equality as so obvious that a full debate is needless, but I know that there is some opposition in the House. Not only do we have a tradition of full debate in the House, but I believe that it is important to have the arguments for new clause 1 recorded.

The debate is definitely not about whether 16 or 18 is the right or wrong age for sexual activity to commence; it is about the abolition of discrimination, upholding the rights of individuals and supporting a community in

[Ann Keen]

which responsible people seek to behave within the law, a community that feels the right to challenge archaic laws. Our legal structure discriminates against a part of our society. It has asked the House to reconsider an aspect of the law that perpetuates that inequality. I am confident that by objectively considering the facts before us on its behalf, we can uphold its request and amend our position to reflect today's values.

When the age of consent was last debated in 1994, I listened from the Strangers Gallery. I heard the impressive contributions of the main proposers of the amendment: Edwina Currie, Neil Kinnock and the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan). I heard the dire protections of the opponents of equality and I heard our Prime Minister make his memorable speech. I heard the dire predictions of the opponents of equality, that any change in the law would lead to innocent young men being recruited into homosexuality. Of course, that has not happened—the sky has not fallen in—but in 1994 there was a fudge. The age of consent for gay men was reduced from 21 to 18, and the inequality remained. I believe that the law should be clear, certain and enforceable.

The uneasy compromise of 1994 has already been challenged in the European Court of Human Rights. In the case brought by Euan Sutherland and Chris Morris, who were 16 and still criminalised by our law, the European Commission of Human Rights condemned our unequal age of consent. Such an inequality is a violation of article 8 of the convention—the right to privacy—and of article 14, which provides that the rights set out in the convention are to be enjoyed by all citizens without discrimination.

The court did not accept that disapproval of homosexuality can ever in itself

"constitute an objective or reasonable justification for inequality of treatment under the criminal law."

In our country, with many different religions and cultural traditions, there will, of course, be those who regard lesbians and gay men as abnormal. I recognise that those views are sincerely held, but, as the European Court has said, they cannot be the basis of our criminal law. As the Wolfenden report said so long ago:

"There must be a realm of private morality that is in brief and crude terms not the law's business."

It cannot be the role of the state to work out people's sexuality for them. It is for individuals to work it out for themselves. The purpose of the criminal law in this area should not be to put police into bedrooms or to coerce gay men to be heterosexual. The purpose of the law is to protect the vulnerable and punish those who exploit them.

My hon. Friends will agree that adolescence is not an easy time in life. For young gay people, it is often an especially difficult period. The higher age of consent for young gay men adds to their worries. The threat of criminal prosecution serves only to add to their sense of isolation and loneliness. How dare we rob young men of their teenage years, denying them years that they should use to prepare for adulthood?

Mr. Allan Rogers (Rhondda): As I understand it, my hon. Friend's new clause is to allow sexual intercourse to be legal for a person aged 16. It is not in any sense preventing people from being homosexual, heterosexual or whatever. It is purely to allow a 16-year-old to have sexual intercourse legally, not to deny anyone's sexuality.

Ann Keen: My hon. Friend's point is incorrect. The purpose of the new clause is to make everyone equal under the law.

New clause 1 is not only for gay people but for their parents. The current law provides no support to the parents of young people trying to come out to their parents. The law brands their children as not only different but criminal in its eyes. I have received many letters from gay men that talk about their experiences of growing up in society literally as criminals. These young men were terrified of revealing their developing sexuality, and faced abuse and bullying.

One such young man was 16-year-old Albert Kennedy, who, in 1989, fell to his death from a top of a car park in Manchester while trying to escape a car load of what are described as "queer bashers." Albert was a depressed teenager. His short, tragic life had been filled with rejection. The threat of being branded a criminal could not have helped ease his mind, and it fuelled the prejudice of those who sought to persecute him. The Albert Kennedy Trust, a registered charity, was set up in 1989 in his memory, with the aim of ensuring that no lesbian or gay teenager need feel alone or unwanted, and that there is help to provide a positive home environment. Those who run the trust are adamant that equalising the age of consent and removing the threat of criminal prosecution is essential if we are to prevent future tragedies such as Albert Kennedy.

The London Lesbian and Gay Switchboard is another organisation which helps young gay people. It has been in operation for more than 25 years, and has gained much respect and recognition. I visited its premises recently and discussed many issues with the voluntary staff. They told me about the silent calls made to the organisation by those who are too afraid to speak. Even if they speak to the voluntary staff across the Switchboard lines, they feel that they are breaking the law. Some of these young people try to pretend that they are older than they are. Some Members should visit the Switchboard. It is an excellent organisation. Having visited it, some Members may have a better understanding of the situation.

I also have the support of the Hounslow youth counselling service, and I met some of its members on Friday. It is an organisation in my constituency which offers counselling and support to young people.

Members opposing the new clause have every right to express their own views but I ask them to listen to those organisations that work with and for young people on a daily basis. The National Society for the Prevention of Cruelty to Children, along with other organisations and expert charities linked with the protection of young people, including Barnardos, has also expressed its support for the new clause, stating:

"continuing discrimination stigmatises young people growing up gay and hinders them from developing a positive identity. Young people should and must be helped, not prevented from coming to terms with their sexuality."

As it stands, the law does not protect young gay men against exploitation. It creates fear and secrecy, not openness and support. Young men are fearful of being

open with their parents or those adults to whom they would normally look for information, help and support. Prejudice protects abuse; it does not prevent it. I do not want our children to grow up to live in a world that has laws that discriminate and offend the right for everyone to be himself or herself. Fearful of being branded criminals, many young gay men are unable to seek health advice and sex education.

In the past 10 years, we have learnt much about reducing sexual health risks. We know that personal health depends on good self-esteem, accurate health information, access to advice and support. All those essentials are undermined by our unequal age of consent. We compromise reputable agencies that cannot give practical support and advice, because to do so would condone sexual relations between young men that the law brands as criminals.

Mr. John Butterfill (Bournemouth, West): The hon. Lady mentions an unequal age of consent. She says also that the purpose of the new clause is to equalise the age of consent. That being so, why does she include the offence of buggery in subsection (1)? The age of consent for buggery is already equal at 18. The effect of her new clause would be to permit buggery of 16-year-old girls as well as boys. Will the hon. Lady explain why she seeks to do that?

Ann Keen: I have already explained that I do not think that it is for the law to police people's bedrooms. We need to bring about a more open society where people can discuss their sexuality but with consent.

As I was saying, in the past 10 years, we have learnt so much. All professional medical and nursing opinion has stressed the importance of changing the law. The British Medical Association has said:

"Of prime concern to the medical profession as a whole are the concerns that the present law may inhibit efforts to improve the sexual health of young homosexual men".

Nursing organisations have agreed with that sentiment, and say:

"An equal age of consent would also enable the mental and emotional health needs of young homosexual men to be better met."

Before entering Parliament, I was a district nurse. I worked with families and people who were affected by HIV and AIDS, and I was adviser to the centre of sexual health and HIV studies at Thames Valley university. With years of first-hand experience in the nursing and medical professions, I have been able to consider very carefully matters relating to health risks and the age of consent. I am convinced that the law as it stands is a serious threat to the health of young gay men.

We should send one clear message to all young people. We need to say that we value the health of all our young people equally, and we will treat everyone equally. I pay tribute to organisations such as the Terrence Higgins trust, the National AIDS Trust, Body Positive, London Lighthouse and many other groups that have done, and continue to do, so much work in the gay community to promote safer sex. I agree with the sentiments that are set out in the Green Paper entitled "Our Healthier Nation":

"good health is no longer about blame, but about opportunity and responsibility . . . tackling inequalities generally is the best means of tackling health inequalities in particular".

7.15 pm

The law should give equal protection to all. It has been suggested that boys are more immature than girls, although there is some variance in the age of maturity. The important thing is that medical opinion is clear that young men of 16 are not particularly confused about their sexuality, or less mature. The law as it stands permits a young man of 16 or 17 to sleep with his girl friend, even to marry her. Yet if he is gay he cannot enter into any consensual sexual relationship with somebody of his own age. That is a ridiculous double standard.

Of course unwelcome sexual attentions of a serious nature warranting criminal prosecution are equally offensive whether the victim is a man or a woman, gay or not. No means no, and the same law should therefore apply to all.

The BMA report to which I have referred makes it clear that all the reputable research evidence shows that adult sexual orientation is usually established before the age of puberty in boys and girls. Other research tells us what common sense suggests, which is that the young gay man seeks relationships with people of his own age. One year is the average difference in age for gay partners when they have their first sexual experience. The myth of the vulnerable, confused young man was rejected by the Wolfenden report more than 40 years ago. It stated:

"Our medical witnesses were unanimously of a view that the main sexual pattern is laid down in the early years of life and the majority of them held that it is usually fixed by the age of sixteen."

The myth has been seen as such by professional medical and child care experts ever since. I hope that together we can finally lay that myth to rest.

The principle of equality has already been accepted in many European and Commonwealth countries. Only a month ago, the South African supreme court swept away its discriminatory anti-gay sex laws, following the principles of the new South African constitution, which guarantees the rights of all minorities including lesbians and gay men. The example of South Africa is a powerful one precisely because it is a country which has had to learn to reconcile immense differences. It has had to find a way of including all its citizens in a new nation where the rights of all minorities are protected.

The point that I make about the experience of other countries is not that we should slavishly follow them, but that in no case and in no society have negative predictions about the age of consent come to pass. We have to find our own path for our own country. The question before us is whether to treat citizens as second-class and less valued because their sexuality is different. We have to make that choice together tonight.

The right to vote and the right to speak openly and freely are privileges that we take for granted. Let me remind the House how those rights were gained: at one time or another, Members of the British Parliament have taken brave strides to uphold the rights of individuals, and have convinced Parliament as a whole to introduce legislative change. This debate relates to the age of consent for a specific section of our community—the gay population.

Controversial? Yes—but no more so than was the Representation of the People Act in 1918, the Sex Discrimination Act in 1975, or the Race Relations Act in 1976. This is yet another campaign for equality, and I am

[Ann Keen]

privileged to speak on behalf of so many people. These have been busy and interesting times, and I have met some wonderful people. To have been in both *Gay Times* and *Good Housekeeping* in one week was indeed an experience, although my family believes I have no right to be in either.

Many politicians who have served in the House have done much to advance the cause, including the former Member, Leo Abse, who is a constituent of mine and with whom I had the pleasure of speaking at the weekend; Humphrey Berkeley, who also lived in Brentford and Isleworth and who sacrificed his political career for this cause and continued to work for equality until his recent death; and many other right hon. and hon. Members who advanced the cause of equality. Of those outside the House, I pay tribute to Sir Ian McKellen, Michael Cashman, Antony Grey, the former director of the Homosexual Law Reform Society, Angela Mason and all at Stonewall and other organisations.

Mr. Roger Gale (North Thanet): Will the hon. Lady give way?

Ann Keen: No.

I pay special tribute to all those individuals who have stood, with pride, to be themselves.

Mr. Gale: Hon. Members are not supposed to read speeches in the Chamber.

Hon. Members: Oh!.

Ann Keen: I sincerely hope that the debate will concentrate on equality and justice for families, friends and constituents. Many of us who represent diverse metropolitan communities, none more obvious than our capital city of London, are well used to welcoming and celebrating the cosmopolitan life style that that diversity brings. However, many hon. Members represent rural areas, smaller towns and communities that are less obviously diverse, and, in such areas, Members of Parliament are less likely to be contacted by gay men. That is because of the feeling of isolation experienced by those regarded as different by their neighbours. It is even more important that they, the silent minority, are represented, because the need for equality is the same.

Mr. Gale: On that point, will the hon. Lady give way?

Ann Keen: No.

We have the opportunity to move forward and to make a change. People rightly feel discriminated against. They feel a strong desire to live within the law and, confident that their case is justified, they believe that their voice will be heard. Tonight, the House can take a decision demonstrating that the voice of the communities we all serve will be listened to. By agreeing to the new clause, we shall signal once again that we have a House of Commons that will deliver equality and justice. We must take a positive step forward in creating a culture in which all law-abiding citizens are given the opportunity to live their lives openly and freely, confident that they will not be discriminated against.

Mr. Gale: On a point of order, Mr. Deputy Speaker. It has been the custom and practice of the House over many years, first, to engage in debate and, secondly, not to read speeches. If we are to be able to debate this subject in a civilised manner, it really is time that hon. Members stopped reading their speeches and started to allow other hon. Members to participate in the debate.

Mr. Deputy Speaker: The hon. Gentleman has been a Member of Parliament for quite a long time and he knows—*[Interruption.]* Order. It is entirely a matter for the hon. Member who is speaking to decide whether to give way to interventions.

Ann Keen: Thank you, Mr. Deputy Speaker. I know that many hon. Members wish to speak, and I have given way to hon. Members on both sides equally—that is equality.

Families—mothers, fathers, brothers and sisters—who love and respect their gay family member are pained and angered when prejudice and criminal law discriminate against their loved one. It is about time that families were all equal. Those principles represent the foundation stones of the new clause, and they are the principles which we must endorse.

The House has the opportunity to end discrimination, and we have to make a choice. We can take from the past those values of respect for others that are most enduring and translate them into the modern world, or we can simply cling to those old prejudices that have been most damaging and have forced generations of lesbians and gay men to live as second-class citizens. We have an opportunity to welcome all those men and women as equal members of our society, and, this time, we must take it.

Sir Patrick Cormack (South Staffordshire): The hon. Member for Brentford and Isleworth (Ann Keen) speaks with conviction and sincerity, and we have listened to her with respect, but I would ask her and those who share her point of view to consider for a moment that there is another point of view, and that it is important that it should be expressed in this debate.

I speak, quite unashamedly, for the traditional, orthodox Christian point of view, which holds that homosexuality and lesbian practices are not another and an equivalent normality; and which holds that they are practices that not only are different from heterosexual behaviour, but should not be ranked as equal or equivalent to it. Having said that, I have no wish and never have had any wish to persecute or prosecute any man or woman for his or her personal behaviour. However, the House has to concern itself with many matters. The hon. Lady spoke eloquently about equality and she was right to do so, but there is another duty that is laid on each and every Member of Parliament, which is the duty to protect and to succour the vulnerable.

The hon. Lady spoke of her background and of her experience as a nurse; she spoke with feeling and with great knowledge. Before I entered the House 28 years ago, I was, for 10 years, a schoolmaster, and I want to refer to that period in my life for a moment or two.

During that period, I came across some extremely unhappy young men who had been preyed upon by older men, and whose whole manner and way of life had been changed and distorted as a result. Many of those young men were 15, 16 or 17 years old. I speak as the father of two sons who are now well over that age, and I do not

believe that a 16-year-old boy is indeed a fully mature adult. It is important that we take that into account in our deliberations this evening.

The hon. Member for Bassetlaw (Mr. Ashton) has recognised that issue in his amendment. If, by chance, the hon. Lady's new clause is carried this evening—I hope that it will not be, but suspect that it will—I hope that there will be massive support for the hon. Gentleman's amendment, which recognises the plight and the potential plight of the vulnerable and does something about it by stating that those in authority or in a position of trust who take advantage of young men or women should be subject to the full rigours of the law.

It is not easy to talk about homosexuality. The most regrettable aspect of life today is that all forms of sex have been commercially exploited to such an extent that they represent a growing cancer in society. Many of those seeking to protect homosexuals are also, in my view, trying to go further and promote homosexuality. [HON. MEMBERS: "No."] I stand by my remark. I dare say many Members during the past week have received an envelope bearing the warning:

"The enclosed homosexual literature is described by its publishers as sexually explicit, and its pornographic content may cause offence".

The leaflet inside, put out by the Terrence Higgins Trust, certainly does cause offence. If it fell into the hands of innocent young men, it might tend to deprave and corrupt them.

The commercial exploitation of sex, and television's lack of regard for childhood innocence, have gone a long way towards destroying that innocence. I deeply regret that; but there are still young men and women who are brought up to try to follow a Christian life. If any of them came across this sort of literature, they could find it pretty shocking.

7.30 pm

If we vote against the hon. Lady's new clause, we shall damage no one; but if we vote for it, we run the risk of damaging some people. I am content to accept that some may be born with a genetic predisposition to homosexuality—I am not medically knowledgeable enough to pass comment. I am convinced, however, that many people are not born homosexual—it is for them that we must have a special regard. Would anyone seriously suggest that every sailor who followed a homosexual way of life was born homosexual? One thinks of the old description of the Navy,

"Rum, sodomy and the lash".

[*Laughter.*] There is nothing funny about it: it is a perfectly reasonable point to make in support of my argument. We all know that in the last century and the early years of this one, there was a high incidence of the practice in certain walks of life—but I do not believe that every young man who followed that way of life was born to it.

It is with regret that I must oppose the hon. Lady's amendment and hope that others will consider doing likewise. Our duty is to protect the innocent. If even one young man would be adversely affected by the amendment, we should take that seriously into account.

Mrs. Angela Browning (Tiverton and Honiton): One of the vulnerable aspects of 16 and 17-year-olds who may be seduced or preyed upon by people of their own age group, or by older men, lies in the fact that it would be illegal to rape them, but not to have sex with them in the way that the amendment would allow. Any Member who has had to deal with a case of male rape will know just how difficult such cases are to bring to justice, how profound their effect on the victims are, and how painful such an experience would be for a 16 or 17-year-old.

Sir Patrick Cormack: My hon. Friend makes an exceptionally valid and moving point.

Mr. Michael Fabricant (Lichfield): If my hon. Friend takes the point that someone who has been raped finds it difficult to go to the police, would he agree that it would be even more difficult for someone to go to the police if, by so doing, he might lay himself open to a criminal charge?

Sir Patrick Cormack: I can understand why many people adhere to that point of view. There is never a perfect solution to any problem of this nature. My own view, as I said at the outset, is that homosexuality is not equivalent to normality. Secondly, I do not believe that every homosexual is born homosexual. Thirdly, I do believe that 16-year-olds are especially vulnerable and deserve the protection of this House. That is why I oppose the new clause, and urge colleagues of all parties to think most seriously before they cast their votes.

Mr. Ashton: My amendment—amendment (a)—has been signed by more than 30 Members, some of them senior Members of the House, of all parties. It is not anti-homosexual; it is designed to equalise the age of consent for boys and girls at 18, in certain situations. If my amendment were carried, I would also vote for new clause 1.

Tonight gives us the opportunity to debate the most important report to emerge last year, even though it was never debated in the House. I refer to the Utting report entitled "People Like Us", which concerns safeguards for children living away from home. It makes horrifying reading; I urge every Member to read it thoroughly before casting any votes—I accept that that might prove difficult by 10 pm.

In this country, 200,000 children live away from home; 110,000 are in boarding schools, and 50,000 live at any one time with foster parents; 2,600 15 and 16-year-olds are in prison on remand; many others are in hospital, private children's homes or local authority homes. Many of them have parents overseas to whom they cannot turn; many of them are abused.

The list of abuses is horrendous—even stepfathers are sometimes abusers. The report says:

"The Review was precipitated by past activities of sexually and physically abusive terrorists in children's homes. Such persistent abusers may be a small proportion of all those who harm children, but they create havoc with their lives. A single perpetrator is likely in a lifetime's career to abuse hundreds of children, who suffer pain, humiliation and torment, and incur permanent emotional damage."

It is the fate of such children that led me to table my amendment, which I am glad to note many Members support.

Mr. Rogers: Does my hon. Friend accept that many abusers of children in these circumstances are not

[Mr. Rogers]

homosexual? The hon. Member for South Staffordshire (Sir P. Cormack) tried to classify people who might have served in the Navy, and so on, but it would be quite wrong—does my hon. Friend agree?—to suggest that all child abusers are necessarily homosexual.

Mr. Ashton: I said at the start of my speech that the amendment deals with girls and boys. I have spoken about children, and the report is about children, not about homosexuality and discrimination. I am sorry if my hon. Friend has misunderstood practically everything that I have said.

The Utting report was undertaken after the campaign carried out by Esther Rantzen's famous Childline, which said in evidence that it had found

"a malignant institutional culture in such situations."

Utting talks about going through

"a crash course in human, predominantly male, wickedness."

At page 30, it states that two thirds of fostered children in a London borough had been sexually abused, some of whom were seriously at risk. Foster children may suffer far worse abuse by people in charge than young people in other situations.

I first examined the issue through a question in 1994, after the previous debate on this subject. I asked the Home Office to

"list the age of consent for both men and women in each EC country."

Throughout the EC,

"a higher age may apply where the older person is in a position of authority, influence or trust".—[*Official Report*, 15 March 1994; Vol. 239, c. 600.]

Those are the words in my amendment. I did not make them up—they were used in answer to my question, and the Home Office listed certain countries in which that applied.

I have been asked how I define "authority, influence or trust". In 99 per cent. of cases, those words would define themselves, but I will give an example. Under my amendment, an affair between a teacher and a 16-year-old boy or girl would be perfectly lawful—if the teacher and pupil were not at the same school. If they were at the same school, however, and the teacher could be defined as being in a position of "authority, influence or trust", the parents of youngsters at the school would be angry, and would naturally say that what had happened was not fair, what the public wanted, or what Parliament wanted or intended with respect to equality. In such circumstances, the age of consent should be 18. The amendment does not discriminate against gays; it would lift the age of consent for girls to 18 in such circumstances.

Ms Jean Corston (Bristol, East): Several hon. Members, myself included, have some sympathy with the points that my hon. Friend is making, but does he accept that many of us would feel uneasy about introducing the criminal law into the matter? He is discussing an abuse of a position of trust. Surely if we are to have a law that confronts abuse of a position of trust at work, it should be an employment matter under the civil law, where there is a lower standard of proof. It certainly should not be dealt with under the criminal law.

Mr. Ashton: I fully understand what my hon. Friend says and will come to that point in few moments, if she will bear with me. I can try only to amend existing law, and if that law provides for two years' imprisonment, that is what I have to put in the amendment. This is not a Second Reading debate; we are discussing my amendment, which therefore has to tie in with existing law—that is the criminal law aspect of it.

The deterrent of law is badly needed in such situations. The report says that young prisoners are often bullied—they are not protected by the Children Act 1989, and have no immediate family support. The report says that young people told Utting and Childline of their bewilderment and alienation when adults whom they trusted betrayed that trust.

Those who are abused often become abusers. The report says that sexual abuse is highly addictive. Boys or girls who are abused, but who are not old enough or physically strong enough to stand up to it and protect themselves, often run away. In February, a newspaper article announced a "Child sex crackdown" by the Government and my hon. Friend the Under-Secretary of State for Health. I was glad to read that, because

"242 children a year are estimated to fall victim to these rings"

in institutions

"which are complex to investigate and profoundly traumatic".

I welcome that, but what is happening?

Children run away. Where do they run away to? They run to the streets and become homeless, rent boys or young girl prostitutes, because they have known nothing else. Some have committed crimes, such as setting fire to empty houses, to get away from an abuser. They say, "I'd be better off in gaol or a young offenders' establishment than in this place." Regrettably, the House seems to have done little about that culture, except to publish a report.

Mr. Gerald Bermingham (St. Helens, South): Does my hon. Friend agree that a number of people in our society—male and female, at the tender ages of 15, 16 and 17—are exploitable by virtue of deprivation, their background or goodness knows what else? He is seeking to protect such people, and I support that. Where they are exploited by pimps and users and put to work for their benefit, there is little, if anything, that we can do if they are over 16. Under his amendment, we would at least be able to start to protect the vulnerable in our society, for whom no one apparently cares.

7.45 pm

Mr. Ashton: My hon. Friend has wide legal experience, and I am glad that he has put his name to my amendment. I take on board everything that he has said.

Utting says that, all too often, staff and employees accepted bullying and sex abuse—they took no notice of it. There was a restraint on whistleblowing, and telling the boss, or a council, or objecting to what was going on was frowned on. Utting examined an unpublished Department of Health report which considered 44 residential homes and 50 separate cases. Abuse was endemic among those in

"a position of particular responsibility, authority and trust",

often managers of homes who had

"been in post at least 5 years."

The report says that abuse was not opportunistic, and

"victims were 'groomed' and 'counselled'"

over a long time. When they reached an age at which they could defend themselves, they were put on one side, and another generation came through. For example, Roger Saint, the paedophile, was allowed to foster children over 13 years, even though social workers in his area knew that he had previous convictions. Utting said that some people were experts in convincing parents and evading justice—there was a worrying acceptance by staff and managers.

Another case involved John Allen, of Bryn Alyn private children's home. Some of my hon. Friends said, "Prosecute and go to law.". That happened—cases were taken to a tribunal and then to law, and 2,500 witnesses and 500 separate allegations were involved. After all that, the result was six convictions. The report says that Frank Beck, the head of an establishment in Leicestershire who is now serving life imprisonment, inspired physical and moral fear among staff as well as children. Ralph Morris, who is serving 12 years, was investigated three times and evaded the law.

We have recently taken great steps by introducing a paedophile register, and 110,000 people who have convictions are on it. Utting says, however, that probably as many child abusers have never had a conviction, are not on the register, and are carrying on their activities. Abuse in a private school or when a council is responsible for children makes the headlines, which is embarrassing and a scandal, so local people or parents protest loud and long. When schools or councils find that abuse is taking place, they tend to sack the person involved to get rid of him, so he moves on and carries on as normal.

Mr. Richard Burden (Birmingham, Northfield): I am following what my hon. Friend says with care. I am sure that the House is unanimous on the need to take seriously the abuse of young people. Am I not right in thinking that my hon. Friend's amendments would mean that, if a young person was abused by an older person short of intercourse, but certainly against that young person's will, he would not be protected by the amendments? However, if a young person aged 17 had consenting sex with another young person aged 16, he would be criminalised under the amendments. Is not my hon. Friend trying to hit the wrong target?

Mr. Ashton: The definition refers to authority. I am not presenting a Bill; it is not a Second Reading—it is an amendment. These matters have to be argued in a court of law. We have to define "trust", "influence" and so on—and eventually the courts will do that. In 99 per cent. of cases involving foster parents and stepfathers, for example, the question answers itself.

I have referred to the fact that there are 110,000 names on the paedophile register. Utting was critical when he said that the consequence of that sort of abuse is that the man is simply dismissed, and he moves elsewhere. What about checking applicants for jobs? With today's technology, if I were to hand over my credit card to someone, he could find out my credit rating within two minutes and then decide whether to give me a loan or allow me credit. However, as Utting said, in many cases it took local police authorities weeks or even months to check job applicants for a criminal background. By that time, they had been given jobs and it was difficult to get rid of them. Utting said that most sex offenders abuse children for many years before they are caught.

It is not just a question of sacking people—it is far worse. Often, councils are scared of having to pay out a great deal in damages—criminal injuries compensation. One thing that I am proud of, in my small way, is that about eight years ago, when I was a member of the Select Committee on Home Affairs, we held an inquiry into criminal injuries compensation. We looked at different cases and questioned officials.

A man was in prison for having sodomised his wife and stepson, and he had been beaten up by the other prisoners. He put in a claim for criminal injuries and was refused. I asked the officials, "Who put in a claim for criminal injuries on behalf of the stepson?" There was a deadly silence—the answer was nobody. Until then, no one had ever applied for criminal injuries compensation for the children who had been abused, but they soon started after we published our Select Committee report.

The Municipal Mutual Insurance Company has expressed almost terror at what it would cost if all the cases resulted in compensation. I understand that councils have been told, "Don't publicise these cases, or we will have to pay severe damages because you are supposed to look after these children." There has been a culture of hushing things up.

It is obvious that, in such cases, there must be some legal deterrent. It can no longer be, "Don't say anything; keep quiet; we have sacked the man and we hope it will not happen again." I understand that there is a disqualifications regulation for the Department of Health and the Department for Education and Employment, but it does not apply to foster parents. Social services has a system to bar or restrict foster parents. It reports dismissals and resignations, and makes about 100 teacher referrals a year to the Department for Education and Employment.

However, the system is not working. The number of prosecutions for indecent assault on children is going down and down. Last year, the figure fell to 12 per cent., partly because children do not make reliable witnesses. Lawyers harangue them in court, so councils have stopped going to court, and the abuse is perpetuated. That cannot continue.

I understand that my hon. Friend the Minister intends to make some comments on this point when he replies. I shall listen with great interest. If he is thinking about changing the laws on employment, for example, he should remember that that would not cover a stepfather or foster parents.

Mr. Rhodri Morgan (Cardiff, West): I wonder just what is my hon. Friend's target. He seems to be arguing for an extension of the list 99 procedure—the list that prevents teachers, even when they have not been prosecuted, from continuing as teachers. As my hon. Friend has acknowledged, there is a similar list for social workers. He is arguing for an extension of that ban on

[Mr. Rhodri Morgan]

employment and contact with children, in a position of trust, to youth workers, stepfathers and so on. That is an entirely different issue from the one that we are debating.

Mr. Ashton: I hear what my hon. Friend says. The Utting report dealt with the points that he makes. Some 5 per cent. of convicted paedophiles get through the net. The system is not working.

I had telephone calls this morning from my right hon. Friends the Secretaries of State for Health and for Education and Employment. They are very good friends of mine. Both of them support the amendments—it is a free vote, so they told me that I could say that in the House tonight. I ask hon. Members to vote for the amendments.

I want to end with a quote from the Childline submission to Utting:

"Regimes of abuse prosper because people turn a blind eye. Again and again adults consider it much more serious for a fellow adult to face the ignominy of being found responsible for sexual misconduct, than for a child to be assaulted."

My amendments are not anti-gay; they are not against equalising the age of consent—they are to protect children.

Mrs. Eleanor Laing (Epping Forest): In supporting new clause 1, to which I have put my name, I am well aware, not least because of the feeling around me, that I am not supported by many of my hon. Friends. It is a most unusual, not to say uncomfortable, experience. I had only just got used to standing up in the House without trembling, but now I remember what it was like.

I am also aware of the concerns of my constituents about the new clause. Some of them are in favour; many are not. My constituents are a good reflection of opinion throughout the country—many people support reducing the age of consent, but many others do not. I have consulted medical opinion of all sorts and come to the conclusion that there is no conclusion. Medical opinion is varied; it is not decisive—just as public opinion is not decisive.

Of late, there has been much emphasis on opinion polls and focus groups, but we must not lose sight of the fact that it is sometimes necessary to do not that which makes one popular, but that which is right. That is why I, instead of being popular this evening, am supporting the new clause.

Mr. Nicholas Winterton (Macclesfield): I am happy to ask this question of a colleague who is also a woman Member. Am I not correct in saying that a homosexual act is unnatural and that if the Lord Almighty had meant men to commit sodomy with other men, their bodies would have been built differently? Have not the activities of the homosexual community been one of the main sources of both AIDS and hepatitis?

Mrs. Laing: I understand the point that the hon. Gentleman is making, but it is not for us to interpret one way or another what the Lord God Almighty intended.

Mr. Winterton: Is my hon. Friend a Christian?

Mrs. Laing: Although that is not relevant to the new clause and the hon. Gentleman has no right to ask such a question, I shall answer by saying that I most certainly am a Christian and it is not for me to question what the Lord God Almighty has or has not done.

Mr. Desmond Swayne (New Forest, West): Will my hon. Friend give way?

Mrs. Laing: No, I have already given way.

I have explained why I support the new clause. Its effect is not to challenge the Christian teaching of the Church—I would never support any measure that did—nor is it to challenge family life based on Christian marriage and traditional moral principles as the norm in our country and the building block of our society. The new clause does not challenge that in any way whatever.

I have three main reasons for supporting the new clause. First, I believe in equality. Having said that, I do not believe that all people are equal. They are not: every person is different in some way from every other person. The equality that the new clause addresses is equality before the law, and I believe that everyone should be equal before the criminal law. I stress that I am referring specifically and precisely to the criminal law. If new clause 1 becomes part of the Bill, there is no automatic or necessary implication for the treatment of gay people under the civil law with regard to marriage, pension rights or any other such rights. That is not what we are discussing, it is not the matter before us, and it has no relevance to this debate; we are talking about equality before the criminal law.

Mr. Gerald Howarth (Aldershot): My hon. Friend is a very courageous lady, but does she not understand that many of those outside the House who support this measure see it as a first step towards treating such life styles equally in every respect, including pension rights?

8 pm

Mrs. Laing: I take the hon. Gentleman's point. He may be right about some minority groups, but they certainly do not have my support. He may be right, but that is not the point that we are debating.

My second reason for supporting new clause 1 is my concern that young people should be protected. I respect the views of the hon. Member for South Staffordshire (Sir P. Cormack), which were eloquently expressed. I do not agree with him on every point, but I respect his general view of the matter.

I entirely agree with the intention of the amendments tabled by the hon. Member for Bassetlaw (Mr. Ashton), who gave a good explanation of his proposal. He is absolutely right to say that, if an adult person has a duty of care towards a young person, there should be no sexual relationship of any sort between them. No harm would be done to the intention of new clause 1 if the hon. Gentleman's amendments to it were accepted. My only doubt is that I am not certain that his amendments, as drafted, would accomplish what he seeks to achieve. However, I agree in principle with the points that he made, which do not contradict those that I am making.

Mr. Nick St. Aubyn (Guildford): Bearing in mind what my hon. Friend has just said, does she agree that

every adult has a duty of care towards children? Does not that have implications for how we should change, or perhaps not change, the law?

Mrs. Laing: I take the hon. Gentleman's point. It is true that every adult has a duty of care towards children, but the law recognises degrees of duty of care. That is a matter of fact in law. The hon. Member for Bassetlaw spoke about particular duties of care, with which I agree. I consider that the amendments would not negate the intention of new clause 1.

It is extremely important to protect young people. It is incredible that some people argue that young boys have to be protected whereas young girls do not. That is nonsense: it does not make sense. Young girls have to learn how to cope with predatory men. Perhaps it is frivolous of me to say this, but it is not only young girls who have to cope with predatory men—[*Laughter.*] The reaction of hon. Ladies on the Labour Benches shows that they appreciate that this problem has been faced by half the human race since the beginning of time.

The argument that boys must be protected more than girls is unsustainable. Do boys' parents not warn them of the ways of the world, as girls' parents do? I can tell from the reaction of hon. Ladies on the Labour Benches that I am right in assuming that my mother is not the only wise lady in the world: there must be other wise mothers who give advice both to their sons and to their daughters. It is nonsense to say that there cannot be equality between 16-year-old boys and 16-year-old girls.

Young people need protection, but they are not protected by being turned into criminals. It is that point, more than any other, that we must address this evening. We do not protect young boys or girls by turning them into criminals. If we are to consider this matter properly, we must distinguish between what is legal or illegal under the law and what is encouraged and discouraged by society.

Nothing that is proposed in new clause 1 in any way encourages physical sexual activity among young people before they are sufficiently mature.[*Interruption.*] The hon. Member for Aldershot (Mr. Howarth) is disagreeing with me from a sedentary position. Nothing in the new clause encourages young people to become involved in sexual activity before they are sufficiently mature to do so. *[Interruption.]* The hon. Member for Macclesfield (Mr. Winterton) says that I live in a sheltered world.

Mr. Nicholas Winterton: No, I said that my hon. Friend is living in a strange world.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I want to discourage sedentary comments from either side of the House.

Mrs. Laing: I can assure all hon. Members that I live in neither a strange nor a sheltered world: I spend my days in the House of Commons. [*Laughter.*] We do not help and guide young people in their personal relationships by applying the criminal law.

Dr. Julian Lewis (New Forest, East): I very much admire my hon. Friend's courage in taking this unpopular stance with which I disagree. Having listened very carefully to everything that she has said, I infer that the argument that she is deploying is an argument against ages of consent in general. The purpose of an age of consent is not to criminalise the children who have sex when they have not reached that age of consent; it is to protect the children below that age by criminalising the adults who have sex with them. Does she not recognise that the history of the age of consent for heterosexual sex has been that, as society has evolved and become more civilised, the age—

Mr. Deputy Speaker: Order. I also want to discourage long interventions.

Mrs. Laing: I entirely take the point that my hon. Friend has eloquently made, and I do not disagree with him. I believe that what he was about to say was that the age of consent has changed as society has changed.

Dr. Lewis: It has risen.

Mrs. Laing: My hon. Friend says that it has risen, but it has not necessarily risen. I have to tell him that the age of consent in Scotland was always different from that in England, for example. That is why Gretna Green became the place to which people ran away to get married. It is not for me to say that girls born and brought up in Scotland were more mature than girls born and brought up in England—that cannot possibly be true—but these anomalies have existed.

The point of substance that my hon. Friend made, which I am very pleased to address, is that there has to be an age of consent. He is wrong in supposing that I am arguing for no age of consent at all. I am arguing for an equal age of consent, but it is possible that that age of consent could be 16, 18, 21 or anywhere in between.

It is also extremely important that Parliament should not make laws that are unenforceable. If, at the end of the 20th century, where we now find ourselves, we were to try to equalise the age of consent at 18, we would be making a law that was unenforceable, and a law that is unenforceable is bad law. It is not for this Parliament to make bad law. I entirely take my hon. Friend's point, but it only strengthens my argument that the age of consent should be equal for all people and should be 16.

As I was saying before that last helpful intervention, we do not help and guide young people in their personal relationships by applying the criminal law.

My third reason for supporting the new clause is that I believe, as do most people, that sexuality and sexual behaviour should be a private matter. I have every respect for some of the pressure groups that have been acting on behalf of homosexual people—Stonewall, for example, is measured and reasoned in its campaigns—but with respect I have no sympathy whatsoever for militant groups such as OutRage! that want to publicise the cause of homosexuals at all costs. They do no good to the people they purport to represent, and they do no good to our society as a whole. There should be no need in this day and age for massive marches by gay people through the streets of our main cities, any more than there should be any need for such marches by any other group in society which happens to be in some way different from others.

Let us make the criminal law fair and equal, then let us agree that sexuality and sexual behaviour is and should remain a private matter. Let it remain private, and let

[Mrs. Laing]

people who are gay get on with their lives in private and in peace and without making such a fuss about it—that is, if we decide this evening to bring equality to the criminal law in the way in which gay people are treated. Once that has been achieved, there is no reason for the fuss that is often made to go on. Let all the publicity-seeking pressure groups accept that equality will have been achieved, and let them leave the rest of society in peace.

8.15 pm

Mr. Gerald Kaufman (Manchester, Gorton): Like the hon. Member for South Staffordshire (Sir P. Cormack), last Thursday I celebrated the 28th anniversary of my election to the House of Commons. This is my eighth Parliament and I am proud to be a Member of Parliament but, looking at the House, I sometimes think that the only thing worse than having this House is not having this House.

We in this Chamber sometimes congratulate ourselves on our record of social reform, but we have little right to do so. I listened to the admirable and eloquent speech of my hon. Friend the Member for Brentford and Isleworth (Ann Keen). There was one part of what she said with which I disagreed—when she said that, if the House passes the new clause that she has proposed it will be a brave step. It will not be a brave step at all; it will be a belated step, a reluctant step and a step that should have been taken in equity and fairness and decency long ago.

We in this House have witnessed debates in which social reform has been slow, reluctant and belated and in which, again and again, disingenuous arguments have been trumped up to prevent or delay the passage of what in equity should be obvious.

I listened to the hon. Member for South Staffordshire talking about paedophiles preying on young people. Paedophiles prey on young people today under the present state of the law, with an age of consent of 18. They preyed on them when there was an age of consent of 21, and they preyed on them when male homosexual acts were completely illegal. The hon. Gentleman talked about the material which has no doubt been sent to all of us by the Terrence Higgins Trust, describing homosexual acts between men that are illegal before the age of 18. These things are taking place now. It is not as though some terrible door is being opened through which all kind of horrors will rush. Hon. Members have been talking about the situation today.

I have listened to many arguments in many debates in which people tried to hold up reforms that ought not to have been necessary because the restrictive legislation should never have existed. For centuries, the House maintained the denial of rights for the majority by the minority—for example, the denial of rights for women. The majority has always denied the rights of minorities. This House only relatively recently abandoned its denial of membership to Catholics, Jews and atheists. This House has persistently entrenched racial discrimination, and, on the issue before us now, it has a miserable record. A majority, using this House, has sought to impose its sexual orientation on those with a different sexual orientation.

Whenever this subject comes up, new arguments are laboriously dug up to justify the repression of a minority by the majority. The latest argument—the hon. Member for Macclesfield (Mr. Winterton) deployed it this evening—is AIDS. When homosexual acts between consenting males were made illegal, AIDS did not exist, but they were nevertheless made a criminal offence.

When the Abse Bill—to which my hon. Friend the Member for Brentford and Isleworth referred—was considered by the House 30 years ago, the age of decriminalisation was set at 21. Although AIDS did not exist then, other arguments were made to oppose that Bill.

Four years ago, when the age of consent was lowered to 18, AIDS was part of the sexual scene, but no great plague of AIDS has broken out among 18 to 24-year-olds since that change in the law. Heaven knows, if it had, we would have heard of it already, both in press articles and in the speech of the hon. Member for South Staffordshire.

Mr. Gerald Howarth: Does the right hon. Gentleman accept that the whole point about AIDS is that it takes years to reveal itself? It is unlikely that he would see very quickly the effect of AIDS on someone who has contracted it since the younger age of consent was established.

Mr. Kaufman: That is exactly the type of bogus nonsense that one hears constantly on these matters.

I have two further comments on the argument about AIDS. First, the best way of controlling AIDS among people involving themselves in male homosexual acts is to ensure that there is an age of consent that allows people to gain access to information, and enables them without fear of criminality to seek medical advice and medical help. Allowing such access will be one of the extremely desirable by-products of passing new clause 1.

Secondly—I go further—it is a very great myth indeed to imply that AIDS arises only through homosexual contacts. The great wave of AIDS that passed over the planet started in east and central Africa because of heterosexual intercourse. It is therefore a slander on people involved in homosexual sex to say that they and only they will propagate or are subject to AIDS.

Dr. Julian Lewis: Will the right hon. Gentleman give way?

Mr. Kaufman: No; many hon. Members are waiting to speak.

Nor—although I understand the motives of my hon. Friend the Member for Bassetlaw (Mr. Ashton)—is it accurate to say that lowering the age of consent will create greater opportunities for paedophilia. Paedophilia has existed whatever the law on age of consent for males or females, and I fear that it will continue to do so even when we have passed new clause 1—as I hope we shall today.

If new clause 1 is passed, it will decriminalise only consenting sexual acts between males that are legal between males and females.

Opponents of new clause 1 assign prurience to the homosexual act. Whenever we debate such matters, words such as "sodomy" and "buggery" are used to make ugly such sexual acts, but it is hon. Members who are being prurient by their action. In the House, whenever we discuss sex of that kind and within that context, those who are seeking to maintain oppression and repression of a minority see only the carnality of the sexual act. They

regard such sexual acts as acts of carnality, not as acts of people participating in an act of love according to their sexual nature.

The great lyricist and composer Stephen Sondheim wrote a musical called "Passion" about the repressed passion of a woman for a man. In it, the woman speaks in her mind a line to the man, saying

"Loving you is not a choice".

Loving is not a choice. People do not choose their sexual nature; they are endowed with their sexual nature. Opponents of the new clause are saying that of all the billions of creatures on the face of this planet, the only ones to be banned from expressing that love according to their nature are homosexual males aged 16 and 17 and those who love them.

Today, the new clause will undoubtedly be passed—I shall certainly be voting for it. When it is passed, it will be a moment of achievement in which we should take satisfaction. However, when we pass it, the House should not be smug or congratulate itself. Although the new clause will be a belated act of reparation, many more injustices will remain to be put right.

Mr. Richard Allan (Sheffield, Hallam): The Liberal Democrats have a clear policy agenda that seeks to promote fairness for all people before the law. Our agenda has led us to debate at our party conferences the issue that the House is debating today, and to come down clearly in favour of equalisation of the age of consent, as proposed in new clause 1. I pay tribute to the hon. Member for Brentford and Isleworth (Ann Keen), who spoke very well. Her speech would have gone down very well with many people in my own party. I pay tribute also to the hon. Member for Epping Forest (Mrs. Laing) for some of her measured comments on the legal nature of the issue.

As with the other parties, we shall be treating the matter as a free-vote issue. Although I speak as an individual Member on the issue, I am confident that many of my colleagues will agree with the views that I express.

The debate has frequently been examined in terms of politicians sending out a message to the people of the United Kingdom. On the one hand, we are urged to send the message that heterosexuality is the norm, and that the law should be used somehow to discourage homosexuality. Conversely, we are asked to send out a message of equality, saying that the law must be changed to make it clear that we are not discriminatory. Tonight I should like to leave behind the politics of messages, and instead to focus on the proper relationship between the state and 16 and 17-year-old citizens of the United Kingdom.

We have two clear priorities to balance in setting an age of consent for sexual activity. The first is the duty of the state to offer protection to those who are being abused sexually. We must have a legal remedy available for those suffer from unwelcome or inappropriate sexual attention. The second priority is the right of any individual citizen to express his or her sexuality in a consensual way without undue interference from the state.

I do not believe that it is my job as a Member to tell people what they can or cannot freely do in their bedroom, any more than I would be happy for any other hon. Member to come into my bedroom to try to tell me what I should do in my sex life.

Dr. Julian Lewis: Will the hon. Gentleman give way?

Mr. Allan: I give way to the hon. Gentleman, although I am sure that I shall regret it.

Dr. Lewis: I thank the hon. Gentleman for giving way, and I am sure that he is correct. When he talks about the rights of citizens, will he not just remind himself that we are talking not about citizens or adults but about children of 16 and 17?

Mr. Allan: The hon. Gentleman reminds of a point that I had planned on making later in my speech—that we are talking about citizens who are able to go out and get a job, leave school, get married and pay taxes. Those are the citizens we are talking about.

I do not believe that the current law works well in ensuring that the state performs its duty of protection. Indeed, current law may have the reverse effect—of making young people more vulnerable. The vital fact to remember is that, currently, if a 16 or 17-year-old has homosexual relations, that 16 or 17-year-old is himself committing an offence. In such relationships, the law does not nicely discriminate and prosecute only older people. Two 17-year-olds together would still be guilty of an offence.

Opponents of new clause 1 raise two principal concerns about young men in such situations. The first is the notion that the young man may be experimenting, and may not have settled his sexuality. Arguments have been advanced to the contrary. Moreover, even in situations in which a young man is deemed to be experimenting, I cannot think of anything worse for the law to do than to deny that young man the ability to seek the advice and guidance he needs because he is aware that he has committed a sexual offence for which he may be prosecuted.

The second concern is that the relationship may be an abusive one, typically described as one with an older man. The facts from surveys show that the vast majority of such relationships—like any other relationship—are between people of nearly the same age. However, even if an older man is involved, I cannot think of anything stronger that we could put in the hands of an abuser than the ability to tell his victim, "Don't go to the law, or you'll be prosecuted." I cannot think of anything that would make abuse more likely than providing such a tool to any individual who chose to be abusive. A change in the law is essential.

Mr. Butterfill: Can the hon. Gentleman give us an example in which the younger person in such a relationship has been prosecuted?

Mr. Allan: I was talking about the fear of prosecution, rather than what may happen later. The hon. Gentleman cannot deny that the law as drafted states that such a young man has committed an offence. That fear of prosecution can affect young men and ruin their lives.

[Mr. Allan]

A change in the law is essential if we are to free young men of 16 and 17 to seek any advice they may need to cope with the sexuality.

If it could sensibly be argued that setting the age at 18 would ensure that no 16 or 17-year-old would ever had sex, there might be some purpose in doing so, but I can remember being that age not so long ago, and I can honestly say that I never consulted lawyers before exploring my sexuality—not that I could have afforded them. I do not believe that the vast majority of young people consider the law before exploring their sexuality. They will go ahead irrespective. The hon. Member for Epping Forest (Mrs. Laing) strongly advocated not bringing in laws that did not command the respect of the majority of the public.

8.30 pm

In respect of the rights of individuals to carry out their private business free of state interference—a fundamental Liberal issue—there is a strong case for change. The key decision as to the age at which we each believe that people can be responsible for their own sexual behaviour is a personal one. My view is that the age is properly set at 16. As I said, it equates with the age at which one can leave school, pay tax and marry.

Mr. Swayne: But not smoke.

Mr. Allan: The hon. Gentleman is wrong. Of course one can smoke at 16. That is not to say that it is advisable to start having sexual relations at 16, but simply that one should not be prosecuted for it.

There is often confusion that lowering the age at which it is legal somehow makes it compulsory to have sex at 16. That is clearly not the case. I would certainly not advise starting so early, any more than I would advise anyone to leave school or get married at 16. Exactly the same principles apply. However, I do not believe that the state should drag those who choose to do so through the courts and face them with a possible gaol sentence. We must remember that, when we set the age of consent, we are not making sex compulsory after that age; we are saying simply that the state will no longer prosecute people for doing so.

We should set the line of responsibility clearly, and then do all we can to support individuals in taking that responsibility. The current confused age of consent is unhelpful in that respect. It is far more straightforward to tell teenagers that they are wholly responsible for their sexual behaviour at 16 and then help them to prepare for it, rather than saying that only pure heterosexuals have that responsibility.

There is an intellectually coherent argument for having a general age of consent above 16 if one believes that 16-year-olds in general cannot handle the responsibility. It is much harder to argue that a 16-year-old male is sufficiently mature for sex with a partner of one sex, but not with a partner of the other. My experiences of getting to know the opposite sex raised complex issues that made it more rather than less difficult to handle a relationship.

The state can do only so much to protect those over 16 from acts in which they choose to participate and to which they consent. Some of those acts they will regret, and some may turn out to be important opportunities, just as we all make choices that turn out for better or for worse. However, the law should be reviewed for those over 16 but still of a young age.

I agree with some of the concerns outlined by the hon. Member for Bassetlaw (Mr. Ashton), particularly in respect of those in care. I am not convinced that the amendments are worded correctly, and I have expressed to the Minister of State my concern about girls of 16 and 17 who are exploited by pimps. I hope that the Government will let us know their thinking in respect of protecting those over 16 who are still fairly young. I hope that the amendments will be taken seriously, and that we will get a substantive reply.

The rights of 16-year-olds to define their sexuality bring responsibilities, and 16-year-olds still have a great deal to learn, whatever their sexuality. We should ensure that they are fully aware of those responsibilities, by providing a comprehensive programme of education before they reach the age of responsibility.

I intend to vote for new clause 1 tonight to ensure that we have a legal code that is clear and rational. For the first time, 16-year-old citizens will be absolutely clear that they are responsible for their own sexual behaviour, without the prospect of the state seeking to prosecute them for certain types of behaviour that they find are right for them. We should do all we can to help young people to exercise their rights responsibly, but we should not seek to constrain them or to shoulder too much of their responsibility, especially when that involves threatening them with prison for acts that they find natural. I urge the House to support new clause 1.

Mr. Stephen Twigg (Enfield, Southgate): It is a privilege for me to participate in tonight's debate. I pay tribute to hon. Members from all parties who spoke in support of new clause 1, particularly the hon. Member for Epping Forest (Mrs. Laing). I do not know whether I will do her popularity among her hon. Friends any good by paying tribute to her very good and witty speech.

I also pay tribute to Edwina Currie, the former Member for Derbyshire, South, and to my hon. Friend the Member for Brentford and Isleworth (Ann Keen). Above all, I pay tribute to the thousands of people who over the years have lobbied for this change. They have done so because they believe in human rights, equal opportunities and building a decent society. In particular, I reiterate the words of other hon. Members tonight in praising the work of Stonewall, which was launched 10 years ago and has done so much to bring about tonight's vote under the inspired leadership of its director, Angela Mason.

In the debate in the House in 1994, perhaps the most powerful speech was made by my right hon. Friend the Prime Minister, who was then shadow Home Secretary. He said:

"the issue . . . is not at what age we wish young people to have sex. It is whether the criminal law should discriminate between heterosexual and homosexual sex. It is therefore not an issue of age, but of equality. By supporting equality, no one is advocating or urging gay sex at 16 any more than those who would maintain the age of consent for heterosexual sex advocate that girls or boys of 16 should have sex. It is simply a question of whether there are grounds for discrimination.

At present, the law discriminates".

Later in his speech, my right hon. Friend said:

"it is wrong to treat a man as inferior because his sexuality is different.

A society that has learned, over time, racial and sexual equality can surely come to terms with equality of sexuality. That is the moral case for change tonight. It is our chance to welcome people—I do not care whether there are 50,000, 500,000 or 5 million; it matters not a damn—into full membership of our society on equal terms. It is our chance to do good, and we should take it."—[*Official Report*, 21 February 1994; Vol.238, c.98-101.]

The issue strikes at the heart of the sort of society that we want to build. Since last year's general election, the culture of the House has changed. We have a record number of women Members; we have more relatively young people in Parliament, and we now have six openly lesbian or gay Members. We have come a very long way in the four years since the issue was last debated.

In 1984, the Secretary of State for Culture, Media and Sport, my right hon. Friend the Member for Islington, South and Finsbury (Mr. Smith) stood up in Rugby and made a very brave speech in a politically different moral climate, in which he announced that he was gay, and became the first hon. Member openly to acknowledge his sexuality. I was 17 at the time, and I vividly recall the positive impact that his speech had on me. It challenged the conception that being gay is something to be ashamed of, to feel guilty about and to hide. Attitudes have changed a lot in the 13½ years since my right hon. Friend made that speech, and he has played no small part in bringing about that change.

As the law stands, discrimination is entrenched in statute. Young gay men often face bullying, verbal abuse and physical attack, whether at school or in the local community. They often feel isolated and guilty about their sexuality. The law should protect the young and the vulnerable. Instead, the law criminalises for 16 and 17-year-old gay men behaviour that would be legal if they were heterosexual.

There has been much lobbying on both sides of the debate. I have received letters from people with a sincerely held conviction that the change should not happen. I respect those opinions, and have responded respectfully. Unfortunately, like other hon. Members, I have also received some obnoxious and offensive lobbying, including one representation arguing against the change because young gay men are more likely to attempt or commit suicide. The argument, as I understand it, is that, if we discourage or criminalise gay sexuality, we shall reduce the rate of attempted or actual suicide.

Surely the reality is the opposite. Some young gay men attempt to take their lives—successfully in some tragic cases—precisely because of the prejudice, the isolation, the bullying and the discrimination. The best way to tackle that is to foster an open, tolerant and pluralistic society. That is the message that the House will send if we pass the new clause.

Mr. Julian Brazier (Canterbury): On that point, has the hon. Gentleman heard from the school of the science of acting? About 15 of its students and former students, all former homosexuals, testify how they left such feelings behind them when they chose to abandon homosexual practices. Many of them are now married.

Mr. Twigg: I have heard about that. We should not make laws for such exceptional cases. Many other well respected medical and education bodies referred to by other hon. Members support the new clause.

I welcome the Home Office's decision to review sexual offences laws, and the Government's decision to review child protection procedures. I am sure that we all want laws that protect those who cannot protect themselves. The laws must be workable, and should not discriminate. That is why we have an age of consent, and why there is no support in the House for lowering it below 16. We have proposed an equal age of consent at 16.

In the review of sexual offences legislation, I ask my hon. Friend the Minister to consider two problems that will still exist even if the new clause is carried. First, the penalties for age of consent offences will continue to be different for gay couples from those for heterosexuals. Secondly, under-age gay men will continue to be criminalised, whereas under-age girls are not.

The point of the age of consent, as the hon. Member for Sheffield, Hallam (Mr. Allan) said, is to protect those under that age. The criminal should be the one over 16, not the one under 16. Making the younger partner a criminal may discourage some young people from reporting acts of abuse, as other hon. Members have said. I hope that my hon. Friend the Minister will address those points.

This debate is about human rights. Prejudice and discrimination scar not only those who face it, but our entire society. Some have claimed in the past couple of days that the new clause will send out the wrong message. Far from it; the new clause will send out a positive, unequivocal and tolerant message. It is a positive message to young people that our inclusive society includes all young people. It is an unequivocal message to the school bully that they are the criminal, not the young people who are being bullied simply for being different. Above all, it is a message of tolerance.

I am proud to have played my small part in supporting the new clause. I am proud of the cross-party support for it, including all three main party leaders. I am proud that tonight the House can put itself on the side of decency, openness and justice.

8.45 pm

Sir Norman Fowler: I shall briefly give my personal view.

I hope that I shall be acquitted of the charge of being antagonistic to the homosexual community. As Secretary of State for Health, it fell to me to take the first steps in the battle against AIDS. That is not an exclusively homosexual issue, although some people continue wrongly to maintain that it is. However, it profoundly concerns the gay community. I had the opportunity to work with a range of gay organisations and gay people.

Some say that those who surrounded the House of Commons in 1994, the last time we debated the issue, were typical of the gay community. That is not my experience. I endorse the praise that the hon. Member for Brentford and Isleworth (Ann Keen) gave to organisations such as the National Aids Trust. We cannot judge all the spectators in Marseilles by the activities of the minority. I need no persuasion that the rights of gay people must be protected, and that that is a legitimate concern of the House.

Equally, I am strongly in favour of family life. The best remembered phrase of my parliamentary career concerns the importance of the family and my intention to return to it. I shall continue to advocate the importance of the family, and my belief that it must continue to be at the centre of national life.

[Sir Norman Fowler]

In 1994, I voted to reduce the age of consent from 21 to 18, because I believed that the law was out of date and that it was difficult to maintain, with the age of majority at 18, that people should be subjected to criminal prosecution for a further three years. I do not resile from that decision.

However, I do not regard the case for a further reduction from 18 to 16 after such a short time as self-evident, as some have argued, even though I am sceptical about using the criminal law to support a particular attitude—I agree with the hon. Member for Brentford and Isleworth on that. We should recognise the limits of the criminal law in promoting values, and how the public will view our efforts to use it in that way.

The public recognise the right of Parliament to pass laws to punish the guilty for clear crimes such as murder, robbery or burglary. They are more cautious about allowing us to intervene in the private lives of individuals. In the main, they believe that what consenting people do in private is usually a matter for them, and should not be a subject of criminal law and all that goes with it.

When I was dealing with the AIDS issue, I received a great deal of advice. Religious leaders, newspaper leader writers and Members of Parliament all had their views. One of the most popular messages was that I should concentrate less on seeking to prevent the spread of AIDS by health education, and preach a more moral message. In particular, I was told to tell people—by which advisers usually meant gay people—to desist from the life that they were living.

I tried to put the view that a loving relationship was the right way for someone to conduct their life. However, I never believed that that would be enough. My experience on the issue has convinced me that the public will listen to and take the best medical advice available—preferably from the chief medical officer, or even from the Secretary of State for Health. They will not necessarily accept advice so readily when politicians give the impression that they are trying to tell the public how to run their own personal lives. Frankly, given some of the situations that I have seen in my 28 years in the House of Commons, the public's scepticism on that is well justified—sometimes spectacularly well justified.

None of this is an argument against seeking to set an example or trying to do good, but it is an argument against regarding the criminal law as a way of showing the general view of the behaviour of a group of people of whom at least some of the nation do not approve. That does not seem to me to be the right test as far as the criminal law is concerned.

What is the proper matter for the criminal law? I would suggest that that comes when the actions of an individual or individuals violate the rights, lives and dignity of others. That was the issue that the hon. Member for Bassetlaw rightly addressed, and it is covered by his amendments. When the rights of young people are violated, that clearly must be a matter not only for the criminal law, but of deep concern for the House of Commons—a point to which my hon. Friend the Member for South Staffordshire (Sir P. Cormack) referred.

I understand the argument for a further reduction, but we are dealing with a criminal offence—an argument made strongly and with enormous eloquence and power by my hon. Friend the Member for Epping Forest (Mrs. Laing). We are dealing with prosecutions and everything that flows from that. No one wishes to retain a criminal sanction unless it is necessary.

I am less persuaded by the argument of the British Medical Association on access to medical advice on, for example, AIDS—a point referred to by the hon. Member for Brentford and Isleworth, among others. We fought a much bigger battle in terms of drug users and clean needles. The fact that drug use was illegal did not prevent advice from being given. If, in the 1980s, we managed to address a message to every householder in the country on the danger of AIDS and the medical advice that was available, I do not think that it is beyond the wit of man to address a similar, but much more limited, message to young people generally.

Ann Keen: In relation to AIDS advice and the right hon. Gentleman's reference to young people coming forward for advice on drug abuse, is he aware that the young men we are talking about fear so much that they will be branded as criminals that they do not come forward to anyone? A large number of people do not come forward because they fear prosecution, and prosecutions do take place—such as recently in Bolton, where a 17-year-old young man was prosecuted.

Sir Norman Fowler: My point is that that matter can be dealt with in other ways. Drug use is illegal, but that has not prevented us from putting out messages to people who use drugs to tell them that medical advice—frankly, much more medical advice—is available to them. I understand the hon. Lady's argument, but it is not convincing.

Nor do I find the argument on the standardisation of ages between heterosexual and homosexual sex to be remotely the end of the debate. It goes beyond that. The crucial argument surely is that the House must be convinced that, if it takes this action, a group of young people between the ages of 16 and 18 are not put at risk. That may be an inconvenient argument, and it may not fit in with people's views on standardisation. However, the protection of young people must remain a proper and paramount concern of the House of Commons.

In that respect, I have great sympathy with the amendments tabled by the hon. Member for Bassetlaw, which refer to both sexes—as they should. We are concerned with abuse by an older person who is in a position of authority, influence or trust. In many ways, the most important service that the hon. Gentleman has done is to refer the House to the report carried out by Sir William Utting and his colleagues for the Department of Health—not 30 or 40 years ago, but between 1996 and 1997.

Bill Utting was the head of the social services inspectorate at the Department of Health and Social Security when I was Secretary of State, and I have the highest possible opinion of his judgment in these matters—I would not necessarily say that about everyone with whom I served in the DHSS. He is quite outstanding. In reference to the risk posed by abusers, he said:

"Persistent sexual abusers are a scourge of childhood. Their numbers are difficult to estimate but each one who adopts a lifetime career will amass hundreds of victims. They inflict unspeakable

psychological and physical harm. Some of their victims will become abusers. Their success depends on their ability to ingratiate themselves with adults and children. They are largely but not exclusively men. They establish themselves as trusted friends, colleagues or employees. Exposure may be a matter of chance, often after many years of abuse."

Mr. Ashton: Some weeks ago, I wrote to Sir William Utting and asked if he would support my amendments. He said that he would—he was very much in favour of them.

Sir Norman Fowler: I read what the hon. Gentleman wrote about that in his letter to all colleagues. I am influenced—the House needs to judge whether I am over-influenced—by that, and by other cases. I shall give one example—the case of Roger Gleaves, the self-styled "Bishop of Medway", who was convicted in the 1970s of offences against young people. I raised his case in the House of Commons in 1975. Two months ago, in 1998, he was sentenced to 15 years for further offences against young people. In other words, he had been pursuing a career of abuse, year after year.

No one can seriously doubt the problem that abusers pose to young people, and here we come up against one of the unsatisfactory features of the way in which we are proceeding tonight. We are debating an amendment to the Crime and Disorder Bill. Obviously, the amendment is within the scope of the Bill—otherwise, we would not be debating it. Whether it is in the spirit of the Bill is an entirely different matter. The way we are proceeding means that the measure is not being given the consideration it might otherwise have had.

That was precisely the argument used by the Home Secretary a couple of hours ago against a new clause—with which he agreed in principle—tabled by the Opposition. Had new clause 1 been tabled at Second Reading, it could have been considered in Committee, and amendments could have been tabled to explore all the implications. Frankly, we are being presented with a proposal on a more or less take-it-or-leave-it basis, at the last stage of the consideration of the Bill in the House of Commons. That certainly allows the House to vote on the issue, but whether it is the best way in which to make law is another matter.

It was a bit rich for the hon. Member for Brentford and Isleworth, who tabled new clause 1, to say on the BBC this morning that the trouble with the amendments tabled by the hon. Member for Bassetlaw was that they were a bit rushed. I think that the whole operation has been rushed from beginning to end—

Mr. Ben Bradshaw (Exeter): Rushed?

Sir Norman Fowler: Yes, rushed. The hon. Gentleman should consider the problems that would arise if we always legislated in this way. Those of us who have serious questions to ask find this way of doing business objectionable—if he does not understand that, he does not understand the process of Parliament, let alone what we are talking about.

Mr. Shaun Woodward (Witney): Will my right hon. Friend give way?

9 pm

Sir Norman Fowler: May I continue?

On the basis of the evidence that the hon. Member for Bassetlaw has put before the House, I support the amendments that he has tabled. The previous Government established the Utting review because of the continuing revelations about widespread abuse of children in children's homes over the preceding 20 years. The Utting committee estimated that about 200,000 of the 12 million children under the age of 18 in England and Wales lived away from their parents' homes for at least 28 days. It set out areas of risk, such as children's homes, foster care, boarding schools and a range of others.

On the basis of the Utting report, I believe that there is a strong case for improving the safeguards for children who live away from home. I have no illusions that that will be easy—we shall not cure the problem simply by passing the amendments tabled by the hon. Member for Bassetlaw, but the House can at least attempt to prevent the problem from getting worse. However, my fear is that, if we were to pass new clause 1, we should present a grave risk for those children who live away from home.

I shall certainly vote for the amendments tabled by the hon. Member for Bassetlaw, but I should add that it is not only people in positions of authority who may be guilty of abuse. Many others may be guilty too, and they will not necessarily be caught by the definition in amendment (a). Such people are predominantly male; they pose an enormous threat to young people in the age group. I believe that those young people, about whom I am most concerned in this debate, need protection. We have heard a great deal about equality, and I respect what I have heard, but we have heard rather too little about how young people's rights will be protected.

We voted to reduce the age of consent from 21 to 18 only four years ago—that was an important step. I am in no doubt about what the result of the vote this evening will be—I have no illusions whatever about that—but I hope that the House does not come to regret passing new clause 1. I believe that it poses such a risk that I shall vote to keep the age of consent at 18.

Mr. Michael: I start by congratulating my hon. Friend the Member for Brentford and Isleworth (Ann Keen) and all those hon. Members who have contributed to the debate—we have seen the House at its best, dealing maturely and responsibly with an issue about which hon. Members have passionate views. It is perhaps slightly worrying that the right hon. Member for Sutton Coldfield (Sir N. Fowler) has made two speeches in one day that have allowed us to hope that discussions between those on the Front Benches can be both constructive and robust.

The package of new clauses and amendments boils down to four issues. First, is it the will of the House to equalise the age of consent? Secondly, how should we increase the protection for 16 and 17-year-olds from an abuse of their position by those who owe them a duty of care? The third proposal is to increase the age of consent if one of the parties is more than 21. The fourth proposal concerns a separate issue—the definition of "in private" for the purposes of homosexual activity.

The first issue—the age of consent—is the main issue for tonight. We promised to give the House an opportunity to decide on a free vote whether we should have an equal age of consent at 16. The new clause has

[Mr. Michael]

been tabled by Back Benchers from both sides of the House but, by assisting with the drafting, we have ensured that it provides a real and genuine opportunity. That is why I have added my name to the related amendments Nos. 1 to 5. If the House supports new clause 1, it will be essential for the consequential amendments to be carried, and it will be the Government's policy to ensure that they are. By adding my name to the amendments, I intended to signal that purpose.

This is a subject on which many hon. Members hold strong personal views, and it is right that Parliament should debate it freely. As we regard it as a matter of conscience for individual Members, the Government do not have a formal policy on the issue. However, I must make it clear that I will vote in favour of an equal age of consent, as I did in 1994. My right hon. Friend the Home Secretary has always made it abundantly clear that his personal view is that equalisation of the age of consent is a matter of basic fairness and equality. On 21 February 1994, the right hon. Member for Richmond, Yorks (Mr. Hague), who is now Leader of the Opposition, and the right hon. Member for Yeovil (Mr. Ashdown) who leads the Liberal Democrats, voted for 16 as the age of consent following a debate in which the present Prime Minister, then the shadow Home Secretary, gave a seminal speech on the topic. I therefore live in hope of being in a crowded Aye Lobby when the Question is put.

My hon. Friend the Member for Enfield, Southgate (Mr. Twigg) quoted the Prime Minister in that debate, and I must underline one part of the quotation. My right hon. Friend said:

"By supporting equality, no one is advocating or urging gay sex at 16 any more than those who would maintain the age of consent for heterosexual sex advocate that girls or boys of 16 should have sex. It is simply a question whether there are grounds for discrimination."—[*Official Report*, 21 February 1994; Vol. 238, c. 98.]

The right hon. Member for Sutton Coldfield hesitated about whether 16 or 18 should be the age of consent, and said where he came down following his thoughts on the matter. I must point out to him that it is an issue not of age—it is easy to make an age argument one way or the other—but of equality. The law discriminates, and there is no doubt that that causes misery for some people. It is because of that unfairness and inequality that the homosexual age of consent is the subject of a case that is pending before the European Court of Human Rights.

Before anyone suggests that this debate is about Europe taking decisions for us, let me remind the House that the argument is about a breach of a principle contained in a convention to which Governments of both parties have been committed and which was written largely by British lawyers. It is the strength of the Human Rights Bill that the principles of the convention will be written into our law and our citizens will be able to seek redress in our courts rather than having to go to Strasbourg. However, that is not the case at present, so the matter is before the European Court.

The European Commission has already considered the case and found that the differential in the age of consent for homosexuals and heterosexuals breaches the convention right of privacy and the right not to be discriminated against in private life. The Government reached an agreement with the applicant that the case would not be pursued pending parliamentary consideration of the issue. The tabling by Back Benchers of the new clause provides the opportunity for such consideration.

Mr. Butterfill: Does the hon. Gentleman agree that, for the act of buggery, the age of consent is the same for both men and women—18, at the moment—so that does not need to be equalised? I use the word "buggery" not in the pejorative sense that the right hon. Member for Manchester, Gorton (Mr. Kaufman) suggests but because it is the legal term incorporated in the new clause tabled by the hon. Member for Brentford and Isleworth (Ann Keen).

Mr. Michael: There are a number of complications in the law, to which I will turn in a few moments. It is best if we concentrate on the main point of principle. Advocates of an equal age of consent have made a case persuasively and with eloquence. Significantly, supporters come from a wide variety of parties, and the new clause was moved by a mother whose remarks showed both care for people and concern for principle. Principles frequently clash in this House, as do the interests of different groups. So, I invite all hon. Members to support new clause 1 because it is right and not because it is in the interests of one group.

As my right hon. Friend the Home Secretary said before the election in a speech in the Grand Committee Room on 19 February 1997:

"These are not issues for any sectional interest but for the whole of society. They touch on how we treat other people, what responsibility we show to others in return for the rights we all expect for ourselves. The test for any democracy is what freedom the majority allows to those with whom it may disagree, not merely to those with whom it agrees."

The only argument for the discrimination inherent in the differential age of consent is to protect young people from predatory men. The overwhelming evidence is that sexuality is of people's nature: it is not something that is caught or that people are persuaded into.

For those who are confused about their sexuality, there is no evidence that the criminal law helps them to solve their dilemmas. Often it simply drives them away from the information, advice and help that could enable them to make their own choices maturely. Predatory behaviour must be dealt with firmly and quickly. It is a scandal that we have failed to protect our young people from adults—mostly men, sometimes women. The Government have made massive progress in offering the genuine, effective protection that children and vulnerable adults have a right to expect. I am a member of the ministerial group, chaired by my right hon. Friend the Secretary of State for Health, on action following the Utting report, to which the right hon. Member for Sutton Coldfield referred. I can tell the right hon. Gentleman that Ministers are passionate about the issue and the need for progress.

I hope that the House will get the principle right on new clause 1 and agree to an equal age of consent by a massive and conclusive majority. We need to consider the serious issues aired under the second set of amendments on abuse of trust, which were tabled by my hon. Friend the Member for Bassetlaw (Mr. Ashton). New clause 8 and amendments Nos. 61 and 62, which deal with girls, are clearly intended to make up a comprehensive package on abuse of trust. The main debate today has focused on

treatment of homosexuals, but my hon. Friend rightly believes that we need to ensure effective protection for boys and girls at the vulnerable ages between 16 and 18.

I have a good deal of sympathy with my hon. Friend's approach. Boys and girls are already free to marry at those ages, but they can be victims of the unscrupulous, and they may be persuaded or influenced to enter into relationships rather than doing so of their own free will. It is particularly important to protect those who are vulnerable, and those who are in care. I made it clear during the Committee stage of the Bill that the Government intend to provide that protection; there is no difference between us and my hon. Friend on that point. Even before he tabled his amendments, we had acknowledged the need for changes in the law. There are already safeguards in pre-employment checks and professional codes—such as the code that stops teachers entering into relationships with pupils—but they do not cover all cases, and some of them are not strong enough.

Our priority is to protect the vulnerable and to reinforce the duty of professional care. We are looking carefully at what needs to be done, but we must get it right. I have discussed the issue with my right hon. Friends the Secretaries of State for Education and Employment and for Health, and we have made it a matter of priority. We have set up an interdepartmental working group to identify the additional safeguards needed to prevent those who are unsuitable to do so from working with children. That group will also identify the measures necessary to protect 16 and 17-year-olds who may be vulnerable to abuse by those in positions of trust.

Mr. Gale: Will the hon. Gentleman give way?

Mr. Michael: Some areas of specific concern, such as residential schooling and care, will be considered with extreme care.

Mr. Gale: Will the hon. Gentleman give way?

Mr. Michael: The work will be wide-ranging; will not be limited to one sector—

Mr. Gale: Will the hon. Gentleman give way?

Mr. Michael: In a moment. I do hate giving way in the middle of a sentence.

The work will be wide-ranging; will not be limited to one sector and will examine existing safeguards in the public, private and voluntary sectors and the need for new measures as part of an integrated approach. To answer the point made by my hon. Friend the Member for Southgate, let me say that we will consider the issues that he raised, such as the fairness of the law and its effectiveness.

Mr. Gale: The Minister has told the House that he intends to support a clause that many of us feel will weaken the protection available to young people. He has also said that yet another working party is considering the protection of young men and women in institutional care. He has given no indication whether he will support the amendment tabled by the hon. Member for Bassetlaw (Mr. Ashton), which I most certainly support, and the hon. Member for Brentford and Isleworth (Ann Keen) declined to give way on the subject when she opened the debate. Will the Minister tell us why he is prepared to support one measure without simultaneously putting the other in place, as is his ministerial responsibility?

Mr. Michael: I wish that the hon. Member for North Thanet (Mr. Gale) would listen to the debate instead of trying to interrupt in the middle of sentences. I have tried to make it clear that I believe that new clause 1 is right, and is not about the abuse of positions of trust. I am making it equally clear that serious issues were rightly raised by my hon. Friend the Member for Bassetlaw in his important speech. I am trying to respond to those points effectively.

If, instead of trying to score debating points, the hon. Member for North Thanet looked at the way in which we have dealt with the needs of victims and vulnerable witnesses, he would find that the outstanding piece of work that we published a fortnight ago addressed those issues comprehensively. He should take that as the example of how we wish to deal with the issues, and should realise that the Government deserve more respect from him, rather than his unhelpful interventions.

We expect the group about which I have spoken to make its final recommendations by the end of the year. I hope that my hon. Friend will accept my assurance that the Government consider the protection of the vulnerable an absolute priority. However, it is important to examine the whole area rather than proceed according to a piecemeal approach. There are human rights issues involved, and questions of definition and scope. We must look carefully before taking action. There are plenty of pieces of law that give the impression of tackling a problem but which fail to do so. There are draconian punishments for those whom we fail to catch; they are pointless in law. We need to do much more to protect and prevent.

I cannot accept my hon. Friend's amendments, because they would create a new set of difficulties and anomalies. I refer not to my hon. Friend's intentions or to the broad sweep of his amendments, but to the way in which those amendments would work in practice. First, his amendments to new clause 1 would ensure that, if the abuse of trust was part of a homosexual relationship, not only the abuser but the victim would be committing a criminal offence. That cannot be right: it would increase the power of the abuser and make the abuse much less likely to be reported. It takes us back to the arguments that make the reduction in the age of consent something that is in the interests of young people.

9.15 pm

Secondly, the amendments would not apply in cases where an older woman takes advantage of a younger boy—such things do happen, as I am sure my hon. Friend would concede. Thirdly, the drafting is imprecise and creates other difficulties, which I would be happy to go through with my hon. Friend at greater length than the House would wish me to do here. If we are concerned about those vulnerable to undue influence from those with authority over them, this concern applies potentially as much to marriage as to sexual intercourse.

The essence of the concern is that the consent is not wholly free of influence. For instance, should we make unlawful a marriage between a 16 or 17-year-old and a person in a position of authority, influence or trust? They are major issues, and we should not contemplate taking

[Mr. Michael]

such steps at this late stage in the Bill's progress when there has been no opportunity fully to consider the implications. For instance, the amendments would make it unlawful for a 17-year-old girl to marry her boss. I am sure that that is not what is intended.

I hope that I have made it clear that there are too many problems with my hon. Friend's amendments as they stand, and as they are technically drafted, for them to be accepted tonight. However, I respect both his intentions and his attempt to draft amendments in order to give the House a chance to act.

Mr. Ashton: My hon. Friend is gabbling at breakneck speed, and I cannot keep up. I do not know why he is doing that. Why can he not take things much more slowly, so that we can understand what is happening?

The amendments were drawn up at my request by the Clerk of the Committee examining the Crime and Disorder Bill, who is an experienced lawyer. I do not claim that the amendments or proposed new clause 8 are perfect, but they do not have the wide-ranging implications that my hon. Friend claims.

The Minister—and the Secretary of State before him—said that the Crime and Disorder Bill would be back before the House by the end of July and would become law. The Minister now says that the working party will keep trundling along and may produce a report at the end of the year. Perhaps we will debate that and perhaps there will be another Bill.

I have been in the House a long time and have heard Governments say that they will act, only for things to remain in limbo. With respect, the Minister has not replied to my amendments regarding restraint on abuse—although he virtually said that the existing situation is not working. Can we have a date? Will there be a new Bill? When will it be presented? Can we have—

Mr. Deputy Speaker: Order. The hon. Gentleman must not make a second speech.

Mr. Michael: I think I made it clear—if I did so too quickly, I apologise to my hon. Friend—that I accept the purposes behind his amendments. However, I hope that I have outlined also the damaging complications in this very complicated piece of interrelated legislation. I also made it clear that it is important to have legislation that works. For instance, the Bill deals with issues such as anti-social behaviour and sex offender orders. We spent much time on those issues in opposition so that we could bring before the House considered ways of dealing with them. It should be recognised that, as a result of our putting in that time, and moving quickly as soon as the opportunity arose, the Bill as a whole is a most reforming piece of criminal justice legislation, tackling youth justice and a variety of issues.

Similarly, we have dealt with the needs of victims and vulnerable witnesses. The House has debated that issue frequently over many years. We have got on with the job since coming to power.

Mr. Ashton: Cannot the Lords achieve the same aim in an amendment that could come back to this House?

Mr. Michael: No, I do not believe that there is time to do that properly without placing the whole Bill at risk, including the reform of youth justice, protection for people through dealing with anti-social behaviour and dealing with some aspects of predatory behaviour through the sex offenders order. I am sure that my hon. Friend does not want to slow down the process of getting those matters into law.

Mr. Bermingham: No one is trying to sabotage the Bill. We are merely seeking to protect a small group of people from a small group of predators. Is it beyond the wit of the Minister and the Home Office to take that on board?

Mr. Michael: No, of course it is not. That is why we are doing so much on the issue. That is why, for instance, we put sex offender orders in the legislation. That is an aspect of protecting children against the activities of predatory adults.

Sir Patrick Cormack: Surely this matter could be dealt with in the House of Lords, where there is enough legal expertise for a sensible amendment to emerge and come back to this place.

Mr. Michael: I understand why the hon. Gentleman would wish that. Once he has considered what I have said about the complex effect of the amendments—particularly the fact that they would introduce a new element of inequality to a new clause that seeks to end inequality—I hope that he will accept that they would not achieve what he wants to achieve.

Mr. Gerald Howarth *rose—*

Mr. Michael: These issues need to be thought through with great care before we embark on legislation.

Mr. Howarth: Will the Minister give way?

Mr. Michael: I shall give way for the last time. Many hon. Members wish to speak.

Mr. Howarth: I am grateful to the Minister for giving way, because it was hellish difficult to get in between two sentences.

If he accepts the logic of the amendments tabled by the hon. Member for Bassetlaw (Mr. Ashton), which I also signed, he will find that they provide some protection in respect of hon. Members' concerns. If he feels that, although inadequate in their present form, they should be enacted in an adequate form but that he cannot do that now, he should call on the hon. Member for Brentford and Isleworth (Ann Keen) to withdraw the motion.

Mr. Michael: No, because it is the drafting and tabling that relate the two issues. I do not believe that new clause 1 will have the result that the hon. Gentleman thinks it will. It deals with a separate point, and my hon. Friend the Member for Bassetlaw is right to say that 16 and 17-year-old boys and girls—he is right to place that joint emphasis—need protection from predatory adults. The two issues are brought together in the debate by the juxtaposition of the amendments. I see them as two separate issues, but I have sought to respond to the debate in respect of both.

Mr. Donald Anderson (Swansea, East): Will my hon. Friend give way?

Mr. Michael: Many hon. Members wish to speak. I said that I had given way for the last time. It is better to get it right than to get it wrong quickly and give the impression of having done something by accepting amendments that would not achieve the ends which my hon. Friend the Member for Bassetlaw says he seeks. He raised important issues. I hope that he, and those who agree with him, will accept our assurances about our intention to deal with the issues and will not press the amendment.

Mr. Anderson: Will my hon. Friend give way?

Mr. Michael: I have said already that the intervention that I accepted from the hon. Member for Aldershot (Mr. Howarth) would be the last one. If I were to take further interventions I would be eating into the time of Back-Bench Members who wish to take part in the debate.

I hope that I have said enough, without delaying the House further, to show why the amendment to increase the age of consent where one of the parties is over 21 is wrong and would not succeed in its purpose.

I turn to new clause 4 and the related amendments tabled by the hon. Member for Oxford, West and Abingdon (Dr. Harris) and others. New clause 4 and the associated amendments seek to remove one of the two qualifications that now exist to the proposition that consensual homosexual activity involving parties of the age of consent is lawful if done in private. I am sympathetic to the intention behind the new clause and amendments and to the strong feeling on the part of many people that the law in this area is discriminatory. I understand the argument that it is wrong to penalise homosexual activity that takes place between consenting parties of the age of consent in the privacy of the home just because more than two people are present.

It is important, however, that Parliament should recognise that there are differing views and that there are likely to remain concerns about sexual activity in public places, and not only gay activity. There are different approaches to the issue. In the past, Stonewall put forward a set of proposals which would involve repealing the offences of buggery and gross indecency and amending the Public Order Act 1986 to cover harassment, alarm or distress caused, among other things, by indecent behaviour. The Criminal Law Revision Committee, which considered the issue in 1984, came up with different proposals which would involve creating a new offence. That illustrates the need to consider such issues in the round.

There are inequalities, and those inequalities need to be addressed. However, particularly in an area as complex as sexual offences legislation, a problem can rarely be solved by one simple amendment. We need to examine the consequences of making changes and consider whether, by dealing with one problem, we may not be creating others.

I refer again to the fact that I recently announced our intention to review the law relating to sexual offences more generally. There are many anomalies in the existing legislation, which in many respects reflects attitudes and views that are no longer accepted in modern society. The review of this area of legislation is long overdue, but matters are not helped by piecemeal reform such as that proposed by the amendment. There are also technical defects in the amendment.

My response is not intended to deny the importance of the House dealing with these issues but to say that the time is not right. There will be unfinished business after tonight's debate. In an earlier debate, my right hon. Friend the Home Secretary explained the urgency of seeing the Bill through all its stages as soon as possible. It contains many proposals that will affect directly the lives of all our constituents who are plagued by crime and disorder in local communities.

The protection of children and vulnerable adults will be at the forefront of the Government's proposals. There will be areas of the law that need review following the decision of principle, but let tonight's decision be a clear and simple one—to agree an equal age of consent.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. There is now less than an hour left for the debate to run, so short speeches from hon. Members on both sides of the House will be appreciated.

Mr. Crispin Blunt (Reigate): It is clear that there is a majority in the House to equalise the age of consent at 16. I agree with the view that, even if one disapproves of homosexual practice, we should ideally not be using the criminal law to make a judgment on it. I subscribe to the liberal position that people should be free to behave as they wish, as long as that does not impact on the freedom of others.

However, it is the duty of the House to have regard to the consequences of the laws we make. It is also our duty to protect the interests of those whose judgment has not fully matured. Even from a liberal perspective—here I share the view of my hon. Friend the Member for South Staffordshire (Sir P. Cormack)—we hold the interests of children in trust in the House.

I have considered the issue carefully in the light of my instincts and beliefs. I do not believe that the House can pass without qualification the new clause tabled by the hon. Member for Brentford and Isleworth (Ann Keen).

Every responsible body that has considered the issue has acknowledged the need to protect children. I hope that the hon. Member for Brentford and Isleworth will pay attention as I quote the 1957 Wolfenden report, because she gave a totally different interpretation to it. The report states:

"While there are some grounds for fixing the age as low as 16, it is obvious that however 'mature' a boy of that age may be as regards physical development or psycho-sexual make-up, and whatever analogies may be drawn from the law relating to offences against young girls, a boy is incapable, at the age of 16, of forming a mature judgment about actions of a kind which might have the effect of setting him apart from the rest of society."

The Wolfenden report concluded that 21 was the right age,

"because to fix it at 18 would lay them open to attentions and pressures of an undesirable kind from which the adoption of the later age would help to protect them, and from which they ought, in view of their special vulnerability, to be protected."

Mr. Woodward: Will my hon. Friend give way?

[Mr. Woodward]

9.30 pm

Mr. Blunt: If my hon. Friend will wait, I shall address the point that I believe he is about to make.

Society has clearly changed in the past 40 years, but the consideration of protecting vulnerable individuals remains valid. I believe that it is a legitimate judgment to believe that 18 to 21-year-olds are more mature than they were in 1957 and that they are wiser in the ways of the world, having enjoyed the benefits of television and the information age and of more liberal attitudes in society generally. That is why, had I been a Member of Parliament in 1994, I would have supported changing the age of homosexual consent to 18. However, 16 and 17-year-olds still need special consideration.

In 1979, the Home Office policy advisory committee's working party had a minority view that supported the reduction to 16, but with the compromise that a young man of 16 or 17 should be protected by the criminal law from the advances of a man in authority over him. I believe that it is self-evident that an adult over the age of 21 has an authority over 16 and 17-year-olds.

In 1985, the Howard League for Penal Reform took as its base assumption that the individual should be free to regulate his or her sexual conduct in private, provided there is protection for the young or immature from exploitation or undue pressure. It recommended the introduction of a whole new system, which would have ensured legal protection from sexual exploitation for everyone under the age of 18, by creating offences of unlawful indecency and unlawful sexual contact with children under the age of 14, or with young persons under the age of 18 if the age gap between the participants was more than two years.

It is the issue of protecting minors from exploitation by adults that is at the heart of our debate tonight. The principle of an equal age of consent, qualified by the protection of the young from adults, is already enacted in law in respect of sex between adults and children in five European Union countries. Is the House going to pass the new clause without regard for the consequences?

Mr. Woodward: Is my hon. Friend aware that the NSPCC, Childline and many other agencies have addressed the issue of child protection? The NSPCC's movement on that issue in the past few years is crucial. It considers it absolutely vital that, if we are effectively to protect children, we need an equal age of consent.

Mr. Blunt: I respect my hon. Friend's point of view and that of the NSPCC, and I shall go on to explain why I support an equal age of consent while also supporting the protection of young boys, aged 16 and 17, from adults over the age of 21. That is the aim of the amendments tabled in my name and that of my hon. Friend the Member for Beckenham (Mrs. Lait). I hope that, if we have the chance to vote on them, they will commend themselves to the House.

The Utting report, cited by the hon. Member for Bassetlaw (Mr. Ashton), combined with accounts from any police vice squad in the country, the experience of the sex industry in Holland and the changes to the gay sex industry here since we changed the law in 1994, show graphically what will happen if the House passes the new clause unchanged.

I support the amendment tabled by the hon. Member for Bassetlaw. It deals with the abuse of trust, and covers both boys and girls. It meets any conceivable objections to differences between homosexuality and heterosexuality. It is, however, both limited and specific. It is self-evidently common sense, and it should command the support of everyone in the House.

The amendments in my name and that of my hon. Friend the Member for Beckenham would go further. They would prevent the exploitation of boys of 16 and 17 by men over the age of 21. This is not some new or unique principle. Exactly the same sort of law exists in Austria, where the age of consent is 14 and where it is illegal for a male over the age of 19 to commit homosexual acts with a male between the ages of 14 and 18. I accept that our amendments discriminate, just as Austrian law does, between homosexual and heterosexual practice. We are dealing with different forms of behaviour; I believe it right that our law should discriminate in that limited way between homosexual and heterosexual practice.

Issues to do with marriage, the upbringing of children, and the lack of psychological and sexual equivalence between boys and girls aged 16 and 17, have led me to conclude that my amendments should apply only to homosexual relationships. I concede that it is arguable that they could apply equally to the exploitation of young girls by older men. However, the everyday experience of adolescents, combined with scientific observations, makes it clear that boys of this age are self-evidently less mature, sexually and in judgment, than their female counterparts. While I accept that, in law, we should tolerate people's choices to follow a homosexual life style and practice, I maintain that those are not equivalent to heterosexuality—nor should we pretend that they are.

Mr. Bradshaw: The hon. Gentleman perpetuates the myth that being gay is a life style choice. It is no more a life style choice than is his sexual orientation.

Mr. Blunt: I am afraid that I cannot accept that. In our culture, the choice of a homosexual orientation tends to become the dominating influence on a person's life: it defines homosexuals in a way that heterosexuality does not. I am not condemning that choice; I believe that it should be tolerated. I do not, however, believe the two choices to be the same.

It is also clear that there is a much greater strand of homosexuality than of heterosexuality which depends for its gratification on the exploitation of youth. [HON. MEMBERS: "Shame!"] I am sorry if Labour Members do not like the truth, but I do not intend to run away from the difficult issues.

Ann Keen: Will the hon. Gentleman give way?

Mr. Blunt: The hon. Lady did not give way to me.

My conclusion is that we have a duty to protect boys of 16 and 17 from exploitation by men of 21 and over. To those who say that my amendment will be struck down by the European Court of Human Rights, I would answer: that has not happened to Austria. My amendments also comply with equalising the age of consent. The ECHR will have to draw the line somewhere—unless we go for absolute equivalence, an idea which I reject.

This discrimination is defensible and, at the very least, should be tested. It properly belongs, as the Government have acknowledged, in the margin of appreciation,

recognised by the European Court of Human Rights, allowed to democratic states to legislate in controversial areas. That is why I commend my amendment to the House and ask hon. Members to support it, if it is put to the vote. If it is not accepted, I should not want to be associated with the consequences of accepting new clause 1.

I urge hon. Members to consider the consequences of their actions before they vote. If, like me, they consider that there is a case for homosexuality to be tolerated as equally as possible, but balanced by regard for the consequences, they will support my amendment.

Mr. Stuart Bell (Middlesbrough): Given the lateness of the hour, I shall not take interventions in the next few minutes so that other hon. Members can speak in the debate.

The views that I put to the House shall be put as a Second Church Estates Commissioner, representing the Church of England and putting forward its views on the matter. I should not want it to be thought, however, that I do not entirely subscribe to those views.

Mr. Bradshaw: Will my hon. Friend give way on that point?

Mr. Bell: I said clearly that I would not give way.

The Archbishop of Canterbury has made it clear that he does not support further lowering of the age of consent for homosexual practice. He believes that that would send a signal that homosexual practice is on a par with, and equal to, heterosexual relationships, a point which the hon. Member for South Staffordshire (Sir P. Cormack) made earlier. The archbishop has made it plain that he recognises that there are valid arguments on both sides, but his view remains that it would not be desirable to send out such a signal.

In a statement this weekend, the House of Bishops made it plain that all who have leadership responsibility in our society, in Church and state, have a particular duty to support young people in their personal development, to protect them from harm and exploitation, and to offer them a vision of what is good. Legislation affecting sexual relationships should therefore offer protection, set an example of what is good, and be rooted in sound moral values.

There is particular need in our culture to support young people. Pressures are at work to legitimise any and every life style, irrespective of any difference of value and quality between them. The Church believes that those pressures should be resisted. The House of Bishops recognises the complexity of the issues facing legislators and the House, but it is concerned that the proposal to lower to 16 the age of consent for homosexual relationships may send wrong messages to young people and to our society as a whole. It is particularly important for it to be understood that actions may be legal without being morally right or socially desirable. I shall refer briefly to that point later.

Although the House of Bishops accepts that there is a debate within in it about the right way forward on this issue—as, indeed, there is in the wider Church—it believes that there is a widespread desire that a broader agenda of moral vision should provide the context for the debate and for the consideration of other social issues. We all need to work for greater stability and flourishing in our personal lives, the building of family life and the deepening of community life.

For those reasons, the majority of the House of Bishops opposes the new clause to lower the age of consent for homosexual relationships. If something is morally wrong, the fact that the House votes to make it legally right does not make it anything other than morally wrong. The hon. Member for Sheffield, Hallam (Mr. Allan) referred to Church and state, and my hon. Friend the Member for Bassetlaw (Mr. Ashton), who is not in the Chamber, referred to the Utting report. Over the past 30 years, the state has withdrawn from issues of morality.

Like the right hon. Member for Sutton Coldfield (Sir N. Fowler) and other hon. Members, I voted four years ago for the age of consent to be reduced from 21 to 18. Hon. Members are being asked further to reduce the age of consent to 16. It is my view that soon we shall be asked to vote for a reduction to 14—a point which was touched on by the hon. Member for Aldershot (Mr. Howarth), among others. The hon. Member for Epping Forest (Mrs. Laing) did not want marches by organisations such as OutRage! In Paris yesterday, 20,000 people marched for civil marriage for homosexual couples and for the legal right to adopt children. This is a further undermining of family life, which has been and will continue to be the basis of our society for years to come.

There must be a line in the moral sand. It is the view of the House of Bishops, so clearly stated, that its position is a reflection of a modern, confident Church which is prepared now to state clearly where it stands on morality and to invite the state to join it in a partnership. That can begin tonight by Members opposing the new clause and by marrying Church and state to follow a different route—one that will help younger generations and those who are still children.

9.45 pm

Dr. Evan Harris (Oxford, West and Abingdon): I want to speak tonight from the perspective of human rights. New clause 1, to which I put my name, and new clause 4 are supported by Members from all political parties. It is important to make clear notes in these debates and not to hold them upside down. I am reminded of what happened in the 1994 debate in the other place, when an elderly bishop said that he did not realise they were talking about 18; he thought it was 81—and even he recognised that that could not be fair.

There is a danger not only of upside-down reading, but of upside-down thinking. The basic starting point in addressing the issue is that there should be equality in law. There need to be overwhelming reasons to move away from equality and non-discrimination.

The sponsors and supporters of new clause 1 are not asking those who oppose it to approve of homosexual acts; they are not even asking them to accept them. All they are asking, as a minimum, is that they are not criminalised and that we do not legislate against the expression of love between people who have reached a fixed sexuality in their lives. It is for that reason that, in determining my vote, I cannot accept the views of the Archbishop of Canterbury or those bishops—and they are split on this issue—who do not want the House to accept new clause 1.

Mr. Leigh: Will the hon. Gentleman give way?

Dr. Harris: I will do so later in my speech. Indeed, I would prefer to give way on a point about new clause 4,

[Dr. Harris]

on which there has been little debate. I am responding to points made by hon. Members, who have not given way, on new clause 1.

We do not yet live in a theocracy, so we are not bound to take note of a majority view in the House of Bishops, especially when the bishop charged by the Synod with dealing with this matter and tackling the issue of homosexuality for the Church itself, Bishop Harries of Oxford, favours a reduction in the age of consent to 16—for the reasons that we have heard tonight from the supporters of new clause 1.

The Archbishop of Canterbury and other bishops are entitled to their view. The proposers of the new clause do not ask them to drop their view based on the Bible. Nor does the fact that adultery is not criminal in this country mean that those who agree with that feel that those of a religious persuasion should drop their prima facie objection to it. Many of us would be concerned about that. The question is whether the criminal code should legislate against these matters, and I believe that it should not.

On the basic premise of moving towards equality and non-discrimination in other matters, I want to speak briefly about medical issues, which have been raised in the debate. I speak as a member of the British Medical Association council and the proposer of a motion at a meeting last year, when it unanimously restated its belief in equality in the age of consent at 16—and in a whole range of other equality issues. The council is joined in that belief by bodies such as the Health Education Council, the Royal College of Nursing, the Royal College of Psychiatrists and other royal colleges. Each established medical body believes, on the review of evidence, that there is no medical reason to oppose an equalisation in the age of consent at 16.

I regret that I must disagree with the hon. Member for Epping Forest (Mrs. Laing), who spoke so powerfully, but did say that there were medical divisions. On the review of all the evidence, the established medical bodies have come down firmly in favour of equalisation. It is now medically accepted that homosexuality is fixed at an early age and not at an age greater than 16. People such as the hon. Member for Reigate (Mr. Blunt) state that that is not the case, but stating that does not make it so. Those who believe that the earth is flat do not make it so by declaring that it is flat.

Mr. Blunt *rose—*

Mr. Brazier *rose—*

Dr. Harris: I shall not give way on this point, because I wish to make progress.

The same applies to the journalist in *The Daily Telegraph*, who, in a flat-earth way, makes certain medical statements as if they were fact when they are not accepted by medical opinion. I was outed in *The Daily Telegraph* as a doctor who believes in equality, and outed as a liberal, to which I confess without any shame. I am delighted that I have now been named in *The Daily Telegraph* in a capacity other than that of bridge player.

The other medical question is whether sexuality can be changed by participation in sexual activity. Medical authorities do not accept that, among the multifarious factors, sexual practice, especially in teenage life, has any effect on sexuality. European countries that have a lower age of consent do not have a higher rate of homosexuality. The medical and psychological evidence supports my case.

The hon. Member for South Staffordshire (Sir P. Cormack)—he could be described as the hon. Member for the 19th century—referred to the problem of predation. As has been said, that problem affects young women and girls as much as, if not more than, it affects young boys. There is no evidence to suggest that a greater proportion of those involved in paedophilia are homosexual. The vast majority of paedophile criminals are heterosexuals who exploit young boys as well as young girls.

The issue of AIDS has been raised, particularly by the hon. Member for South Staffordshire.

Mr. Brazier: Will the hon. Gentleman give way?

Dr. Harris: No, not on this point, because I want to make progress.

The Terrence Higgins Trust did a remarkable amount to reduce the incidence of HIV transmission. Although the right hon. Member for Sutton Coldfield (Sir N. Fowler), who is no longer present, did well in getting across to the wider population the message about the dangers of HIV infection, the Conservative Government can be criticised for not sending enough targeted messages about the dangers affecting homosexuals of all ages. It is not through homosexual acts, but through unsafe sexual practice with someone who is infected, that the virus is transmitted. We must get that message across.

I have worked as a doctor in the field of HIV; people with AIDS have died in my arms. I do not want a return to the years when people were not able to obtain critical information about sexual health because, in seeking such information, they ran the risk of being criminalised. Young people have a right to such information.

From a medical perspective, I entirely share the views of the Minister of State on the amendment tabled by the hon. Member for Bassetlaw (Mr. Ashton). The amendments tabled by the hon. Member for Reigate are incompetent. Amendments to criminalise homosexual behaviour between people over 21 and those below the age of 18 would make a legal relationship between a 17-year-old and a 20-year-old suddenly illegal and criminal on the date of the birthday of the older person in the relationship. It would be some birthday present to criminalise a previously non-criminal relationship. Those amendments must be opposed by the majority of hon. Members, who, I believe, want to equalise the age of consent at 16.

I deal now with the subject of new clause 4, which has cross-party support. It has not been advertised widely in advance of this debate. That was deliberate on the part of its proposers, in order to avoid detracting from the main message that should emerge from this debate, which is the equalisation of the age of consent. Although it has been advocated quietly, however, it is a critical new clause.

New clause 4 would delete a gross violation of privacy and a gross violation of the right to freedom from discrimination. It seeks to delete the provision in the Sexual Offences Act 1967 that means that consenting homosexual acts by adults in private can never be private,

no matter how many doors they are locked behind, when more than two people are present—not more than two people participating, but more than two people present. I think that many Conservative Members, and not only those who take a libertarian view in supporting this, believe that an Englishman's house is his castle.

Mr. Leigh: Will the hon. Gentleman give way?

Dr. Harris: I will give way in a moment.

Certainly, the right hon. Member for Kensington and Chelsea (Mr. Clark) will take that remark literally. I will not press this too much further, but the right hon. Gentleman would not like the Secretary of State coming into his bedroom to see what he was up to as a consenting adult in private; and I am sure that the Secretary of State would not want to be there. This is a serious matter that strikes at the heart of the rights of consenting adults in private to do what they wish without the state intervening.

Mr. Leigh: At times, this debate has seemed unreal, not least because of the 13 speeches given, only three have opposed the new clause. Is the hon. Gentleman aware that people outside will be astonished by what he is saying? Every opinion poll—NOP, the Wellings survey—shows that 73 per cent. of the nation is opposed to new clause 1 on good moral and religious grounds, yet the hon. Gentleman, who is a doctor, is supporting gay sex by adults—not only by consenting adults in private, but by groups. Does he appreciate how out of touch he is with the real world?

Dr. Harris: If it is asked whether there should be equalisation of the age of consent, opinion polls show a majority in favour. The House is above making legislation according to selective opinion polls. If we operated on that basis, we should not have seen the huge majority, rightly, against the reintroduction of capital punishment, among other things. We should not pander to prejudice, however inadvertently it is held by the population. This matter is a litmus test for the liberality of Government, political parties and individual Members, in which to prove that they will not kow-tow to apparent or real prejudice in society.

The provision that new clause 4 seeks to delete was introduced in 1965 into the Bill that was later adopted by Leo Abse. It was passed in the other place by a group of homophobic peers—that is clear from a reading of the record. Many Labour Members have as their hero Hugh Gaitskell, but on this issue, the real heroine was Baroness Gaitskell, who tried to make it clear to the peers who were prejudiced that the very acts referred to earlier were legal if performed by heterosexuals, were not punishable on a felony and by imprisonment, and there was no reason why they should be for consenting adults of any sexuality in private.

The major problem with this debate is that it is impossible—from some of the sedentary comments made by some Conservative Members, one can see why—for Governments to tackle the issue raised by new clause 4. Unlike the issues related to new clause 1, the subject of new clause 4 has not been debated in this House since 1967. The provision added by the peers in 1967—the extra provision covering privacy—was specifically not recommended by the Wolfenden report in 1956. This House, to its shame, has never revisited it since. Therefore, one cannot say that new clause 4 is being rushed.

There are other examples of discrimination which I shall not go into, but of which I know the Minister of State and the Government are aware. However, I should like to explain why we, the proposers of new clause 4, want more progress made than the Minister outlined.

We should like Ministers to recognise—which, to the Government's credit, I think that they have already partly done—that we are debating a matter neither of anomalies nor of some strange historical quirks, but of outright discrimination, of the type that the Labour manifesto promised to abolish. Labour pledged to end

"unjustified discrimination wherever it occurs",

even in matters that are difficult to debate, such as sexual offences law.

We should also like the Government to reaffirm that those discrimination issues do not touch upon child protection issues. We are debating issues concerning consenting adults acting in private, and the waters should not be muddied by raising other issues. We should therefore be grateful if the Minister would make a separate statement on reviewing the laws dealing with discrimination and ensure the right to equality for homosexuals and heterosexuals. The statement should be separate from a discussion of paedophilia and protection of the young—matters which many hon. Members of all parties are concerned about.

Dr. Julian Lewis: As a doctor, and therefore an expert in medical matters, will the hon. Gentleman answer a simple question? Is it or is it not the case that engaging in anal sex increases the chance of catching AIDS?

10 pm

Dr. Harris: The hon. Gentleman needs to know that engaging in any sex—compared to abstinence—increases the risk of catching various diseases. We do not criminalise, for example—although the analogy is not very strong—dangerous sports. Neither, for the reason that he gave, should we criminalise consenting acts in private by people capable of giving consent. It is not the case that homosexual acts are inherently dangerous—which is why not one person in the ruling council of the British Medical Association or even one recognised medical or nursing establishment would agree with the hon. Gentleman's views, which cannot be based on a review of medical evidence. I feel that his views are based on an exploration of his own prejudice.

I urge Ministers to acknowledge that current legislation is discriminatory and not merely anomalous; to espouse the principle that the state should not seek to criminalise or intervene in consenting acts in private by adults and not involving injury; to clarify that consenting homosexual activities above the age of consent should not be associated directly in law with paedophile offences, and that there is no reason to do so; and, finally, to agree to a full review of discriminatory sexual offences, with a clear view to ending such discrimination during this Parliament.

I invite the Minister to give those undertakings to hon. Members from both sides of the House—including Conservative Members—who support new clause 4.

Mr. Gordon Marsden (Blackpool, South): New clause 1 is about equality and social justice, not about privileges, special treatment, positive discrimination or removing safeguards for the vulnerable. The new clause is about ensuring our fellow citizens' equality before the law. The litmus test of a civilised and pluralist society is how it treat its minorities. We all belong to a minority of one sort or another.

The new clause is also not about whether hon. Members share or approve of the outlook of a specific minority. It is about whether, in a civilised society at the end of the 20th century, hon. Members should deny equality. Many hon. Members—not least Conservative Members—are disciples of J. S. Mill, who believed in keeping the state out of the private sphere of people's lives. Elizabeth I would not make windows into men's souls, yet Conservative Members often seem very unwilling not to make windows into the bedroom.

Like Conservative Members, current law makes such windows. What has been the result of maintaining a discriminatory age of consent? Today, one national newspaper said that it was

"three decades of fear, shame and damage generated by an unequal law."

The unequal law isolates some teenagers. It also encourages intolerance among and between teenagers.

A national survey of homophobia in schools consulted 1,000 head teachers, 80 per cent. of whom reported verbal bullying. More than 25 per cent. reported assaults on pupils who were believed to be gay or bisexual. Surveys of gay teenagers confirm the same figures, and, as hon. Members have heard tonight, a significant proportion of them are pressured almost to suicide.

A discriminatory age of consent frets and fetters those who would give support to young people. My hon. Friend the Member for Brentford and Isleworth (Ann Keen) and others have referred to the views of Barnardos, Save the Children and the National Society for the Prevention of Cruelty to Children. Above all, a discriminatory age of consent compounds the sense of isolation that affects many gay teenagers. Some Opposition Members may think that it is all about life style choices and metropolitan glitz, but it is not easy being a gay teenager in a small northern town, in the valleys or in the shires.

I remember a summer evening in France a number of years ago when I was 17 and a school friend told me and those of us who had gone on holiday together that he was gay, nervously waiting to see what the reaction would be. Thank God it was positive and supportive. I could not speak tonight without discharging a debt to his courage on that occasion. Today 16 and 17-year-olds up and down the country are wrestling with the same fears and decisions. We could assist them in coming to terms with and making their decisions. We should not load them down with premature criminality.

To maintain an unequal age of consent sends a message of discrimination that, however conscientious, civic-minded and productive members of society gay people are, they must continue to accept second-class status. It is a message that inevitably devalues their self-worth and humanity. Societies that are content to afford that status to minority groups consistently run the risk that, when turmoil or upheaval affects them, those discriminated against become the scapegoats.

Some have tried to suggest that maintaining a discriminatory age of consent is what the public want. I remind hon. Members that at various times the status quo wanted to keep slaves, public hangings and bear baiting, and to treat women as chattels and deny them an independent role in society. Society is what it is today because, at diverse times and in diverse places, the House has had the courage to move on.

As my hon. Friend the Member for Middlesbrough (Mr. Bell) said, in the past few days we have had the rather vague statement from some bishops about sending out wrong messages.

Mr. Bradshaw: Will my hon. Friend give way?

Mr. Marsden: I am sorry, but I do not have enough time.

The House is here to enact legislation for all faiths and for none. If we are talking about our Christian inheritance and belief, as some have done this evening, let me say that I share it, however imperfectly, as do many who support this change. Unfortunately, I do not have the marvellous hotline to the Almighty that some hon. Members have in respect of man-made law. I recall, however, a few phrases in the Bible, such as:

"Judge not, that ye be not judged";

and:

"In my Father's house are many mansions".

That is why, gently, I suggest that my hon. Friend the Member for Middlesbrough goes to the Primate of All England and that, when the Primate of All England goes into his private chapel in the palace over the river, he looks into his own heart and asks himself about the wrong messages that have been sent out to generations of young people struggling with their faith and sexuality by attitudes within the Church that have shut them out like the Samaritans of old.

Hon. Members must also look into their hearts and think about the message that they will send after tonight's vote to those who serve them in this place who are gay, lesbian or bisexual, to those among their constituents who come to them for help, to those among their friends, political supporters and associates, to their families and to those who are known and unknown, visible and invisible in their sexual orientation. Will they say, "Oh, we are sorry, but we have decided that we have to continue to make you feel just that little bit smaller, just that little bit more fearful, just that little bit more excluded"?

If there are people here willing to do that, so be it, but let them not delude themselves that they do not do it to real people of flesh and blood. Shakespeare said it all in "The Merchant of Venice":

"Hath not a Jew eyes? hath not a Jew hands, organs, dimensions, senses, affections, passions? . . . If you prick us, do we not bleed? if you tickle us, do we not laugh? if you poison us, do we not die?"

I came here not to out the bard, but to praise him. I should like hon. Members to reflect on the wise words of Mr. Shakespeare and on the words of E. M. Forster, who said that we should "only connect". I ask hon. Members to reflect and to only connect.

When I wrote a few words about my sexuality recently in my local paper, among the correspondence that I received was a letter from a support group for parents of

lesbian, gay and bisexual children. Like Shakespeare, they put the issue more eloquently than I could:

"We are all born in the same way and go when the time is right. It is what we can do in between with the very short time we have that matters most. Let us do this by treating all people as equal—and this means starting with our daughters and sons, doesn't it?"

I urge the adoption of the new clause.

Sir Peter Lloyd (Fareham): The hon. Member for Blackpool, South (Mr. Marsden) spoke with considerable feeling. We can all sympathise with individuals in the circumstances he described.

I congratulate the hon. Member for Brentford and Isleworth (Ann Keen) on tabling the new clause. I did not agree with everything she said, but I wholly agreed with the hon. Member for Bassetlaw (Mr. Ashton). I hope that he will press his amendments and that the House will adopt them. The Minister may be right to say that the wording of the amendments is not correct, but that can be considered at greater leisure in another place.

The amendments deal with a far narrower issue than will the review the Minister says he wants to set up. It is not beyond the powers of their Lordships to judge whether they give effect to what the hon. Member for Bassetlaw and those who support him want. Let the Lords decide. [HON. MEMBERS: "Hear, hear."]

Some of my hon. Friends cheer me slightly too early. In 1994 I voted for 16 and I intend to do the same this evening. That is not because I believe that there is a particular age for male or female, heterosexual or homosexual—

Mr. Leigh: On a point of order, Madam Speaker. I know that you and Mr. Deputy Speaker have a difficult task organising debates, but it must be placed on the record that there have been 15 speeches, and only two or three have given the clear case against gay sex at 16.

Madam Speaker: Order. If the hon. Gentleman or any other hon. Member has a complaint, the Order Paper is available. They should put an early-day motion on the Order Paper criticising me for my selection. I shall see that it is debated without delay.

Sir Peter Lloyd: I hope that I can finish my speech first.

Whatever age is selected, it will be too low for some young people and too high for others. There must be clarity in the law, and we have to settle on the age or ages that seem to provide maximum protection with the minimum harmful side effects.

I do not accept that, simply because 16 is the age of consent for heterosexual relationships, it must be the same for homosexual activity, but the distinguishing features are not so great as many of those who oppose the new clause think them to be. Teenage girls become pregnant, with devastating effects on their lives. That would argue a higher age of consent for girls, but, whatever the logic, raising it would surely not reduce their sexual activity at all. Indeed, it would only bring the law into contempt and make it harder for young girls, to obtain advice and guidance.

Similarly, homosexual activity carries considerable health risks, which again suggests a higher age than 16, but—again—if a young person is so inclined, the law is less likely to stop him from starting that activity than it is to discourage him from seeking medical and moral advice. It is generally accepted that girls mature physically earlier than boys, and so they do, but that is a double-edged argument. If physical maturity is to be the determining point, the age of consent for girls at least would have to go down below 16.

Some of my hon. Friends say, "Ah"—particularly my female hon. Friends, I find—"the real point is that girls are so much more psychologically mature at 16 than boys." I am unconvinced of that—not as unconvinced as I was when I was 16, but I see no particular reason to think that boys are in much greater danger from older men than girls are.

It is said that boys can be sexually very ambivalent in their teens and thus particularly vulnerable to seduction by older men, which can make them permanently homosexual when they might otherwise have worked through their doubts and proclivities to a normal homosexual orientation, as most people would regard it. [HON. MEMBERS: "Heterosexual."] A normal heterosexual orientation. I am grateful. I will not have to tamper with *Hansard*.

10.15 pm

The evidence seems to be that those who are not homosexually inclined find homosexual activity repugnant; that those who are generally know it well before they are 16; and that those who are confused and ambivalent are not going to be fixated for life, one way or another, according to the nature of their sexual experience, if any, at the age of 16 or 17. Indeed, for those going through a temporary phase, the knowledge that they are doing so under the threat of prosecution—of their partner, if not of themselves—cannot be conducive to a satisfactory resolution of their uncertainties.

If the reply is that 16 and 17-year-olds are never prosecuted in practice—and that the law is just to ensure that older, exploitative partners can be—there are better and more honest ways of doing so, as provided by the amendments to new clause 1 and new clause 8, tabled by the hon. Member for Bassetlaw, which I hope will be extended in the House of Lords.

The age of consent properly seeks to protect children before they reach an age where they themselves can choose to be sexually active. Both sexes are now reaching that point earlier, largely because of earlier physical maturation. It makes no sense at all to extend that age of consent far beyond the point where many have, rightly or wrongly, started to engage in sexual relationships of their own volition—the majority heterosexual, the minority homosexual.

What is needed is a law that ensures that the young of both sexes are not drawn into relationships of either kind by older people exploiting positions of trust and influence. That is why I support amendment (a). The Government are unhappy with the wording, so let them put it right—it is a narrow point—in the House of Lords. I hope that they find a set of words that will ensure that the measure also covers those who organise or financially benefit—

It being six and a half hours after the commencement of proceedings on consideration of the Bill, MADAM SPEAKER, *pursuant to the Order [16 June] and the Resolution [18 June], put forthwith the Question already proposed from the Chair.*

The House divided: Ayes 336, Noes 129.

Division No. 311] **[10.19 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atkins, Charlotte
Ballard, Jackie
Banks, Tony
Barron, Kevin
Beard, Nigel
Begg, Miss Anne
Beith, Rt Hon A J
Benn, Rt Hon Tony
Berry, Roger
Blair, Rt Hon Tony
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Body, Sir Richard
Borrow, David
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brady, Graham
Brake, Tom
Brinton, Mrs Helen
Brooke, Rt Hon Peter
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burstow, Paul
Butler, Mrs Christine
Byers, Stephen
Cable, Dr Vincent
Caborn, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chisholm, Malcolm
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Cousins, Jim
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Cunningham, Ms Roseanna *(Perth)*
Curry, Rt Hon David
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Duncan, Alan
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Ewing, Mrs Margaret
Fabricant, Michael
Fatchett, Derek
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Goodlad, Rt Hon Sir Alastair
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Heath, David *(Somerton & Frome)*
Heath, Rt Hon Sir Edward
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Hesford, Stephen
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jackson, Robert *(Wantage)*
Jamieson, David
Jenkin, Bernard
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Key, Robert
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Mrs Helen
Linton, Martin
Livingstone, Ken
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McIsaac, Shona
MacKay, Andrew
Mackinlay, Andrew
McLeish, Henry
Maclennan, Rt Hon Robert
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
Oaten, Mark
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Perham, Ms Linda
Pickthall, Colin
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Prior, David
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reid, Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Roche, Mrs Barbara
Ross, Ernie *(Dundee W)*
Rowe, Andrew *(Faversham)*
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*

Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Wallace, James
Ward, Ms Claire
Whitehead, Dr Alan
Wicks, Malcolm
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Neil Gerrard and
Mrs. Eleanor Laing.

NOES

Amess, David
Ancram, Rt Hon Michael
Anderson, Donald *(Swansea E)*
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Bercow, John
Beresford, Sir Paul
Bermingham, Gerald
Blunt, Crispin
Bottomley, Rt Hon Mrs Virginia
Brazier, Julian
Breed, Colin
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burnett, John
Butterfill, John
Cann, Jamie
Chope, Christopher
Clappison, James
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Cormack, Sir Patrick
Cran, James
Dalyell, Tam
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Drew, David
Duncan Smith, Iain
Dunwoody, Mrs Gwyneth
Evans, Nigel
Faber, David
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Heseltine, Rt Hon Michael
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Johnson Smith, Rt Hon Sir Geoffrey
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Lansley, Andrew
Letwin, Oliver
Lidington, David
Lilley, Rt Hon Peter
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Mudie, George
O'Brien, Bill *(Normanton)*
Ottaway, Richard
Page, Richard
Paice, James
Paisley, Rev Ian
Powell, Sir Raymond
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rogers, Allan
Rowlands, Ted
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Thompson, William
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Wardle, Charles
Wareing, Robert N
Waterson, Nigel
Wells, Bowen
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Edward Leigh and
Dr. Julian Lewis.

Question accordingly agreed to.

Clause read a Second time.

MADAM SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Amendment proposed to the proposed new clause: (a), in line 2, after 'sixteen', insert

'(except when one party is in a position of authority, influence or trust in relation to the other, in which case both parties must have attained the age of eighteen).'.—*[Mr. Ashton.]*

Question put, That the amendment be made:—

The House divided: Ayes 194, Noes 234.

Division No. 312] **[10.33 pm**

AYES

Amess, David
Ancram, Rt Hon Michael
Anderson, Donald *(Swansea E)*
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Beard, Nigel
Beith, Rt Hon A J
Bell, Stuart *(Middlesbrough)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burnett, John
Burstow, Paul
Butterfill, John
Cable, Dr Vincent
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Dalyell, Tam
Davidson, Ian
Davies, Geraint *(Croydon C)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Drew, David
Duncan, Alan
Duncan Smith, Iain
Dunwoody, Mrs Gwyneth
Edwards, Huw
Ennis, Jeff
Evans, Nigel
Ewing, Mrs Margaret
Fabricant, Michael
Fallon, Michael
Flight, Howard
Flint, Caroline
Foster, Michael Jabez *(Hastings)*
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Gardiner, Barry
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gillan, Mrs Cheryl
Godman, Dr Norman A
Golding, Mrs Llin
Gorman, Mrs Teresa
Gray, James
Green, Damian

Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heath, Rt Hon Sir Edward
Heathcoat-Amory, Rt Hon David
Heseltine, Rt Hon Michael
Horne Robertson, John
Horam, John
Howarth, Gerald *(Aldershot)*
Iddon, Dr Brian
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Helen *(Warrington N)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Lawrence, Ms Jackie
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Linton, Martin
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
MacKay, Andrew
Mackinlay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
McWalter, Tony
McWilliam, John
Madel, Sir David
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
Michie, Bill *(Sheff'd Heeley)*
Mitchell, Austin
Moss, Malcolm
Murphy, Denis *(Wansbeck)*
O'Brien, Bill *(Normanton)*
Olner, Bill
Ottaway, Richard
Page, Richard
Paice, James
Paisley, Rev Ian
Palmer, Dr Nick
Prior, David
Randall, John
Rapson, Syd
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rooney, Terry
Rowe, Andrew *(Faversham)*
Rowlands, Ted
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Keith *(Mid-Norfolk)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stott, Roger
Streeter, Gary
Stunell, Andrew
Sutcliffe, Gerry
Swayne, Desmond
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Thompson, William
Timms, Stephen
Todd, Mark
Tredinnick, David
Trend, Michael
Turner, Dr George *(NW Norfolk)*
Tyrie, Andrew
Wardle, Charles
Wareing, Robert N
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whittingdale, John
Wicks, Malcolm
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Wright, Dr Tony *(Cannock)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Joe Ashton and
Mr. Gerald Bermingham.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Atkins, Charlotte
Ballard, Jackie
Banks, Tony
Barron, Kevin
Begg, Miss Anne
Benn, Rt Hon Tony
Berry, Roger
Blears, Ms Hazel
Blizzard, Bob
Boateng, Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Butler, Mrs Christine
Byers, Stephen
Caborn, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chisholm, Malcolm
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Crausby, David
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Ron *(Caerphilly)*
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Fatchett, Derek
Fearn, Ronnie
Fitzpatrick, Jim
Fitzsimons, Lorna
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Foulkes, George
Galloway, George
Gapes, Mike
Gerrard, Neil
Gilroy, Mrs Linda
Goggins, Paul
Goodlad, Rt Hon Sir Alastair
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Hesford, Stephen
Hill, Keith
Hodge, Ms Margaret
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Ladyman, Dr Stephen
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McIsaac, Shona
Macdennan, Rt Hon Robert
McNulty, Tony
Mactaggart, Fiona
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Milburn, Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*

NOES

Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Murphy, Jim *(Eastwood)*
Norris, Dan
Oaten, Mark
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Perham, Ms Linda
Pickthall, Colin
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Rammell, Bill
Rendel, David
Roche, Mrs Barbara
Ross, Ernie *(Dundee W)*
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Wallace, James
Ward, Ms Claire
Whitehead, Dr Alan
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Noes:
Mr. David Jamieson and
Mr. Jim Dowd.

Question accordingly negatived.

Clause added to the Bill.

It being after six and a half hours after the commencement of proceedings, further consideration stood adjourned.

Bill to be further considered tomorrow.

DELEGATED LEGISLATION

Madam Speaker: With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

Homelessness (Scotland)

That the draft Homelessness (Decisions on Referrals) (Scotland) Order 1998, which was laid before this House on 14th May, be approved.

Homelessness

That the draft Homelessness (Decisions on Referrals) Order 1998, which was laid before this House on 14th May, be approved.

Food Protection

That the Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) Order 1998 (S.I., 1998, No. 1342), dated 29th May 1998, a copy of which was laid before this House on 2nd June, be approved.

Local Government Finance

That the Special Grant Report (No. 35) (HC 758), which was laid before this House on 21st May, be approved.—*[Ms Bridget Prentice.]*

Question agreed to.

WELSH GRAND COMMITTEE

Motion made, and Question put forthwith pursuant to Standing Order No. 108 (Welsh Grand Committee),

That the Welsh Grand Committee shall meet at the Civic Centre, Merthyr Tydfil on Monday 13th July at Eleven o'clock to take questions under Standing Order No. 103 (Welsh Grand Committee (questions for oral answer)), and to consider the matter of the New Economic Agenda for Wales under Standing Order No. 107 (Welsh Grand Committee (matters relating exclusively to Wales)), proceedings being interrupted at half past Four o'clock.—*[Ms Bridget Prentice.]*

Question agreed to.

COMMITTEE ON STANDARDS AND PRIVILEGES

Ordered,

That Mr. Quentin Davies be discharged from the Committee on Standards and Privileges and Sir Alastair Goodlad be added to the Committee.—*[Ms Bridget Prentice.]*

ADMINISTRATION COMMITTEE

Ordered,

That Mr. James Cran be discharged from the Administration Committee and Mr. Oliver Heald be added to the Committee.—*[Mr. George Mudie, on behalf of the Committee of Selection.]*

CATERING COMMITTEE

Ordered,

That Mr. Stephen Day be discharged from the Catering Committee and Mrs. Jacqui Lait be added to the Committee.—*[Mr. George Mudie, on behalf of the Committee of Selection.]*

CULTURE, MEDIA AND SPORT COMMITTEE

Ordered,

That Mr. Damian Green be discharged from the Culture, Media and Sport Committee and Mr. David Faber be added to the Committee.—*[Mr. George Mudie, on behalf of the Committee of Selection.]*

ENVIRONMENT, TRANSPORT AND REGIONAL AFFAIRS COMMITTEE

Ordered,

That Mr. Philip Hammond be discharged from the Environment, Transport and Regional Affairs Committee and Mrs. Eleanor Laing be added to the Committee.—*[Mr. George Mudie, on behalf of the Committee of Selection.]*

SCIENCE AND TECHNOLOGY COMMITTEE

Ordered,

That Mrs. Caroline Spelman be discharged from the Science and Technology Committee and Mrs. Jacqui Lait be added to the Committee.—*[Mr. George Mudie, on behalf of the Committee of Selection.]*

TRADE AND INDUSTRY COMMITTEE

Ordered,

That Joan Walley be discharged from the Trade and Industry Committee and Ms Linda Perham be added to the Committee.—*[Mr. George Mudie, on behalf of the Committee of Selection.]*

WELSH AFFAIRS COMMITTEE

Ordered,

That Mr. John Bercow be discharged from the Welsh Affairs Committee and Dr. Julian Lewis be added to the Committee.—*[Mr. George Mudie, on behalf of the Committee of Selection.]*

Fishing and Cockle Industry (Essex)

Motion made, and Question proposed, That this House do now adjourn.—*[Ms Bridget Prentice.]*

10.47 pm

Mr. David Amess (Southend, West): This time two weeks ago, I had the privilege to lead a small delegation to Brussels to meet Commissioner Emma Bonino. The purpose of the meeting was to ascertain exactly where the buck stops.

Following meetings with local fishermen and cocklers, there was clearly some concern as to where ultimate responsibility lay. I mean it in good faith when I say that I am not pointing the accusing finger. I am trying to be the honest broker. I would say that Miss Bonino received us most courteously. She made no disparaging remarks about Her Majesty's Government since 1 May 1997, or about the previous Government. However, I should tell the Minister that, on a number of issues that we raised, Miss Bonino shook her head and said, "These matters are the responsibility of the national Government."

I wish to run through the issues tonight. I ask the Minister to reflect on them. If he does not have time tonight to respond to them in detail, perhaps he will write to me. I simply want to know whether, in the Minister's judgment, the issues that I raise tonight are his responsibility or those of the Commission. I told Miss Bonino that I would send her a copy of the *Hansard* of this debate, and she said that she would read it and reflect on what the Minister says.

As we all know, fishing is mentioned in the Domesday book. In the delegation, I was delighted to have with me a representative of local fishermen, Mr. Paul Gilson, and a representative of the local cocklers, Councillor Tony Meddle—not a councillor of Southend borough council, but a town councillor. Both gentlemen acquitted themselves extremely well during the meeting with Miss Bonino. I am delighted to see in the Chamber tonight my hon. Friend the Member for Epping Forest (Mrs. Laing), my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) and the hon. Members for Colchester (Mr. Russell) and for Plymouth, Sutton (Mrs. Gilroy).

The main message to the Minister tonight is that there are plans to amend the common fisheries policy. A questionnaire that may have been instigated by the Ministry of Agriculture, Fisheries and Food was directed to local fishermen, following a delegation that I took to Brussels with—this is a delicate matter—the previous Member for Castle Point. I congratulate all the fishermen, especially those in Southend, on their involvement, and on their valuable suggestions and proposals.

To the fishermen, the main thrust of the meeting with Commissioner Bonino was the regional management of stocks. Local fishermen have voiced their concerns to me on several occasions about the problems of stock conservation in their area. They feel that, ever since the inception of the common fisheries policy, the inshore fleet has been treated unfairly, especially since the majority of the United Kingdom's track record for sole was established by the inshore fleet in the south east. MAFF scientists have said that what the inshore fishermen take is insignificant. In the example of Gallidoro, at one stage, one man owned as much sole as the whole of the non-sector, which is pretty extraordinary.

Fishermen have claimed that, over the years, attempts were made by the Kent and Essex sea fisheries committee to correct that alleged injustice. They have come up with a plan for the regional management of fish stocks as an alternative to the CFP. Two weeks ago, in Brussels, we presented that to Commissioner Bonino. She said that, as far as she was concerned, anything inside the six-mile limit was entirely the responsibility of national Governments. Will the Minister clarify that point, and say whether he accepts what Miss Bonino said?

Local fishermen in Southend are keen to have a greater role on this issue. They see article 17(1)(a) and (b) of the new regulations as the way forward. The article states:

"Member States may take measures for the conservation and management of stocks in the case of strictly local stocks which are of interest solely to the fishermen of the Member State concerned, or in the form of conditions or detailed arrangements designed to limit the catches by technical measures supplementing those laid down in the Community legislation on fisheries, or going beyond the minimum requirements laid down in the said legislation, provided that such measures apply solely to the fishermen of the Member State concerned, are compatible with Community law, and are in conformity with the Common Fisheries Policy."

The upshot is that Commissioner Bonino thinks it entirely possible, without our passing fresh legislation, for us to embark on the regional management of stocks.

Our local fishermen are honest, hard-working people, and their main objective is the preservation of stocks. They want the fish to come to them, rather than vice versa. At the moment they are suffering poor catches because the fish are not in their area. They are also the victims of the continuing conflict between vessels of under and over 10 m—between small and large boats, in other words. The boats in Southend are under 17 m.

Will the Minister encourage and endorse voluntary agreements between member states—Commissioner Bonino said that that was within his power—to conserve fish stocks? Will he support local Southend fishermen in fostering links with their European competitors?

The main issue to do with dredging, as the hon. Member for Colchester will know, concerns the impact of increased silting on fish stocks. Local fishermen tell me that it is having an adverse impact on the size of fish and on boats' ability to catch them. Will the Minister undertake scientific investigations into the impact of increased silting on fish stocks? No doubt he will tell me that they are already under way, but I am not sure that the investigations cover everything that the fishermen want analysed. Everything that I have said so far is supported by the "NFFO News".

As the Minister knows, the tradition of cockling in Leigh goes back more than 150 years. Cockling emerged from the business of fishing for mussels. My hon. Friend the Member for Bournemouth, East (Mr. Atkinson), who is unfortunately away at the Council of Europe, has given me a useful document in which tribute is paid to the sterling work of the cocklers during the second world war. It recounts how, on 31 May 1940, a flotilla of six cockle boats—Defender, Letitia, Renown, Endeavour, Reliance and Resolute—left Southend to take part in Operation Dynamo. Over eight hours, those boats embarked 1,200 troops from beyond Dunkirk jetty, transferring them to larger ships offshore.

During the early hours of 1 June, Letitia's rudder was smashed, and it was taken in tow. Renown broke down, and made fast to the end of Letitia's tow. Half an hour later, it hit a mine, and her crew—Frank Osborne, Leslie Osborne and Harry Noakes, who were cousins, and Harold Graham Porter, a young naval rating from Birmingham—were lost.

At a ceremony 32 years later, where my hon. Friend the Member for Bournemouth, East gave the address, Leigh established a public memorial to the brave men who took part at Dunkirk and to those who lost their lives, to complement the plaques in St. Clement's church, Leigh, and the Methodist church, New road—thanks to the generosity of the donors to the appeal launched 10 months previously. The memorial, in fibre-glass bronze, remains in the beautiful church. It was designed and executed by Cyril Smith of Leigh Hill, and stands on a Cornish granite plinth. The sub-base was supplied by S. Stibbard and Sons.

I have mentioned that because some people have the impression that hon. Members mention fishermen or cocklers out of selfishness, but the Minister would not dispute that fishermen and cocklers were responsible for brave acts in the second world war, not only in my constituency, but in others. The families of the people I have mentioned are still cockling and fishing in my constituency, and this morning I was privileged to be aboard Renown, where I spoke to local cockle men who gave me examples of exactly what goes on and what their difficulties are.

At the end of the last century, 21 boats in Leigh-on-Sea were cockling. The suction dredge, colloquially known as the "hoover", was introduced in the 1970s. At the meeting on 9 June, Councillor Tony Meddle spoke to Commissioner Bonino. I praise the attempts of local cocklers to conserve their stocks—they have realised that spat falls have declined, so they have fallen in with the policies of the Kent and Essex sea fisheries committee to try to conserve stocks.

Last year, local cocklers were permitted to fish for only three days a week. This year, that has been reduced to two days, during five months of the year. The KESFC has allowed for flexibility, and the days can be taken at the cocklers' discretion, depending on weather conditions and other such factors. Under the Thames Estuary Cockle Fishery Order 1993, permitted landings are limited to 500 baskets per fishing period.

Councillor Meddle raised the subject silting with Miss Bonino in the hope that we might get money from Europe to pay for the dredging of Leigh creek. Will the Minister seriously consider authorising a scientific study into the impact of increased silting on cockle stocks? Given that Southend sadly has increasingly high unemployment—much higher than in other parts of Essex—will he back another Department's attempt to get us European money under stage 2?

The issuing of licences and temporary licences is the responsibility of the KESFC. I urge that organisation to take into account the necessity for local stock conservation when issuing licences.

I am very worried about the future of the industry, which is uncertain. I am concerned about the high level of unemployment. The local cockle industry is of fundamental importance to the local economy. It is a real joy to go down to old Leigh and see people from, in particular, the east end of London enjoying their shellfish, especially cockles. The industry employs more than

[Mr. David Amess]

100 people. It is seasonal, in the summer months, but it is a great tradition. It is important that we keep the cockle industry alive.

I want to underline the present position. Since the introduction of the new suction techniques, the industry is 3 per cent. more efficient than it was last year, but the level of cockle stock has not increased by 3 per cent.

I do not want to introduce a sour note into the debate, but a rather misleading leaflet has been issued by politicians—not of my party. That leaflet is factually incorrect. The two parties involved in it have somehow given the impression that they did not vote to increase restrictions on fishing for cockles on the foreshore from 300 m to 400 m, but they jolly well did. The restriction relates to the months from July to September. I will not dwell too long on the matter, but it does not add much to the debate. The headline, "Cockle war in Southend", is absolutely ridiculous, and again does not add much to the debate.

Perhaps on another occasion the Minister might consider the issue of cockle licences. Local cockle men are concerned that they cannot automatically pass on their licences if they have an accident or, for whatever reason, can no longer fish for cockles. They want to be able to pass on their licences to other members of their families, rather than the licence being sold out with the family. Cockling in Leigh is very much a family-oriented business. During the general election campaign last year, it seemed that every other house I called on had someone related to a cockler. They feel that, historically, licences have remained within families living in Leigh, and that that should continue.

A 1992 document entitled "Thames Cockle Fishery" contains two points dealing with hygiene legislation, which local cocklers warned about in 1992. They believe that our European partners are not as tough in enforcing regulations as we are. Last week, I sat on a Committee talking about regulations, on which most hon. Members seemed to feel that we were tough but other European countries were not. The document predicted that if the situation was not contained, vessels from all parts of the UK would move in to take cockles from the Thames estuary. Now, in 1998, we are seeing the impact of the change, exactly as was predicted in 1992.

Today there have been two completely different emotional subjects, one discussed in the House and one played out in France. Although some may say that cockling and fishing are not of significance tonight, they are very important to my constituency, and also in Kent. I am aware that my hon. Friend the Member for Canterbury (Mr. Brazier), who cannot be here tonight, has been working closely with cocklers. It is an issue of desperate importance. I hope that the Minister will tell us where the buck stops.

11.9 pm

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mr. Elliot Morley): Although this issue may not be as great as others that have been discussed tonight or as that being played out in France, it is very important. The hon. Member for Southend, West (Mr. Amess) is right to raise it on behalf of his constituents. I congratulate him on securing this Adjournment debate, and on the constructive way in which he put his case. I hope that I can answer most of his questions. However, if he feels that I have missed any of the points he made, he could write to me about them or any other issue, and I should be only too happy to give him a detailed response.

I stress that the Government are a strong supporter of inshore fisheries, which are important because they maintain a large number of jobs. They often have a low impact on stocks, and we want to give them as much support as we possibly can. The hon. Gentleman referred to Mrs. Bonino, who will read the report of this debate. She is a formidable Commissioner, and I want to put on record our gratitude for the assistance that she has given the Government in dealing with the many problems in the fishing industry that we have had to tackle.

I can give the hon. Gentleman a detailed answer to his question about who has responsibility for this fishery. The common fisheries policy covers the totality of fisheries in the European Union, but there is an element of flexibility for national measures. As the hon. Gentleman rightly says, we have total control over the six-mile limit, which is an exclusive fisheries zone for United Kingdom vessels. Within the six-mile limit, it is possible for the sea fisheries committees, such as the Kent and Essex SFC, to make local byelaws to regulate fishing activity within their districts. Most committees have adopted regulations to help conserve stocks.

The byelaws may impose more rigorous requirements than Community legislation, but they must not undermine Community legislation by setting lower standards. Generally speaking, that does not happen, because the fishermen in those areas are keen to apply high standards. United Kingdom Fisheries Departments may adopt national measures for the regulation of fishing activity by UK-registered vessels wherever they fish, but such measures cannot apply to vessels from other member states outside the six-mile and 12-mile zones.

I appreciate that, in return for adopting more rigorous conservation measures, inshore fishermen want to be exempt from quota management. I have had a number of representations on that. I regret to say that that is not a realistic aim. Under Community rules, all landings made by UK fishing vessels must count against quota. The same applies in other member states. That will certainly remain the position until 2002, and even then it is likely that there will still be some form of TACs and quota system as part of relative stability, which is important to the UK industry.

The challenge is to find a way of marrying the aspirations of the inshore fleet with the overriding obligation to conserve stocks. The hon. Gentleman mentioned regional management. I am attracted by that approach, and the National Federation of Fishermen's Organisations and the Scottish Fishermen's Federation have recently produced a joint position paper, which I am discussing with them.

My officials have also met the hon. Gentleman's local fishermen to discuss ways of achieving greater flexibility in the Kent and Essex SFC area. Voluntary arrangements can be made, and we are willing to talk to the Commission and to his local fishermen about the measures that they want and that can be operated within the rules. MAFF officials are already exploring such measures with them.

I understand the concerns of the inshore fishery about sole. It is true that there is a small total allowable catch because of increased activity in the fishery, coupled with reductions in the quota because of pressure on stocks. We have tried to secure additional fish for the inshore fleet through underpinning and international swaps. As a result, an extra 32 tonnes of North sea sole are being made available to the inshore fleet, which is an increase of more than 20 per cent. on the quota that it might otherwise have received. We try to take into account the sector's particular problems.

I also understand the hon. Gentleman's points about the impact of dredging. He is right to say that we insist on research into that impact. We have also acted on fishermen's concerns about recent proposals by ARC Marine to undertake core sampling on Maplin sands as part of a review of applications made previously by Civil and Marine.

We have reaffirmed to ARC Marine the concern that the Ministry expressed previously about the disturbance that dredging was likely to cause to crustacea beds and fish spawning in that area. We shall continue to oppose the issue of any production licence by the Crown unless measures can be agreed that will minimise the impact on particular inshore fisheries. We are always willing to consider the inshore fleet's concern; if necessary, of course, the provision exists to undertake research into the impact of dredging.

The hon Gentleman also mentioned European grants in relation to dredging. That is a more complicated matter, about which I shall have to write to him, as I cannot deal with it in the two minutes that remain.

The final and most important matter is cockles. I share the hon. Gentleman's concern about the Essex cockle fishery. The Kent and Essex sea fisheries committee has a key role to play in its management. The fact remains, however, that it has been a very bad two years for recruitment to the cockle industry. The Kent and Essex sea fisheries committee has taken action to conserve stocks. I support that action; the committee has acted in a responsible way.

It is difficult when the revocation of temporary licences and limiting the number of days that the cockle fishermen can fish are involved. However, unless effective action is taken to deal with the serious problem of recruitment, there will be no cockle fishery, so such action has to be undertaken to ensure that there are sustainable stocks for future fishermen. I very much hope that the sea fisheries committee is successful. Indeed, it has been successful in its management, and local fishermen—the hon. Gentleman's constituents—will benefit from increased prosperity through a sustainable and well-managed fishery.

Question put and agreed to.

Adjourned accordingly at seventeen minutes past Eleven o'clock.

House of Commons

Tuesday 23 June 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Undergraduate Course Applications

1. **Mr. Nick St. Aubyn** (Guildford): How many applications were made to Scottish universities for undergraduate courses starting in the 1998–99 academic year by students whose principal residence is in England, Wales or Northern Ireland; and how many such applications were made for courses starting in the 1997–98 year. [45570]

The Minister for Education and Industry, Scottish Office (Mr. Brian Wilson): According to recently released figures from the Universities and Colleges Admissions Service, the number of applicants to Scottish higher education institutions from the rest of the UK in 1998 was 33,081 by 16 May 1998; that compares with 34,527 on the same date in 1997.

Mr. St. Aubyn: As the figures suggest, there has been a significant fall in the number of applicants from the rest of the United Kingdom—and, of course, they have not yet taken up their places. Is it not time that the Government acknowledged the unfairness of the extra year's £1,000 tuition fee being charged to students from the rest of the UK? Do the Government recognise that they are driving a wedge between Scottish students and those from other parts of the country and, in doing so, yet again playing into the hands of the independence movement that they claim to oppose?

Mr. Wilson: From the point of view of the hon. Gentleman, who composed—or received—that question, I imagine that the fall I have reported is disappointingly small. I wonder how he squares his thesis with the fact that the reduction in applications from Scotland to the rest of the UK is greater than the reduction in applications from the rest of the UK into Scotland. The reduction obviously has nothing to do with tuition fees; applications have held up extremely well. If we take account of the fact that there has been a substantial increase in admissions to Scottish universities in the current academic year, there has been no drop-off at all in applications to university from any part of the UK.

Mr. James Wallace (Orkney and Shetland): Is the Minister aware that in a speech yesterday Lord Dearing indicated great concern about the public funding of universities and warned of overcrowded classes, declining standards and soaring student failure and drop-out rates? Will the Minister take this opportunity to give an unequivocal undertaking that any sums raised from the payment of fees will be ring-fenced and put right back into higher education?

Mr. Wilson: With respect to the hon. and learned Gentleman, he must explain his position as well. We can say exactly where additional money will come from for universities and for further education because we have had the courage to take decisions about funding. The Liberal Democrats, nationalists and Tories have resisted those difficult decisions in terms of their own policies. I can say with confidence that, as a result of our changes—based on the Dearing recommendations—substantial additional money will go to higher education.

Mr. Ernie Ross (Dundee, West): Does my hon. Friend agree that university education was regressive and did not help to increase participation by young people from working-class families? Does not the new system still take account of three quarters of the cost of tuition? Is not it much fairer, in the sense that the individual and society benefit, while sharing the cost?

Mr. Wilson: My hon. Friend is absolutely right. At present, there is 11 per cent. entry into higher education in Scotland from the two lower socio-economic groups, whereas there is more than 80 per cent. entry from the two highest socio-economic groups. That is the status quo which all Opposition parties appear anxious to defend. On the contrary, we have said that on all grounds access must be extended. That is why people from households with below average earnings will pay absolutely nothing in tuition fees and why we have abolished fees for part-time students from lower income backgrounds in Scotland. All those measures are aimed at widening access, and there is nothing in the proposals to limit higher education access for people from less well-off backgrounds—quite the contrary, and potential students, whose life prospects depend on decisions taken now, understand that. That is why applications have held up so well, in spite of the efforts of some Opposition Members.

Mr. Oliver Letwin (West Dorset): I am sure that the Minister will shortly receive the cool Britannia medal from the Prime Minister for the calm way in which he responds to his figures. Will he give the House a firm assurance that he will at no time during this Parliament increase the tuition fee in Scotland?

Mr. Wilson: I welcome the hon. Member for West Dorset (Mr. Letwin) to the Dispatch Box; I am sure that he will join me in wishing Scotland well tonight. Opposition Members must live with the basic fact that, despite the changes in student funding, applications for higher education in Scotland have held up extremely well. The systems of higher education in Scotland and in England are different—school qualifications are different and university degree courses are different—and cannot be matched perfectly. Addressing that anomaly would create a much greater anomaly for people in the hon. Gentleman's constituency, for example.

Road Deaths

2. **Mr. David Stewart** (Inverness, East, Nairn and Lochaber): What representations he has received about the level of road deaths in Scotland. [45571]

The Minister for Home Affairs and Devolution, Scottish Office (Mr. Henry McLeish): I am aware that the number of road accident casualties is a matter of great concern to a great many people. The Government share that concern and are committed to bringing about further reductions in the toll of people killed and injured on our roads.

Mr. Stewart: Does my hon. Friend share my concern that the recent investigation by the statistical office of the European Commission shows that 118 people per million are killed on roads in the highlands and islands—the highest proportion in Scotland? The Automobile Association argues that one factor is the number of single-track roads. Will he undertake to end the folly of single-track trunk roads in Scotland and to aid road safety in the highlands and islands?

Mr. McLeish: I am aware of my hon. Friend's concerns about the recent statistics, but there is no one simple reason for the problems in the highlands. To put the figures in perspective, every day in Scotland 62 people are injured, 11 people are seriously injured, one person dies and there are 22 proven drink-driving charges and 250 speeding offences. We live in a dangerous situation, where people act irresponsibly. I should like to think that we will be taking further steps not only in the highlands, but across Scotland, to tackle this evil on our roads.

Mr. Michael Fabricant (Lichfield): What comparison has the Minister made between the Scottish and English statistics, and what reason does he give for the discrepancy?

Mr. McLeish: I have made no comparison with the English statistics.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): Will the Minister confirm that the current roads review will take cognisance of safety issues and not be purely Treasury driven? There are still too many accident black spots in my constituency—as he will see when he visits it later this year—and in others that have gone unremedied for far too long.

Mr. McLeish: The trunk roads review is based on a number of criteria, of which, of course, efficiency, the environment, the economy and safety are very important. I have met, in London and in Edinburgh, many hon. Members from both sides of the House to discuss their concerns, and I have committed myself to an exhaustive programme of visits in August to ensure that I receive the information at first hand. We are determined to make roads safer and to get over to drivers the message that they can kill. The bigger message is: do not drink and drive; do not speed; and be careful in a motor car around children.

Mr. John Home Robertson (East Lothian): My hon. Friend may be aware that a soldier is seriously ill in hospital following the most recent collision on the single carriageway A1 trunk road in south-east Scotland. Will he acknowledge the need for safe and efficient communications between Scotland and England? As the Government are in favour of strong communications between Scotland and the rest of the United Kingdom, will he please press ahead with the dualling of the A1 trunk road?

Mr. McLeish: I am pleased to say that my hon. Friend was one of the Members of Parliament whom we visited to discuss, as part of the roads review, the problems of the A1. We shall issue criteria for the review soon and I shall have the final report at the end of the year. We intend to ensure that safety is the greatest consideration, not only on the A1, but on every trunk road in Scotland. That will, of course, apply equally to the cross-border flows.

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): Why did the Minister duck the question from the hon. Member for Inverness, East, Nairn and Lochaber (Mr. Stewart) about single-track roads in the highlands? Is he not aware that literally thousands of miles of such roads, through the most beautiful parts of Scotland, draw in visitors who are used to driving on the right and that the statistics about accidents, including deaths, in the highlands are disturbing? Have the Government no policy to deal with such roads in the highlands?

Mr. McLeish: My response was not intended as a ducking of the central issue. In the past few years, a number of measures have been taken to improve road safety in the highlands and islands, such as improvements on the A82 between Tarbert and Inverness, and signing, lining and anti-skid surfacing. For foreign drivers, especially during the summer season, who have difficulty moving from dual to single carriageways, we are trying not only signposting but are having multilingual leaflets printed. We appreciate the problem and are trying to ease the plight of foreign tourists to the highlands and islands. The right hon. Gentleman can be reassured that everything that can be done is being done to improve road safety.

Business Support

3. **Mr. Desmond Browne** (Kilmarnock and Loudoun): What level of support the Scottish Enterprise network is giving to indigenous companies, with particular reference to small and medium businesses. [45572]

The Minister for Education and Industry, Scottish Office (Mr. Brian Wilson): Scottish Enterprise's budget for 1997–98 amounted to £466 million and supported programmes predominantly aimed at assisting indigenous small and medium enterprises. Scottish Enterprise resources devoted to foreign direct investment during the same period amounted to £40.2 million.

Mr. Browne: I thank my hon. Friend for that reply. I welcome the recent initiative to support and set targets for the survival of small businesses. My recent experience of campaigning for whisky jobs in my constituency has led me to the conclusion that the best results are obtained when the local enterprise companies work in partnership with the local authority, the local work force and the

private sector. Will my hon. Friend consider putting in place, or encouraging, mechanisms to ensure the delivery of that initiative through local partnerships?

Mr. Wilson: My hon. Friend is right: partnership is the way forward in each area on all aspects of economic development. Our strategy directions to Scottish Enterprise, Highlands and Islands Enterprise and the network are to work closely with local authorities and other partners to get a coherent approach in every area. As my hon. Friend says, we have increased the target for new business start-ups in Scotland to 10,000 a year, which is building on the existing strategy for the development of small and medium enterprises. We think that that is achievable and partnership is the way forward.

On his initial point, I congratulate my hon. Friend on the excellent campaign that was strongly based on partnership and effectively defended whisky jobs in Kilmarnock. Unfortunately, an equally well-run campaign was not so effective in the short term in Dumbarton. Last night, with my hon. Friend the Member for Dumbarton (Mr. McFall) and all the partners to which my hon. Friend referred, I had a meeting to find out how the problem could be remedied so that we can deal with the proposed J and B closure, which is to take effect in 2000. We will achieve that through partnership.

Mrs. Eleanor Laing (Epping Forest): The Minister likes to appear to be the friend of small businesses, as he has just said. How can he possibly expect us or the people of Scotland to believe that he wants to defend small businesses when he and his colleagues continue to defend the irregular practices of direct labour organisations that provide unfair competition to small businesses in their area, and Ministers refuse to take action against them?

Mr. Wilson: As a former small business man, I do not expect the hon. Lady to accept anything I say. However, I draw a distinction between that and expecting the people of Scotland to accept what I say.

Mr. Brian H. Donohoe (Cunninghame, South): The Minister will be aware of today's announcement of 250 job losses at Volvo bus in Irvine. He may not be aware that, last week, 40 redundancies were announced at Phoenix Cables and that, next week, there may be 600 job losses at Digital in Irvine. Can he give us some indication of what should be done in the Irvine area? Does he remember that when the previous Administration wound up the development corporation, I predicted that, rather than attention being focused on job attraction, such events would become the norm?

Mr. Wilson: The Volvo decision does not take effect until 2000 and involves an international restructuring. The initial loss of jobs will be in Germany and in Austria. I hope that measures can be put in place before then and that market conditions will be such that the job losses may not happen in Irvine in 2000, although there are difficulties there.

I do not join my hon. Friend in pre-empting the announcement by Digital Compaq. Everyone knows that the company is restructuring world wide, but we should wait for the outcome of that. In the spirit of my reply to my hon. Friend the Member for Kilmarnock and Loudoun (Mr. Browne), we must work together wherever there are job losses and for whatever reasons they happen to ensure that damage is limited in the short term and that new measures are taken to bring new jobs in the longer term.

East Ayrshire

4. **Miss Julie Kirkbride** (Bromsgrove): What representations he has received on the conduct of East Ayrshire local authority. [45573]

The Secretary of State for Scotland (Mr. Donald Dewar): May I first apologise for the absence of the Under-Secretary, my hon. Friend the Member for Western Isles (Mr. Macdonald), who would normally have answered this question? He has been dispatched—very willingly—to France to represent the Government at the Morocco game. I hope that the hon. Lady will join me in congratulating Craig Brown and the team on their achievements so far. [HON. MEMBERS: "Hear, hear!] I think those shouts were a little more hearty on our side than on the other. There is something of an air of disappointment on the Opposition Benches this afternoon—with which, of course, I sympathise. The Scottish team has done well and we are proud of it. Our thoughts are with it as we look forward to what we hope will be a famous victory.

I have received a number of representations on East Ayrshire and I expect to receive today the council's response to the statutory notice served on it relating to the performance of its direct labour organisations.

Miss Kirkbride: We, too, would like to congratulate the Scottish team and wish it well for tonight's match. However, we wish that Labour local government in Scotland could perform as well and as effectively. The situation in East Ayrshire is testimony to the fact that sleaze is rife in Labour local government in Scotland. When will the Secretary of State maintain the Prime Minister's dictum that for members of the Labour party it should be one strike and then out? When will he tackle the problems of local government in Scotland? When will he set up a proper public inquiry to deal with gross misuse of public money?

Mr. Dewar: I take the situation in East Ayrshire very seriously, but I must caution the hon. Lady against jumping to conclusions. Sleaze is an unfortunate choice of word. On the face of it, there has clearly been a total collapse of financial control and management control.

Miss Kirkbride: Only that?

Mr. Dewar: Yes. Sleaze suggests dishonesty and personal corruption. If I were to accuse the hon. Lady—I stress that I do not—of sleaze, the authorities of the House would take a poor view. Perhaps she should consider waiting until she knows all the facts before she makes a rather pejorative judgment.

East Ayrshire is a serious matter. That is why I have, unprecedentedly, used my statutory powers to call on the local authority to provide information and a forward plan. I assure the House that I shall not hesitate to use my powers, which are extensive, if I am not totally satisfied that the matter is being put right and that any shortcomings and failures are being rooted out.

Ms Sandra Osborne (Ayr): I welcome the Secretary of State's swift and decisive action on the current

problems. It is vital to the future of local government in Scotland, as will be the deliberations of the McIntosh commission, which is currently consulting on relations between local government and the Scottish Parliament. Does my right hon. Friend agree that we should take no lessons from the Tories about local government in Scotland? They spent 18 years trying to undermine and destroy it, culminating in their disastrous local government reorganisation, which was executed purely for party political reasons.

Mr. Dewar: I agree with much of what my hon. Friend said. The important thing is to get the matter put right. If there is one thought that should unite the House it is that properly funded and organised, effective local government is an important part of our democratic structure. I suspect that Tory Members are a little more confident on this matter because they do not control one council in Scotland. That gives them a gung-ho approach. I hope that they will take the matter seriously and support the effective actions that we are taking. In case they become too complacent, the word Westminster should be at least whispered.

Mr. Andrew Welsh (Angus): Has the Secretary of State noticed that for value for money, efficiency and high-quality services, the top three mainland authorities are all Scottish National party controlled? Should he not recommend them as models of best practice to the inefficient, poorly run Labour authorities that have brought the whole Scottish local government system into disrepute?

Mr. Dewar: I take efficiency very seriously. The best defence for local government is efficient local government and effective delivery of local services. I looked with interest at the table to which the hon. Gentleman referred. I noticed that the important characteristic was not which political party was in control but the catchment area and make-up of authorities. Smaller, rural authorities tended to do well. To use one illustration, I think that there are about 10,000 public sector houses in Angus; in Glasgow, there are 100,000. A different scale and range of services have to be provided. I am becoming ungracious in my old age, but before the hon. Gentleman takes off to polish his halo I should tell him that Perth and Kinross direct maintenance department is running a deficit for the second year running—this year, it is £650,000.

Mr. Jim Murphy (Eastwood): Events in East Ayrshire and North Lanarkshire and the Grampian police fraud squad investigation into Moray council concern all hon. Members. I congratulate my right hon. Friend on his prompt response to many of those concerns. In the longer term, what thought has he given to changing the structure of local government in Scotland to bring about the direct election of mayors or provosts? If it is good enough for London, it is good enough for the towns and cities of Scotland. The big advantage that they would have over London is that Jeffrey Archer would never be a candidate.

Mr. Dewar: That is a vision of danger which I never share with my hon. Friend, but I shall think about it seriously tonight. He makes an important and fair point. Anyone looking around local government will agree that there is an atmosphere of change. Many people in local government are thinking about such problems. The McIntosh commission is in session, and on its agenda will be electoral voting systems, the possibility of electing leadership of the sort mentioned and the introduction of a cabinet system. There are many ways to change the internal dynamics of local government. I look forward to the report of the McIntosh commission and taking forward an agenda for change that will benefit local government and reassure those who rely on its services.

Dr. Liam Fox (Woodspring): Will the Secretary of State guarantee that no council tax payer in East Ayrshire or North Lanarkshire will pay any extra money this year or next as a direct result of the wrongdoings of his councillors?

Mr. Dewar: I cannot give such a simplistic assurance. If I did, the hon. Gentleman would be the first to question its practicality or propriety. We will consider the situation. We are waiting for the report of the Accounts Commission for Scotland. Today, we will receive the replies to the statutory request from the councils, which we must consider. It would be foolhardy and misleading for me to say that there will not be problems in meeting the gap that has appeared in the finances of the departments concerned. There are a number of ways and time scales over which that can be done.

Dr. Fox: It is clear from the Secretary of State's response that he is unwilling or unable to protect taxpayers from the malpractice or incompetence of Labour councillors. He is unable to protect Labour Members from deselection by members of the Blairite tendency and, indeed, unable to protect himself from the whispering campaign against him in his party in Scotland. As the senior Labour figure in Scotland, what responsibility does he take for that shambles?

Mr. Dewar: I believe in political accountability, and I am taking energetic action on that matter. I would be prepared to have a serious discussion with the hon. Gentleman about that, but, judging by the irrelevancies, that he dragged into his previous remarks, he is not interested in serious political debate.

Dr. Norman A. Godman (Greenock and Inverclyde): I am delighted to say that my wife is on the list of candidates—and no way is she a Blairite.

When can we expect to receive the McIntosh report? Is there not a pressing need for local government reform? If a different electoral system is good enough for the Scottish Parliament, surely we should introduce a different system for the election of local authority representatives which ignores the rather strange idea of elected provosts.

Mr. Dewar: That will clearly be an interesting debate. We want the McIntosh commission to have time to do its job properly. I do not rule out the possibility of an early report, perhaps on a limited number of issues, but legislation may be a matter for the Scottish Parliament, which fast approaches.

I congratulate my hon. Friend's wife on being on the list. I am looking forward to having dinner with her and my hon. Friend on Saturday night.

Atomic Energy Policy

5. **Dr. Julian Lewis** (New Forest, East): How many times he has met the United Kingdom Atomic Energy Authority in 1998 to discuss energy policy. [45574]

The Minister for Education and Industry, Scottish Office (Mr. Brian Wilson): Earlier this year, my right hon. Friend the Secretary of State met the chief executive of the United Kingdom Atomic Energy Authority to discuss nuclear issues.

Dr. Lewis: We have learnt that in March the United Kingdom Atomic Energy Authority had already recommended closing Dounreay. That was at about the time the Prime Minister agreed to accept a further nuclear shipment from Georgia. Was the Prime Minister informed of that UKAEA recommendation and, if so, why did he not tell the full story to the House? If he was not informed, who at the Scottish Office was responsible for the failure to inform him? If that failure was the fault of the Scottish Office, is that not another reason why the Secretary of State's reputation is fast approaching critical nuclear meltdown?

Mr. Wilson: If I knew who the hon. Gentleman was, I would be able to reassure him personally that the Secretary of State's reputation across the political spectrum in Scotland is extremely good, and it is based on integrity over many years in public life. The decision to accept the Georgian shipment was based entirely on our international commitments and it would have been a dereliction of duty not to accept that small cargo when we had the capacity to do so. I am proud of the fact that we in this country are willing to accept our international obligations—and we shall continue to do so.

Miss Anne Begg (Aberdeen, South): My hon. Friend will remember the BBC programme "Frontline Scotland" that exposed last year the existence of the waste shaft at Dounreay and nuclear hot spots on the beach there. What action are the Government taking to ensure that the Dounreay site is safer?

Mr. Wilson: We are doing a great deal. My hon. Friend mentioned the waste shaft. The problems associated with it did not arise after 1 May last year; they developed over many years—and Conservative Members have the brass neck even to raise this issue. The previous Administration completely ignored the problems, presumably in the hope that they would go away or not be noticed. This Government came to power, recognised the problems at Dounreay and acted on the waste shaft, just as we acted on other issues that arose at Dounreay over a long period.

If ever a Government inherited problems that they did not create, and showed that they had the courage to face up to them, it is the present Government, in our response to the problems that had built up over the years at Dounreay.

Ms Roseanna Cunningham (Perth): The Minister will be newly aware of the fact that 75 kg of weapons grade plutonium will shortly be on its way to Dounreay. Will he now advise us how many other commercial reprocessing contracts are outstanding for Dounreay?

Mr. Wilson: It is the usual stuff from the SNP. To throw in—

Ms Cunningham: It is a straight question.

Mr. Wilson: If it were a straight question, it would not be the usual stuff from the SNP; the hon. Member for Perth (Ms Cunningham) should listen to the answer. She threw in the words "weapons grade". Is the implication that Dounreay is being used in connection with nuclear weapons? Is that the scaremongering impression that she tries to convey to people watching our proceedings?

What is being done is entirely in line with the commitment that existing contracts would be dealt with. That is the commitment; it is a binding contract, and it will be dealt with. The hon. Lady does no favours with her scaremongering—not to me, not to Members of the House, and above all not to constituents of the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) who have worked in that industry for many years and have made a major contribution to the science, technology and economy of Scotland and the United Kingdom.

Mr. Tam Dalyell (Linlithgow): On the Minister's recent visit to Dounreay, what did the shop stewards and professional associations say to him, and what did he say to them, about their future?

Mr. Wilson: I had many conversations during my recent visit. It was a very positive occasion, because it was the occasion of the announcement of a major inward investment in Thurso, as a spin-off from the presence of Dounreay in Caithness. As a result, some 500 jobs will be created by AEA Technologies and its Japanese partners in the manufacture of renewable batteries; that was extremely positive. As always, when I speak to people who have given their life to Dounreay and have contributed so much to the Dounreay economy, they say that they despair of the ignorance, the scaremongering, the hysteria and the utter disregard for the feelings of families in Caithness who have lived with the plant for a long time and have a very much fuller awareness of what goes on there, and has gone on there, than the hon. Member for Perth will have if she lives to be 100.

Dr. Liam Fox (Woodspring): Perhaps I can help the Minister by asking a question to which there is a very simple answer. How far into the decommissioning process will we be able to fulfil our international treaty obligations at Dounreay?

Mr. Wilson: I am not quite clear about the question, but I am sure that, if the hon. Gentleman addresses it to the United Kingdom Atomic Energy Authority, it will give him a far more technically reliable answer than he would expect from me at the Dispatch Box. The hon. Gentleman shakes his head. I wish that anyone who was a member of the previous Government would make the slightest effort to defend the fact that, for 18 years, the Tories allowed the problems of Dounreay to accumulate and did absolutely nothing to address them. The Government are addressing

the problems, but we are also determined to maintain employment for people in Caithness, because we are aware of social and economic factors as well as of the legitimate safety concerns that have been expressed.

Direct Labour Organisations

6. **Mr. Andrew Rowe** (Faversham and Mid-Kent): What steps he intends to take to regulate direct labour organisations. [45575]

The Secretary of State for Scotland (Mr. Donald Dewar): The Government will not tolerate incompetence or inefficiency. I expect all councils to look critically at whether direct provision is required, and to put performance and value for money at the centre of all that they do.

Mr. Rowe: What steps will the Secretary of State take to ensure that the appalling problems that have arisen in Scottish local government do not afflict the new Scottish Parliament?

Mr. Dewar: I remain an optimist about the Scottish Parliament, and I am sure that that optimism is shared by the hon. Gentleman, who always has the slight air of a rebel on the Conservative Benches. I do not believe that comparison with local government is relevant. At the end of the day, Westminster's powers will go to the Scottish Parliament; local government will not be raided. The Scottish Parliament will be a policy-making legislative body; local government, essentially, is involved in the provision of local services. I do not therefore believe that the machinery is the same, or that the parallel is relevant.

Mr. Malcolm Savidge (Aberdeen, North): What effect does my right hon. Friend believe compulsory competitive tendering and local government reorganisation have had on the regulation of direct labour organisations?

Mr. Dewar: The consequences of the last reorganisation of local government—which was very much a pattern imposed by a Government who, however honourably they may have acted, did not command widespread support in Scotland—were undoubtedly a great deal of disruption, financial difficulties and unavoidable expenses that are still being met by council tax payers and taxpayers. That is perhaps an answer for Conservative Front-Bench spokesmen who now worry about such matters.

North Lanarkshire

7. **Mr. Jonathan Sayeed** (Mid-Bedfordshire): If he will make a statement about the current level of non-housing debt in the North Lanarkshire local authority. [45576]

Hon. Members: Hurry up.

The Secretary of State for Scotland (Mr. Donald Dewar): My apologies, Madam Speaker. It is worth waiting for, though—it is all good stuff and a very precise answer. Non-housing capital debt in North Lanarkshire council was £256.8 million at 31 March 1997.

Mr. Sayeed: That is an unusually helpful answer from the Labour party. Did Labour not know about those problems when Neil Kinnock was Leader of the Opposition, but nothing was done; when the late John Smith was Leader of the Opposition, and nothing was done; and when the Prime Minister was Leader of the Opposition, and nothing was done? Only now, when Labour is in government—and because those councillors have served their purpose and got Labour into power—is the Labour party prepared to do anything. For all those years, the people of Monklands and North Lanarkshire have had to pay through the nose for incompetence or worse.

Mr. Dewar: I totally failed to follow the logic of the hon. Gentleman's question, which seemed to have many of the characteristics of any early Monty Python without the humour. I am sure the hon. Gentleman appreciates that the £256.8 million is long-term debt for financing a number of capital projects. There was repayment of more than £10 million in the last financial year. That matter is not in dispute; the situation is under control. Interest payments are, of course, met directly from Government grant. I hope that that provides some consolation for the hon. Gentleman, and that he will go home a rather happier man.

Mr. Michael Connarty (Falkirk, East): I think the thrust of the Opposition's second question was about the performance of local authorities in general. Will the Secretary of State take the trouble to commend the many local authorities in Scotland that have done a wonderful job in the face of adversity and attack from the Conservatives over 18 years? Will he give the House a possible timetable for the publication of performance indicators that the Government will release? When are the performance plans of local authorities likely to be presented to the public? I am sure that the Secretary of State will join me in saying that, in many cases and for many services, they will show the excellent performance of local authorities in Scotland.

Mr. Dewar: Of course I am glad to pay tribute to the very many effective and hard-working councillors—many of whom are my personal friends—who dedicate themselves to delivering in local government. It is a service to them to try to root out and deal with any abuse that occurs. However, we must be very careful about how we judge such matters. For example, I am informed that Bedfordshire county council, which is Conservative controlled, is running a debt of £120 million in its housing department for the current year. I do not know the circumstances in Cambridge, so I do not condemn that local authority; I suspect that those on the Opposition Benches would sometimes be wise to exercise a similar caution.

Exchange Rate

8. **Mr. Nicholas Winterton** (Macclesfield): If he will make a statement on the effect of the current exchange rate on business confidence in Scotland. [45578]

The Minister for Education and Industry, Scottish Office (Mr. Brian Wilson): I have frequent discussions with businesses in all sectors across Scotland and I am fully aware of the extremely competitive trading

environment that companies face at home and overseas. However, the latest official data show that Scottish manufactured output rose by 7.7 per cent. in 1997.

Mr. Winterton: I am sure that the Minister is aware that exchange rates are influenced to an extent by the level of interest rates, and we have had about seven interest rate rises under the Labour Government. The House will be well aware of my particular concern about manufacturing and textiles. Is the Minister aware that many of his trade union colleagues are deeply concerned about the redundancies that are being declared in Scotland as a result of a range of factors—not least the exchange rate and the depressing state of the textile industry in Scotland, which is an important industry for the Scottish people?

Mr. Wilson: I recognise the hon. Gentleman's long-standing interest in the textile industry. I know that it is going through a difficult time and that, although there are many successful firms, others are suffering pressures which include the current level of the exchange rate. However, their interests and ours lie in the medium and long-term stability of the economy. If some hard decisions had been taken by the Tories in the last months of the previous Parliament, perhaps the textile and other industries would not be feeling so much pain now.

Mr. Frank Roy (Motherwell and Wishaw): On the question of business confidence, is my hon. Friend aware that I have asked for an inquiry into the running of Motherwell Enterprise and Development Company, whose board called in the liquidators a fortnight ago? Can the Minister give an assurance that local companies that find themselves victims of the MEDCO situation will receive all possible public help at this dangerous time?

Mr. Wilson: We are keeping in close touch with the MEDCO situation, as is the Lanarkshire development agency, which is our instrument of economic intervention in the area. Its first obligation is to ensure that the services and training provided by MEDCO are kept going, in the interests of my hon. Friend's constituents and the businesses in his constituency.

LORD CHANCELLOR'S DEPARTMENT

The Parliamentary Secretary was asked—

County Court Services

29. **Mr. Peter Luff** (Mid-Worcestershire): If he will make a statement on his policy towards the availability of county court services in rural areas. [45600]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Geoffrey Hoon): In considering the future of any county court, whether in a rural or an urban area, the Lord Chancellor must take into account a variety of factors, including accommodation; work load; the number of personal callers; the number of judicial sittings and costs. A further consideration is the alternative arrangements that could be made for court users after closure, as well as access to those facilities.

Mr. Luff: Does the Minister understand that in the Vale of Evesham there is real gratitude for his decision to grant a reprieve to Evesham magistrates court, but growing concern about the new proposal to close Evesham county court? Does he understand that the same arguments apply to both courts and that, whenever a rural court is threatened with closure, a rural community is threatened with losing its access to justice? Will he instruct the Court Service to withdraw the proposal immediately?

Mr. Hoon: Clearly, different principles apply as between magistrates courts and county courts, but I can assure the hon. Gentleman that when, in March, the Lord Chancellor gave permission for public consultation on the future of Evesham county court, a careful process was started. A counter survey of users was carried out between 3 and 28 November and every single person attending the court was asked to complete a questionnaire. Some 246 questionnaires were completed and the results showed that the average daily number of personal callers to Evesham is 12. Of the 246 users, only 76 attended for court hearings and the rest made visits on business that could have been conducted over the telephone or by post.

Magistrates Courts Committees (Devon and Cornwall)

30. **Mr. Andrew George** (St. Ives): What representations he has received on his proposals to amalgamate the magistrates courts committee in Cornwall with that in Devon. [45601]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Geoffrey Hoon): The Devon and Cornwall magistrates courts committees decided that a voluntary amalgamation of their two committees was desirable. Consultations took place in April, and 14 responses were received to their proposals. Those responses formed part of the MCCs' submission to the Lord Chancellor requesting an amalgamation. I should also mention that I have received one letter on the matter from a Member of Parliament—not the hon. Gentleman—and my officials have received one letter on the matter from a member of the public.

Mr. George: Does the Minister accept that, under the previous magistrates courts committees amalgamation proposals and the current proposals, although a case can be made for appropriate collaboration and partnership on a professional level, bringing together the magistrates courts committees will involve a great deal of travel and will remove magistrates from their local community, which might favour male and older members in taking up the magistracy and work against younger females?

Mr. Hoon: I do not accept any of that. The Government will be concerned to ensure that any amalgamation will result in a more efficient and effective service in the area in question while clearly retaining those aspects of the previous administration that will best serve the new committee. It is the Government's policy that an alignment between criminal justice agencies will lead to a greater consistency of approach throughout the country. Aligned magistrates courts committees, police forces and Crown Prosecution Service areas will assist in the speedier consideration and implementation of national criminal justice policy.

Mr. Barry Sheerman (Huddersfield): Does my hon. Friend understand—I say this in the kindest possible way—

that what he has said about Cornwall echoed similar things said by his predecessor in a different Administration? However, in Cornwall, or even in the area that I represent, the result will be less justice delivered locally. I thought that a Labour Government would start turning back some of these so-called efficiencies and drives to better regulation so as to put justice back where it belongs, which is locally, in local communities.

Mr. Hoon: With the greatest possible respect to my hon. Friend, who indicated that he would be kind to me, may I be equally kind in response and say that I do not accept that any of our proposals are likely to lead to less justice delivered locally? We are considering the administration of the magistrates courts. By more effective administration of these courts we may be in a position to save money and thereby preserve local justice.

Terrorism

31. **Mr. Tam Dalyell** (Linlithgow): What documents in relation to terrorism have been passed to the Lord Chancellor in the proper form under the Great Seal of the Realm. [45602]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Geoffrey Hoon): None.

Mr. Dalyell: Among the documents, is there the Organisation of African Unity's resolution of last night, to which I drew the Lord Chancellor's attention, which emphasises that non-compliance is in line with the judgment of the International Court of Justice and is also based on the fact that the resolutions violate paragraphs 3.33 and 36 of article 27 of the United Nations charter? In those circumstances, does my hon. Friend accept that because international law is involved it is not sufficient just to pass by on the other side of the road and say, "This is a matter for the Crown Office or for the Foreign Office lawyers"? The whole Government are involved. Would they therefore ask independent international lawyers, possibly in universities, for an opinion? It seems that our country is violating international law.

Mr. Hoon: I am sure that the document to which my hon. Friend has referred will be studied with great care by my colleagues in Scotland and in the Foreign Office. I emphasise to my hon. Friend that relevant Security Council resolutions require the Libyan accused to be surrendered for trial either in Scotland or in the United States. At the moment, the resolution to which my hon. Friend refers is not strictly consistent with the relevant Security Council position.

I emphasise also that the evidence in the Lockerbie case has been considered by four Lords Advocate from two different Administrations. Each of them has independently concluded that the evidence justifies the current proceedings.

Legal Aid

32. **Mr. Nicholas Winterton** (Macclesfield): If he will make a statement on levels of charges for legal aid work. [45603]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Geoffrey Hoon): The levels of charges for legal aid work are principally determined under the Legal Aid Act 1988, passed by the previous Administration and no doubt supported by the hon. Gentleman. Within the limitations of that legislation, we are introducing standardised fees where it is legally possible to do so. However, we recognised quickly after taking office that the existing legislation does not afford a satisfactory level of control. That is why we announced last year that we see contracting for the provision of legal services as the most effective means of controlling the cost of legal aid.

Mr. Winterton: I am grateful to the Minister for that helpful and, if I may say so, encouraging response. Does the Minister believe it right that somebody who is well known for his support of left-wing causes, Mr. Michael Mansfield QC, should submit a legal aid bill for £22,000, which was ultimately cut to just £12,000? The fees of his junior, Miss Baird, were reduced from £22,000 to just £7,800. That relates to just three days' work. Is that right? Is it value for money? When will this abuse of public resources be stopped?

Mr. Hoon: I am most grateful for the hon. Gentleman's support, and I hope that he and those Conservative Members who appear to support his assertions will support the Government when they introduce legislation effectively to control the costs of legal aid. I also hope that he will be able to persuade Conservative Front Benchers to support the proposals that we have outlined, because the Government are determined to control the costs of legal aid.

Mr. Winterton: Michael Mansfield?

Mr. Hoon: I am not in a position to comment on a case that is currently being considered, nor should I, but I can say that there appears to have been a persistent pattern of overclaiming by members of the Bar. Indeed, statistics that I can publish suggest that, in certain high-cost cases over the past two years, barristers have claimed more than double what they have received.

Mr. David Winnick (Walsall, North): Is it not interesting that the hon. Member for Macclesfield (Mr. Winterton) mentioned only two barristers, whom he considers to be left wing? Michael Mansfield is doing an excellent job in the Lawrence inquiry.

On the general issue, which I have raised at business questions, is it not totally wrong that the most senior QCs receive substantial sums out of legal aid work when so many people are not able to get legal aid? Surely senior barristers should not be so overpaid and should not receive hundreds of thousands of pounds through legal aid work. I hope that the Government will continue to do what they are doing about this matter.

Mr. Hoon: I am grateful to my hon. Friend for his comments. I have made it clear that the Government are determined to get the costs of legal aid under control. He is right: the most expensive cases in the Crown court—the top 1 per cent.—account for more than 40 per cent. of criminal higher expenditure, which is £125 million; the most expensive civil cases—the top 15 per cent.—

account for about 15 per cent. of gross civil legal aid expenditure, at £167 million. That is why the Government are determined to control the costs of legal aid.

Mr. John Burnett (Torridge and West Devon): The Government propose to replace legal aid for civil cases with conditional fee agreements. I draw the Minister's attention to the fact that insurance premiums for defendants' costs in personal injury cases, which have a high degree of success, have risen in the past year from about £85 to about £161. When the Government's changes have taken effect, in what circumstances will the Legal Aid Board pay such premiums?

Mr. Hoon: It is clearly important that the Government control the costs of legal aid. The hon. Gentleman will know that we recently issued a consultation document setting out in principle our view that the cost of insurance should be recoverable against an unsuccessful defendant. That would clearly go a long way to assisting plaintiffs who bring cases under conditional fees to recover the costs of going to law, and would thereby increase access to justice. We are considering that carefully.

Barristers' Earnings

33. **Mr. Denis MacShane** (Rotherham): What assessment he has made of the earnings of senior barristers relative to other professions requiring similar qualifications and skills; and if he will make a statement. [45604]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. Geoffrey Hoon): Each year, the Government, in assessing the level of public sector pay, must have regard to the professional skills and qualifications possessed by different groups. In the past, no regard appears to have been had to the total amounts paid out annually to self-employed barristers out of public funds on a case-by-case basis. I see no reason in principle why the overall amount of public money paid to barristers in any given year should not be open to public scrutiny and debate.

Mr. MacShane: I am grateful for my hon. Friend's answer. He read out some remarkable statistics; I had thought that the previous Government had abolished all closed shops, but one is still very much in operation. Is my hon. Friend aware of the outrage among professional people who serve the state so well in, for example, medicine and higher education? They have to qualify in their profession, work just as hard as barristers and skill themselves just as much, but the amount of money that they receive from the public purse is not remotely similar. I am not inviting my hon. Friend to go on "The Moral Maze" to discuss the matter, but will he at least consider whether the structure within which barristers work should be examined seriously to bring costs under control?

Mr. Hoon: My hon. Friend is referring to the position of QCs. The Government have no present plans to abolish that position. This modernising Government, however, have shown that they are determined to sweep away restrictive practices wherever they occur and whenever they cannot be substantiated in the public interest.

Mr. Edward Garnier (Harborough): I do not want to anticipate anything, but perhaps one day I shall be able to welcome the Minister to the front bench of the Bar.

In addition to planting the question tabled by the hon. Member for West Lancashire (Mr. Pickthall), which he answered on 28 April 1998, *Official Report*, columns *65-67*, the Minister said on television at about the same time that senior lawyers acting for legally aided clients were doing "a very responsible job", but that their earnings should be comparable to those of their medical counterparts. Now that the Government have seen the figures for senior consultants' earnings and benefits contained in the Law Society's case before the Committee chaired by the right hon. and noble Lord Browne-Wilkinson, what does the Minister say is the proper level of remuneration for a senior lawyer whose conduct in every case has implications for the future life and welfare of the client and his family?

Mr. Hoon: As I said in answer to an earlier question, it is quite proper for there to be a public debate about the amount of public money that goes into the hands of private sector lawyers. There is a proper public debate about the sum spent on behalf of taxpayers on those employed by the state in the national health service, and I see no reason whatever why the same principles should not apply to those who receive taxpayers' money to fund what are, in essence, private practices.

Temporary Classrooms

3.30 pm

Mr. David Heath (Somerton and Frome): I beg to move,

That leave be given to bring in a Bill to reduce the reliance on temporary classroom accommodation in local authority and grant maintained schools; to place a duty upon the Secretary of State to report to Parliament on the number of temporary classrooms in current use; to require the Secretary of State to lay before Parliament plans for the replacement of such accommodation, other than that necessary for normal fluctuation in pupil numbers, with permanent school buildings; and for connected purposes.

Members of Parliament are privileged to work in reasonable and, one supposes, permanent surroundings. We occasionally complain that our offices are too small—I certainly do—but generally the roof does not leak, the windows fit, and rot is the province of speakers rather than the woodwork. Many hundreds of thousands of schoolchildren do not share that privilege. They are taught in what are euphemistically called "temporary classrooms". Some are perfectly satisfactory, but many are up to 40 years old. So-called huts predominate in many schools. It is a major preoccupation for teachers, parents, governors and for local education authorities, who are only too aware that what they are providing for schools in their area are not up to the standards that they desire.

Some people would have it that the matter is of little consequence—that one need not worry about the surroundings in which children are taught. I disagree. The teaching environment is important to learning. I accept that it is not the only factor and that a good, committed teacher teaching in a field is a better than a bad teacher teaching in a great hall of academe. The fact remains that if one can put together good, committed teaching, a good curriculum and the right surroundings, one is doing the best for the children rather than the second best, as is so often the case.

A proper classroom—one designed for the purpose—enhances rather than detracts from the educational experience. I want children to concentrate on the curriculum rather than on the construction of substandard buildings. Temporary classrooms, particularly old ones, tend to leak because they have flat roofs that are often insubstantial. They tend to have window frames that do not quite fit, which causes draughts and further leaks. That, in turn, sometimes causes condensation. They are horribly hot in the summer sun and horribly cold in the winter, and they are difficult to heat.

Temporary classrooms also impose artificial constraints on circulation within the school. It is part of the proper school environment that children should be able to pass from classroom to classroom, and circulate around the school, yet children who have the misfortune of being in a distant hut have to put on their overcoats and pick up their bags before they can go to the next lesson. That is a further constraint on the quality of their education. It is also difficult to ensure security in such buildings.

Another good reason why we should not be over-reliant on temporary classrooms is that they cost a packet to run. They are cheap to buy and install, which is the main reason why we have so many them, but they cost more in heating and maintenance and to repair. They are more prone to vandalism: a wooden hut is often a challenge to adolescent males, who like to see how quickly they can apply their destructive capacity during their school years. As a result, resources are diverted from teaching, books and equipment into keeping those huts in working order. They are economic nonsense for education authorities and for school governing bodies.

How widespread is the problem? The Secretary of State, in his contribution to a debate on the Budget resolutions last year, estimated that there are 25,000 across the country. On a local level, there are 709 temporary classrooms in daily use in Somerset. Last year, I was chairman of education on Somerset county council. At some schools, temporary classrooms represent more than 50 per cent. of the teaching accommodation. There are 390 in primary schools: one in every five classrooms in which a primary school child in Somerset is being taught is a so-called temporary classroom. By 2000, three quarters of those classrooms will have passed their design life—their sell-by date—and will have exceeded the life for which they were designed.

Let us remind ourselves of just how old some of these temporary classrooms are. The oldest are the HORSAs, which were built during the war. They had a design life of 10 years, yet they are still here 50 years on. They are not the worst of the building stock by any means. Some wooden buildings built much later are in a much poorer state of repair.

How can we call these temporary classrooms? They are not temporary: some of them now house the grandchildren of the children for whom they were built as temporary classrooms. It is nonsense. The position is the same around the country: Somerset is not a special case. Many hon. Members have similar tales to tell. My hon. Friend the Member for Torbay (Mr. Sanders) has told me of the Westlands school in his constituency, which has no fewer than 38 temporary classrooms in its building stock. I heard a similar story from my hon. Friend the Member for Colchester (Mr. Russell), who said that half the classrooms in St. Andrew's infants school are so-called temporary buildings.

How have we got ourselves into this mess? The primary reason is the old British story of short-termism and expediency. Such an approach predates the previous Government and the Government before that: the problem has existed for a long time. It always seemed better to spend a little now to provide a temporary classroom rather than to spend more on permanent classrooms. We have had a litany of capital controls, squeezes on local education authority finances and competing policy pressures—the Audit Commission, when I was on it, called it a policy gridlock that afflicts schools. The answers do not seem to work. The private finance initiative may eventually be able to deliver major school developments, but will it turn temporary classrooms into permanent classrooms? I suspect not. The problem may be exacerbated further by the move that the Government are rightly undertaking to reduce class sizes to under 30.

I acknowledge that the Government have recognised the problem. The Secretary of State has talked of the legacy of disrepair. The White Paper "Excellence in Schools" concentrates on that problem and on the Government's acceptance that it needs to be addressed. I simply suggest that the proposals are not yet consonant with the need—which is why my Bill is important.

My Bill would place clear duties on the Secretary of State not only to recognise the width of the problem but to come up with proper answers to it, in conjunction with local education authorities, so that we have a planned response in removing temporary classrooms from our schools and replacing them with permanent classrooms. I am fed up with so many schools looking like shanty towns rather than educational establishments.

My Bill should be welcomed because, if it finds favour with the House today, it can be repealed in five years' time. If it is passed, the Bill will have done its job in five years, as action to rectify the disastrous mismanagement of the educational estate will have been taken. The ones who will benefit from that action are the next generation of children, who will have proper accommodation for their one opportunity of learning.

I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. David Heath, Mr. Bob Russell, Dr. Peter Brand, Mr. Terry Davis, Mr. Andrew George, Mr. Dafydd Wigley, Dr. Ian Gibson, Mr. Edward Davey, Mr. Andrew Mackinlay, Mr. Martin Bell, Jackie Ballard and Mr. Steve Webb.

TEMPORARY CLASSROOMS

Mr. David Heath accordingly presented a Bill to reduce the reliance on temporary classroom accommodation in local authority and grant maintained schools; to place a duty upon the Secretary of State to report to Parliament on the number of temporary classrooms in current use; to require the Secretary of State to lay before Parliament plans for the replacement of such accommodation, other than that necessary for normal fluctuation in pupil numbers, with permanent school buildings; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 3 July, and to be printed [Bill 209].

Orders of the Day

Crime and Disorder Bill *[Lords]*

As amended (in the Standing Committee), further considered.

New Clause 9

INTERACTION WITH SENTENCES OF DETENTION

'.—(1) Where a court passes a sentence of detention in a young offender institution in the case of an offender who is subject to a detention and training order, the sentence shall take effect as follows—

(a) if the offender has been released by virtue of subsection (2), (3), (4) or (5) of section 75 above, at the beginning of the day on which it is passed;

(b) if not, either as mentioned in paragraph (a) above or, if the court so orders, at the time when the offender would otherwise be released by virtue of that subsection.

(2) Where a court makes a detention and training order in the case of an offender who is subject to a sentence of detention in a young offender institution, the order shall take effect as follows—

(a) if the offender has been released under Part II of the 1991 Act, at the beginning of the day on which it is made;

(b) if not, either as mentioned in paragraph (a) above or, if the court so orders, at the time when the offender would otherwise be released under that Part.

(3) Subject to subsection (4) below, where at any time an offender is subject concurrently—

(a) to a detention and training order; and

(b) to a sentence of detention in a young offender institution,

he shall be treated for the purposes of sections 75 to 78 above, section 1C of the 1982 Act and Part II of the 1991 Act as if he were subject only to the one of them that was imposed on the later occasion.

(4) Nothing in subsection (3) above shall require the offender to be released in respect of either the order or the sentence unless and until he is required to be released in respect of each of them.

(5) Where, by virtue of any enactment giving a court power to deal with a person in a manner in which a court on a previous occasion could have dealt with him, a detention and training order for any term is made in the case of a person who has attained the age of 18, the person shall be treated as if he had been sentenced to detention in a young offender institution for the same term.'.—*[Mr. Michael.]*

Brought up, and read the First time.

3.41 pm

The Minister of State, Home Office (Mr. Alun Michael): I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss the following amendments: Government amendments Nos. 19, 23 to 25 and 88.

Amendment No. 65, in clause 73, page 57, line 35, after 'child', insert

'over the age of 12'.

Amendment No. 66, in page 58, leave out lines 1 to 6.

Government amendment No. 26.

Amendment No. 67, in clause 96, page 79, line 35, leave out 'or a prison'.

[Madam Speaker]

Amendment No. 68, in page 79, line 36, leave out 'or (c)'.

Amendment No. 99, in page 80, line 8, after 'apply', insert

'or if paragraph (a)(i) above applies, but paragraph (a)(ii) does not apply,'.

Amendment No. 69, in page 80, line 10, leave out from 'applies' to the end of line 12.

Amendment No. 100, in page 80, line 12, at end insert—

'( ) Where a person has been remanded to a prison under subsection (4) above, it shall be the duty of the local authority social services department in whose area the court which remanded the person is located to inform the Court if local authority secure accommodation becomes available in which the person remanded to prison could be accommodated, and, on receipt of such notification, the court shall be deemed (unless it makes an order to the contrary), to have ordered that the person remanded to prison should be transferred to that secure accommodation.'.

Amendment No. 70, in page 80, line 30, leave out 'or prison'.

Amendment No. 98, in page 80, line 35, after 'himself,' insert

'or the likelihood of him being harmed by others,'.

Amendment No. 71, in page 80, line 36, leave out 'or a prison'.

Government amendments Nos. 29, 89, 58 to 60 and 90 to 97.

Mr. Michael: Grouped with new clause 9 are many amendments dealing with our programme for reform of the youth justice system. I gather that the hon. Members for Hertsmere (Mr. Clappison) and for Sheffield, Hallam (Mr. Allan)—both of whom participated in the Committee's detailed debates on the matter—are largely content with some of the amendments that we have tabled. I shall therefore speak as briefly as possible on the Government amendments and new clause, so that we can move on to dealing with matters that require more debate.

Some of the Government amendments are simply technical, to deal with the necessity of straightening out an anomaly that we have discovered, whereas others are simply a response to points raised in Committee. I shall give two examples.

First, new clause 9 sets out the arrangements that courts will have to follow when sentencing someone who is already under a custodial sentence to a further period of custody under the new detention and training order. The new clause deals with situations in which, for example, a subsequent sentence is to run concurrently or consecutively with the original sentence when that subsequent sentence is passed in either the custodial phase or post-release supervision phase of the original sentence. Some of the amendments deal with technical matters, on which I shall be happy to respond if there are queries. However, I do not believe that it is necessary to delay the House by dealing with those matters now.

Secondly, amendment No. 24 follows up the Committee's debate on whether a compensation order should be available to a court when it is making a reparation order. There was a good deal of discussion on the matter in Committee, in which Opposition Members argued that a compensation order should be available with a reparation order. We listened to the arguments. After the debate, we decided that those arguments were correct and that courts should have the option of using both orders. Amendment No. 24 therefore sets in train that provision.

I think that those examples give the flavour of the Government amendments and new clause.

Opposition amendments Nos. 65 and 66 would make the detention and training order unavailable for young offenders under the age of 12. As I said when we debated the issue at some length in Committee, that would be unhelpful. Having that provision in the Bill enables the Government to introduce those orders for the under-12s if evidence of the relevant behaviour and demand justifies that in the fulness of time.

Again, we have recognised that the matter needs to be subject to scrutiny, and a Government amendment makes any such implementation subject to the affirmative resolution procedure, so there would be scrutiny by the House. I think that that deals with the concerns expressed in Committee, but it also means that if there is a case for such an extension, it will not require primary legislation. I hope that what I have said gives a flavour of the way in which the Government have approached the issues.

We appreciate that some people expressed concern at the idea of extending detention and training orders to 10 and 11-year-olds, but I remind the House that, even if we did come forward with evidence of their necessity and satisfied the House through the affirmative resolution procedure, the court would still need to satisfy itself that the offending was serious enough to warrant the use of custody under the Criminal Justice Act 1991 test—that the offender is persistent and that only a custodial sentence is adequate to protect the public from further offending by him. I hope that we can set behind us the debates in Committee, as we have tried to respond to the points that were raised.

We had an extended debate in Committee on the matters covered by amendments Nos. 67 to 71, and I think it fair to refer hon. Members to the Committee *Hansard* to see how they were debated at some length. However, I shall summarise the issues.

In February 1991, the previous Government outlined their intention to stop prison remands for 15 and 16-year-old boys, but failed to provide the means to that end. Seven years after the commitment was made, the new places are still not fully available to fulfil that promise. The number of 15 and 16-year-olds remanded to prison has increased significantly in the 1990s. Indeed, the number of 15 and 16-year-old boys on remand has not fallen below 200 since January 1996; at the beginning of June, it stood at 228, but it has been as high as something over 300. It would therefore be unsafe to change the remand arrangements for those boys at this stage.

Our policy, set out in the Bill, is to make effective use of the planned accommodation that we inherited and to give the courts the range of remand power that they believe they need. That is why we are introducing court-ordered secure remand to local authority secure accommodation on an incremental basis rather than in the way originally advocated.

The Bill will give the courts the power to remand 12 to 14-year-olds, 15 and 16-year-old girls and "vulnerable" 15 and 16-year-old boys, if a place has been identified in

advance, direct to local authority secure accommodation. The existing arrangements for the remaining 15 and 16-year-old boys will continue for the time being, although we wish to move to a position where the practice of prison remands for such boys is no longer necessary. As someone who has campaigned on that issue before and since entering Parliament, I am keen that we should succeed in that.

I hope that, by speaking briefly to the extensive list of Government amendments and by addressing the concerns that I believe Opposition Members wish to raise, I have helped the House to speed towards the matters that I know several hon. Members wish to take rather longer to debate.

Mr. James Clappison (Hertsmere): The amendments tabled by me and my right hon. and hon. Friends relate to important issues regarding young people and custody. Before speaking to them, I should like briefly to comment on what the Minister rightly said about the Government's amendments. He specifically mentioned Government amendment No. 24. He was generous and fair enough to acknowledge that it was perhaps inspired by Opposition arguments in Committee. We are glad that the Government have seen sense on this issue because it is important.

As the Bill stood, it would have been possible for victims of crime to receive reparation from offenders, but that reparation would not have included financial compensation. We believe with some force that many victims, particularly the less well-off, would like financial compensation more than any other form. It is sensible that victims will be able to receive reparation from offenders, which is a useful concept, and financial compensation.

I hope that we shall have a similarly positive response from the Minister on our amendments when he has heard our full arguments—I always live in hope—because we intend to keep arguing on this important subject. Sending a child or young person to custody is a significant decision. Sadly, sometimes courts have to make such a decision, but it has to be carefully made. The subject must be dealt with on the basis of reason and evidence rather than rhetoric. I hope that that approach will not be obscured by too much rhetoric about nipping trouble in the bud. Sending children or young people into custody in inappropriate circumstances or sending them into an inappropriate form of custody is likely to store up trouble for the future rather than to nip it in the bud.

Amendments Nos. 65 and 66 relate to very young children. The Bill establishes a sentence of detention and training for 12 to 17-year-olds and contains a power for the Secretary of State to extend it to 10 and 11-year-olds. As the Minister has just said, the Government are proposing a change to allow that by an order under the affirmative resolution procedure. I am not satisfied by what the Minister said. We need to examine why the Government are seeking such a power.

We have been told that the Government are actively considering establishing a sentence of detention for 10 and 11-year-olds, and intend to make it possible for such a power to be introduced in the way that the Minister has described. The courts already have the power to send children of that age into custody for grave offences. Sadly, some 10 and 11-year-olds need to be sent into custody for grave offences. There is a long-established power under section 53 of the Children and Young Persons Act 1933 allowing children convicted of grave offences to be sent into custody.

Why do the Government want to go further and send 10 and 11-year-olds to detention alongside older offenders for less serious offences? The Government say that they will introduce such a sentence only if necessary. Where is the evidence that such a power is needed? According to a written answer that I received recently, the number of convictions of 10 and 11-year-olds carrying a custodial penalty went down between 1986 and 1996. I have seen further research in which children were asked about the offence of taking and driving cars. Only a very small proportion of the total started their criminal career at that age. The 10-year-olds did not register on the statistics and the figure for 11-year-olds was only 3 per cent. Against that background, why are the Government proposing such a power?

In opposition, Labour greatly criticised the provision of secure training orders for 12 to 15-year-olds. The current Prime Minister, when shadow Home Secretary, said:

> "To weaken the provisions in local communities and then to claim that building the new secure training centres will help to prevent juvenile crime is a sham. We know that and I believe that the Government know that as well."—[*Official Report*, 11 January 1994; Vol. 235, c. 41.]

That is what the Prime Minister said then. We will come to the Government's record on local provision shortly, but, in the meantime, I observe that a Government who are considering sending 10 and 11-year-olds not to local provision, but to the very same institutions that were denounced as a sham have some explaining to do.

Although the centres have been given a new name—detention and training, rather than secure training—and although they probably have been given a lick of paint, and possibly some spin as well, those are the same institutions which, for 12 to 15-year-olds, the Labour party denounced as a sham as recently as the last Parliament. We do not question the availability of the centres for 12 to 15-year-olds, but we wonder about sending 10 and 11-year-olds to them. That measure was not included in the Criminal Justice and Public Order Act 1994.

Our concern about sending children of such a young age to such institutions is increased by the fact that this Government, unlike the previous one, are apparently prepared to contemplate 10 and 11-year-old boys being mixed in those institutions with 15, 16 and 17-year-olds. That should give rise to concern, even among those who spoke about "colleges for crime" in the context of secure training centres in the last Parliament. If there is an element of sham about the matter, it is not on the Opposition side of the House.

We need to know more from the Minister than we heard in his opening remarks. He referred to the criteria that would be used for sending very young children to custody. However, the criteria in the Criminal Justice Act 1991 are the same criteria which must be fulfilled before any offender of any age—including an adult offender—is sent to custody.

The second limb of the criteria to which the Minister referred—that of further offending—did not even carry with it the qualification that it would have to be offending which, for example, caused serious harm—a criterion used in previous criminal justice legislation. It merely suggests further offences of any type that would carry a sentence of imprisonment in the case of an adult. Those are relatively relaxed criteria, and we need to ask more

[Mr. James Clappison]

serious questions of the Government. We are not satisfied that they have made out a case for sending 10 and 11-year-olds to custody. We would ask for the evidence and the research that justify taking that power.

That brings me to the subject of the remands of 15 and 16-year-old boys to adult prisons. It has been widely accepted that the remand of 15 and 16-year-olds to adult prisons is undesirable, and the Minister—quite fairly—accepted that in his opening remarks. Certainly, the previous Government accepted that view, and the Criminal Justice Act 1991 provided for the ending of that practice in due course. More local authority secure accommodation was to be provided to do that, and a programme of providing more places in secure accommodation was set in train.

A total of 171 places were to be provided. For the benefit of the Minister, I will say that the figure was later revised to 170—so we do not need an argument about that one place. One hundred and seventy places were to be provided to bring the practice to an end. That was firmly set as an objective by the previous Government, and it was enshrined in criminal justice legislation that the practice of sending 15 and 16-year-old boys to adult prisons was to end.

In the last Parliament, the previous Government were criticised by the Opposition, in effect for not getting on with the job quickly enough. When he became shadow Home Secretary, the present Prime Minister chose to campaign strongly on the issue, criticising both the number of places being provided and the length of time it was taking to provide them. Labour's submission to the Home Affairs Select Committee report on juvenile offending, called "Getting a Grip on Youth Crime", made a particular point on that matter. *[Interruption.]* The Minister says that it was an excellent document. I should like to remind him of some of what it said. It described the practice of sending 15 and 16-year-olds to adult prisons as "scandalous" and something which had to be ended at once. The Minister said that he campaigned in favour of that—I do not doubt his good faith—but the tragic aspect is that the Government are doing precious little to bring to an end what they described in opposition as a scandal.

On Second Reading of the Criminal Justice and Public Order Act 1994, the Prime Minister—then the shadow Home Secretary—said that local authorities were "urgently requesting" more places in local authority secure accommodation. He said—he had done his research—that there was a huge demand:

"We have made inquiries of the national bed bureau within the past few weeks. It says that there is a huge surplus of demand for secure accommodation by local authorities over supply."

He made it clear that he regarded the provision of more local authority secure accommodation as the way in which to end the remand of 15 and 16-year-olds in adult prisons, and had every confidence about the time scale. He said:

"Let me tell the Home Secretary the advantages of dealing with the matter in that way. First, the places could be achieved without delay. This country does not want to wait years before the problem is dealt with. It wants it dealt with now. Secondly, it allows the provision to be both local and integrated, as everybody . . . has asked for."—[*Official Report*, 11 January 1994; Vol. 235, c. 39-40.]

What have the current Government done to address an issue that the Prime Minister said could be dealt with "without delay"?

4 pm

Mr. Michael: The 170 places to which the hon. Gentleman referred—I am glad that the process of education is working—had still not been provided seven years after they were promised; indeed, they have still not been completed. Will he say what the Conservative Government did to revise the estimate that was given in February 1991?

Mr. Clappison: I remind the Minister who is in government now and who bears the responsibility. He criticises us over the fact that not all the 170 places have been provided, but, as he will be able to confirm when he asks those who provide him with information, 160 of those places have been provided, and the balance of 10 will be provided this summer.

The Minister mentions seven years, but if he wants to talk about the rate at which local authority secure accommodation is being provided, how does he judge the record of his Government? They have been in power for one year, but, so far, all that they have planned is the provision of an extra six places. He has said that the 160 or 170 places over seven or eight years is insufficient—he seems to be receiving further conformation of the figures—but that rate of progress was better than the current Government's achievement of six places in one year, with no plans for further provision. As shadow Home Secretary, the Prime Minister put his personal authority behind the issue, and said that further provision had to be achieved "without delay".

Mr. Michael: Will the hon. Gentleman kindly report the figures accurately? The six places are additional to those planned by the previous Administration in their arrangements and in their spending plans.

Mr. Clappison: The previous Government's plans were for the 170 places, which the Minister has denounced as insufficient. This Government are providing an additional six places, and I can tell the Minister exactly where they will be: four in Oxfordshire, and two in Merseyside. So much for the local provision for which the Prime Minister called—unless one lives in Oxfordshire or Merseyside, those places are not much use. The Government are providing only six places. We do not think that that is good enough, and we register our discontent.

Our alarm is further increased by the fact that the Bill provides for the continuation of the remand of 15 and 16-year-olds in adult prisons, subject to a screening process that we do not think adequate. I shall listen with interest to the Minister's response to the sensible amendments tabled by my right hon. Friend the Member for Fareham (Sir P. Lloyd), which would provide for an assessment of whether 15 and 16-year-olds are likely to be bullied—the Bill does not seem to provide for such an assessment—and which would allow them to be transferred, when they had been sent to prison, to local authority secure accommodation when a place became available.

The Minister will need to say a little about those matters, and he must try to get himself out of the hole that he has dug himself into through his interventions. I do not blame him personally, because I know his real views on the subject, but, as in so many aspects of the

Government's programmes, even when Ministers have had good intentions they have been torpedoed by other forces within the Government and they are not getting the necessary resources to carry out those intentions. This is a case in point. What is so very worrying is that it is something which the Government set so much store by in opposition. If we cannot trust them on something like this, which the Prime Minister put his personal authority behind, what can we trust them on?

A salutary lesson is there to be learned. The Bill amounts to a retreat from the position taken by the previous Government, who tried to end the practice through their legislation. This Government owe it to 15 and 16-year-olds and to the criminal justice system in general to end it and to make good the commitments that they set out in opposition.

Mr. Richard Allan (Sheffield, Hallam): I support amendments Nos. 67 to 71, to which I and some of my hon. Friends have added our names. In Committee, a joint liberal alliance formed on the Opposition Benches to seek an enlightened and sensible penal policy. The amendments reflect a common view about how the policy should work.

This is the age-old battle between a sensible policy and the resources required to deliver it. We strongly believe that all sensible people would agree that 15 and 16-year-olds should not be held in adult prisons—by all sensible people I mean the Liberal Democrats, the Conservatives on this occasion, the Labour party in opposition, the Howard League for Penal Reform and the chief inspector of prisons, whose thematic report on young prisoners clearly recommended that prisoners under the age of 18 should be held within a separate estate. Our view is along those lines—that the appropriate separate estate for 15 and 16-year-olds held on remand is a place in local authority secure accommodation.

The Government, and the Minister of State in particular, would probably agree with the general principles that I have outlined, and many Labour Members would also agree that it is unacceptable in 1998 to hold 15 and 16-year-olds in adult prisons. However, we are left with the problem of finding the resources for a suitable local authority estate, which will have sufficient capacity to cope. We are concerned that the likelihood of doing so will recede yet further, because of the general growth in prison numbers and the requirement to find capital funding for new prisons in general as a result of the huge explosion in the prison population, which has far exceeded any predictions made by the previous or present Governments.

If we pass the Bill unamended, we will not give the Government any incentive or legislative kick up the backside to find the resources to put into the local authority secure estate for that vulnerable and important group of people held on remand. The money will continue to be diverted into the gaping chasm that is the demand for new prison places.

All Committee members learned that the hon. Member for Hertsmere (Mr. Clappison) is the world expert on local authority secure accommodation. I will certainly not tangle with him or enter into the debate about whether it is 170 or 171 places, or whether it is six new places, eight new or however many. The hon. Gentleman's research has been extensive, and I am sure that the Minister's officials will have looked at it with as much vim and vigour. Whether we are talking about six or eight, here or there, the net effect is that there are simply not enough places. That is apparent to everyone. By passing the amendments, we would give the Government the incentive that they need to ensure that they provide the places.

The general thrust of the Bill is to tackle youth crime and ensure that young offenders in particular are dealt with appropriately. That thrust will be diverted if we do not take this important step towards getting them out of adult prisons and into their own secure estate, where their needs and requirements can be dealt with.

The adult estate clearly does not have the training, time or resources to deal properly with young offenders who, if their criminal activities are not resolved at that age, are likely to commit significant offences. They are part of the Government's target group.

In case the Minister does not see the light and accept the amendments, we have some questions about the proposals for dealing with vulnerable offenders, which are the Government's way of saying that they can cope with the problem. Our view is that all 15 and 16-year-olds are potentially vulnerable, but the Government say that they can isolate a specific group of the vulnerable. We want to know how screening will work. Bullying has been mentioned already, but we should all be concerned at the number of remand prisoners who—sometimes fatally—commit acts of self-harm. Many of those individuals have passed through screening systems, and I should not like the House to have to receive reports of teenage suicides or self-harm among people who have slipped through a process designed to seek them out.

Are the Government serious about the recommendations of the chief inspector of prisons? Is there a long-term policy commitment, when the Iron Chancellor allows it, to spend the money required to build a youth estate? Or will the Government maintain the status quo, even if resources are available? Is it a question of resources, or of a change of policy?

Will the Minister estimate how many years it will take to achieve the removal of 15 and 16-year-olds from prisons? We hope that the Home Office has made some estimate of the number of 15 and 16-year-olds who will be affected by the proposals, and has some idea of how long it will take to deal with the problem. How will the policy of building a larger secure estate in the local authority sector deliver the goods? At what point can we expect to see the numbers come down significantly?

We await the Minister's response. It is important to set down a marker from the Opposition Benches to show that we are extremely unhappy that 15 and 16-year-olds go into the adult prison estate in 1998. All the evidence from everyone who has considered the problem seriously shows what a significant problem that is. We all want to tackle youth crime and to help individual young people to break out of the pattern of offending into which they have unfortunately slipped.

Sir Peter Lloyd (Fareham): I shall confine myself largely to my amendments, Nos. 98, 99 and 100. My hon. Friend the Member for Hertsmere (Mr. Clappison) put a powerful case for an end to remanding juveniles to prisons. The Minister should seize the opportunity, if only to set a date. There are 170 or so new places, which is

[Sir Peter Lloyd]

quite enough for him to be able to set a date, particularly given the arguments that I remember him advancing before the election.

A date must be set if the problem is to be resolved. One reason why so many young offenders are remanded in prison custody is that local agencies do not work together sufficiently effectively to find an alternative while a juvenile is actually in court. To set a date would not only concentrate the mind of the Government, but tell the local agencies what they should be doing—in some areas, they are already doing it, and there is no problem—so that the poor performers can be brought up to the level of the best.

By seizing this opportunity, the Minister would do the criminal justice system a power of good. He would do what I know that he knows to be right. It is what he wants to do. He would eliminate a potent source of harm to young offenders remanded in prison, and, although it is seldom said, he would relieve hard-pressed prisons of a difficult and time-consuming responsibility that they could well do without.

I was not totally optimistic before the debate that the Minister would find himself free to do the right thing, as I know he would wish to do. Indeed, I was pretty certain some months ago, after the Minister courteously received me with a delegation from the Juvenile Remand Review Group and he said that he did not think that he would be able to put such a measure in the Bill. I tabled my three amendments in case my pessimism, and his earlier remarks, were justified.

Even with the restraints upon the Minister, I believe that he could find amendment No. 100 useful, although I can see that it would have to be redrafted in another place. I hope that he will accept it with that in mind, and that I have better luck with this suggestion than I had with new clause 8 yesterday evening. I understand why he is apprehensive that there will not be sufficient places in local authority secure accommodation to meet the needs of the courts and local authorities, given the new activities with which the Government are pressing forward. Amendment No. 100 accepts that, and the position from which I believe he starts.

4.15 pm

Amendment No. 100 simply requires that, when a young offender is remanded in prison, the local authority should continue to look for suitable secure accommodation, and that the prison should automatically transfer the young person to it if and when it is found. If, as the Minister fears, there is not room in the local authority system, the young prisoner will stay put. If there is, he will be transferred without delay, cutting through the very inertia in the youth justice system that I know rightly causes the Minister much concern.

Mr. Hilton Dawson (Lancaster and Wyre): Would not the right hon. Gentleman's amendment attend to the regrettably common situation whereby young people appear at short notice before the courts and have to be remanded because, given the paucity of resources, there is often no time to find appropriate secure accommodation?

Sir Peter Lloyd: The hon. Gentleman is right to say that amendment No. 100 would meet that situation. A court on, say, a Saturday morning, has no alternatives in front of it, and therefore remands to prison if a remand in secure accommodation is necessary. I spoke earlier about better co-operation between agencies locally. It is a fault of the system that courts can meet at short notice with a young offender perhaps arrested the previous Friday night but not be aware of opportunities to place the offender if it needs to remand in secure accommodation. Amendment No. 100 gives the court the knowledge that, if it remands to prison, the system will not then subside, but will be obliged to continue to search for a place.

My amendment is at fault—I would like it to be changed—in using the word "deemed", which is unsatisfactory. I believe that a court remanding to prison should specify in its remand order a move to suitable local authority accommodation if it becomes available, and require only that it be informed if it were done. That would be clear on the court order. Indeed, it would be the court's wishes that were being carried out.

I hope that the Minister will reflect carefully on the matter, because it is something which he can do within what he regards as his present constraints. It would be a real help, and would overcome the undoubted inertia in the system that frustrates him and all of us who have been involved in the system, as well as the very people who are part of it. Not merely would they prefer a date to which they can work for remands to prison for juveniles to be ended, but they would appreciate the pressure put upon them by the amendment to continue to seek secure accommodation outside prisons for those whom the courts, regrettably, have had to send there.

There are two other brief amendments in my name. Amendment No. 98, to which my hon. Friend the Member for Hertsmere referred, would insert in proposed subsection (5A) the words

"or the likelihood of him being harmed by others."

One important problem—probably the major problem—of remanding a young person to custody in prison or a remand centre is bullying, which can be enormously damaging. Subsection (5A) says that a young person cannot be remanded to a prison or a remand centre

"if the court is of the opinion that, by reason of his physical or emotional immaturity or a propensity of his to harm himself, it would be undesirable".

The Minister may believe that the reference to physical and emotional immaturity covers the prospect or likelihood of being bullied. If it does, I am surprised that the Bill must include the words

"propensity of his to harm himself".

A young person who was physically well grown and emotionally well balanced could be bullied, but he would have to be emotionally fairly immature and have other emotional problems if he had a propensity to harm himself.

When closely read, subsection (5A) does not seem to cover bullying. If the Minister can assure me that it undoubtedly does, and that bullying is a reason for which the court can determine that the young person must be held in local authority secure accommodation, not in a prison or a remand centre, I will rest easy. However, if there is any doubt, he could use the simple remedy of inserting into the Bill the words in amendment No. 98.

There is a third amendment in my name, No. 99, which I am not particularly keen to press on the Minister, although I should like him to explain the meaning of a

rather complicated part of the Bill. The amendment would insert in line 7, page 80, after "apply" the words

"or if paragraph (a)(i) above applies, but paragraph (a)(ii) does not apply."

The Minister has probably already considered the amendment, and I shall not explain it in detail, because that would take a long time and I would probably muddle my meaning in the process. It is designed to make explicit the flexibility in the choices that the courts have.

I am unsure whether that flexibility is already assumed to be there. If it is, I am not sure that the words allow it. If the Minister has deliberately avoided including such flexibility, I will rest easy. I interpret the Bill as stating that if a young offender falls under subsection (5A), he will go to local authority secure accommodation or he will not be held securely at all, because neither a prison nor a remand centre will be open to him.

Will the Minister explain exactly what the Bill means, and whether it is intended to include that flexibility, which my amendment would make clear? However, if he says that he does not want any remanded young person who falls under subsection (5A) to go to either a prison or a remand centre, I will be content, as I am sure will my hon. Friends.

Mr. Edward Leigh (Gainsborough): The remand of 15 to 16-year-olds to adult prisons is a scandal, and a stain on our national character. Both sides of the House should unite in trying to deal with it.

The numbers involved are small. I believe that the latest Home Office figures are that,

"in January, 75 15-year-olds and 173 16-year-old boys"

were held

"in adult prisons, making a total of 248."—[*Official Report, Standing Committee B*, 2 June 1998; c. 670.]

Surely that is not too high a figure for the Government to deal with.

I remind the Government that, in opposition, the Labour party said:

"When juveniles do need to be detained, the secure accommodation system has advantages over any new order proposed by the Government. It offers flexibility since it can be used for a variety of offenders, both sentenced and on remand. It is designed as a local provision, and when adequately resourced will not result in young people being removed to institutions miles from their home."

I should have thought that it would be possible for the Government, if they are prepared to provide adequate resources, to move very quickly indeed to remove all 15 and 16-year-olds from adult prisons.

I remind the Minister that he said of the Bill:

"It breaks the logjam that has been in existence for"

some time. He said:

"some of us drew attention to the scandalous remand of 15 and 16-year-old youngsters into adult prison accommodation. I repeat that that is a long-standing scandal."

Those are not my words, but those of the Minister of State. He continued:

"Another scandal was the remand of young offenders to inappropriate and insecure local authority accommodation, where they disrupted the lives of vulnerable youngsters."—[*Official Report, Standing Committee B*, 2 June 1998; c. 665.]

The Minister has waxed eloquent in his denunciation of the former Conservative Minister of State, Lord Patten, for his apparent inactivity on this matter, but Lord Patten did give the initial undertaking to end the scandalous remand of youngsters to adult prisons.

The Minister must live according to his own words. When in opposition, he made it his personal crusade to end this scandal. He now has the power to end the remand of 15 and 16-year-olds into adult prisons, and he must deliver on that pledge; otherwise, he will be found wanting by the House, and he will have reneged on an absolutely specific pledge that he made in opposition.

As I said, the numbers involved are relatively small, although there is some debate about the figure of 170. Will the Minister say exactly how many places are needed? In Committee, he told me that the figures varied. He said:

"On some occasions about 250 or 260 places were required. On some occasions as many as 300 youngsters were held in prison accommodation."—[*Official Report, Standing Committee B*, 2 June 1998; c. 666.]

Bearing in mind the figures we have about the number of youngsters currently in prison, and the figure of 300 that the Minister gave me in Committee, it is clear that we are talking about relatively low numbers. As we heard, the Conservatives provided 170 places; the Government have provided an additional six.

Given that the Minister made such a virtue of his support for the provision of extra places when in opposition, is he proud of his record of providing just six extra places? If he tells the House that that extra provision is meeting the problem, I shall be satisfied with that, but he cannot possibly maintain that six extra places are adequate when, according to his own figures, at present,

"75 15-year-olds and 173 16-year-old boys are held in adult prisons, making a total of 248."—[*Official Report, Standing Committee B*, 2 June 1998; c. 670.]

We want some pretty clear details now of what the Government intend to do to fulfil the pledge they made in opposition. We want to know the cost of the extra places, where they are planning to provide them, and the length of time for which they will be provided. As the Minister said when in opposition, it is much better that youngsters are held near their homes.

As my hon. Friend the Member for Woking (Mr. Malins) said, unfortunately some 15 and 16-year-olds have to be locked up. In Committee, he quoted some facts and figures, which are worth repeating:

"One in four defendants granted bail by the courts committed crimes while free . . . For juveniles, the proportion was one in three, according to the latest Home Office research."—[*Official Report, Standing Committee B*, 2 June 1998; c. 663.]

Therefore, sadly, the public do need to be protected from these youngsters. No one likes locking them up, but the public must be protected. Equally, it is scandalous that, despite the need to protect the public, these young people—who, although they have committed crimes, are vulnerable—are being put in the same institutions as much older men, and they are presumably thereby being led astray.

Ms Sally Keeble (Northampton, North): Does the hon. Gentleman accept that the solution to the problem of juveniles repeatedly offending while out on bail is not to lock them up but to process the cases through the courts

[Ms Sally Keeble]

more quickly in order to get those young people into whatever plan or punishment it is hoped will solve the real problem? The Bill has the correct aim of speeding up the process rather than simply locking up children.

4.30 pm

Mr. Leigh: I agree entirely. Anyone who has practised in the criminal courts knows that the worst way to deal with youngsters is to delay sentencing and the expeditious tidying up of cases. It is ridiculous that some cases involving young people can drag on again and again, with several remands. Anyone who has practised in the criminal courts will know that lawyers are as guilty as anyone when it comes to remanding cases continually.

Of course I pay tribute—if that is what the hon. Lady seeks—to current and previous Ministers for their efforts in trying to speed up the criminal justice system. We have been trying to do that in this country for the past 50 years. However, every Government who have tried it have made matters worse. We live in hope that, despite the Bill's high-sounding words, this Government will achieve something.

In answer to the hon. Lady's point, the Minister told us that the House of Lords decision in R *v.* Khan is relevant. He talked about nipping matters in the bud, and seemed to imply that it would be possible for the Government to reduce the number of places needed by ensuring that there was a quicker justice system, and that—I do not know how—fewer youngsters will come before the courts.

It all seems rather vague. I wish the Government well, but we have heard it all before. The practicalities are quite clear: in the recent past—presumably it will be the same in the future—we have needed to lock up about 300 15 and 16-year-olds in this country in order to protect the public. When in opposition, Labour gave a clear commitment to ending the scandalous detention of those 300 young people in adult prisons. The Minister must now stand at the Dispatch Box and deliver on that promise.

Mr. Michael: I find this debate slightly amusing. The shadow spokesman, the hon. Member for Hertsmere (Mr. Clappison), said that he did not want to hear any more about nipping offending in the bud. The hon. Member for Gainsborough (Mr. Leigh), released from the vow of silence under which he had laboured while on the Government Back Benches before the last general election, came out with a load of total garbage about the efforts that have been made to reduce delay in the youth justice system. He seems to think that there has been a consistent effort over the past 50 years to reduce delay in that system, but that is untrue.

The hon. Gentleman does not seem to remember that, when the Conservatives were in government, he marched through the Lobby time after time to vote against practical proposals advanced by the then Opposition, particularly against the principle that justice delayed is justice denied. That is true of youth justice more than any other aspect of justice. The hon. Gentleman is condemned by his own voting record, and he has the arrant cheek to come to the House today and attempt to make a mild criticism of present Ministers.

I assure the shadow spokesman that he will hear a lot about nipping offending in the bud and about speeding up youth justice and preventing some of the evils that the youth justice system has encouraged in recent years. The hon. Gentleman referred to amendments Nos. 65 and 66, but I answered the point about the need for the age of 10 to be the minimum cut-off in law. I made it clear that we do not intend to implement the use of the detention and training order for 11 and 12-year-olds unless young people exhibit behaviour that is damaging to the security and safety of the community. The House will have an opportunity to decide that matter through the affirmative resolution procedure.

The hon. Gentlemen who have spoken reminded the House of our criticism when in opposition of the way in which the previous Government dealt with secure training places and the secure training order. We were right to criticise, because it was not a targeted use of scarce resources. We are having to sort out the shambles that we inherited, and the Bill contains the means to do that.

I have to tell those hon. Gentlemen who feel free to comment now that they are in opposition that there is some time to go before they can expect not to be reminded of the failings of the previous Government. Just before the general election, after 18 years in office, the Conservative Government excused all sorts of faults and misdemeanours by saying that the previous Labour Government had done this or not done that. After a mere 14 months in office and constrained by the financial arrangements inherited from the previous Government, we have some justification for laying the blame, fairly and squarely, on the shoulders of the previous Home Secretary and his predecessors.

On some issues, especially those relating to persistent young offenders who do tremendous damage to the community, I am worried about some of the approaches advocated by Opposition Members. If we were not being so polite and gentle today, I might accuse the hon. Member for Hertsmere of turning into an old softie as a result of the time spent in the Standing Committee on the Bill.

Mr. Leigh: Would it make the Minister's life easier if I apologised for the lack of action on the part of the previous Government in dealing with 15 and 16-year-olds? Can we dispose of that matter now? I apologise; we did not do enough. Now that we have resolved that, will the Minister tell us what the Government are going to do?

Mr. Michael: That makes life easier for me, even though it might make it slightly more difficult for the hon. Member for Hertsmere. However, it does not change the situation we inherited. It might have been better if the hon. Gentleman had issued his apology formally, and not started this debate.

In February 1991, the promise—which I remember clearly, because it was given to me as a Standing Committee member by the then Minister—was to do away with the remand into adult prison accommodation of young offenders aged 15 and 16. I have never blamed Lord Patten, who came forward genuinely with what he believed was a necessary reform, but the fact is that the Government as a whole failed to provide the places necessary to turn that undertaking into a reality. For seven years after the making of that promise, which I and other hon. Members welcomed, the reality failed to keep up with the rhetoric.

I hope that the hon. Member for Gainsborough will give us credit for having acted immediately on entering government to reform the whole youth justice system, including the system of court orders and the secure estate. I have to tell the hon. Member for Sheffield, Hallam (Mr. Allan) that we do not need a legislative kick up the backside; we have given the system such a kick with the changes that are contained in the Bill unamended. I am rather surprised at the hon. Gentleman: in Committee, he took care in preparing of his arguments, but now he tells us not to confuse him with facts, and prefers to depend on the research of the hon. Member for Hertsmere.

We are getting on with the job in a variety of ways. We are confronting young offenders with the effects of their behaviour; making them face up to the way in which it damages other people, including their victims; nipping offending in the bud—yes, I shall repeat that for the hon. Member for Hertsmere; diverting youngsters from criminal activity; intervening early; and making sure that mechanisms are in place to deal with young offenders if they continue to offend and to damage the wider community. We have also acted to improve regimes within the prison estate, and to tackle several other issues.

Hon. Members will be aware of the work of the Children's Society; I went to Feltham to see some of that work to move young people who had been remanded in custody out into non-custodial remands. That is an excellent approach, which not only helps individual youngsters, but influences the way in which local authorities and other bodies undertake disposal of young offenders who are awaiting a court hearing.

Also in the Bill is a matter that has not been debated, I presume because hon. Members approve of it—the requirement of bail support schemes, so that we reduce offending while on bail by youngsters who currently have to wait far too long to be dealt with by the courts.

The effect of that should be, first, to reduce the amount of reoffending, and therefore the number of victims created by youngsters whose pattern of offending behaviour continues after they have been brought before the court and remanded. Secondly, it will reduce the likelihood that, because of reoffending, they will have to be remanded into a custodial placement. It is necessary to look at the entire system to understand the way in which the Government are approaching both supply, in terms of the young offenders who require secure placement, and demand, in terms of the courts as well as the availability of places.

The right hon. Member for Fareham (Sir P. Lloyd) is a serious advocate of progress in youth justice matters. He used his best endeavours as a Minister to deal humanely with the system for which he had responsibility. I acknowledge that in opposition he is using his time to examine ways of practically affecting and improving situations. I give credit for that, and it would be a great pleasure for me if I were able to accept the right hon. Gentleman's amendments. However, I cannot do so, and I need to explain why.

Amendment No. 99 relates only to subsection (4)(b) of clause 96. The effect of the amendment would be that a court could decide to remand to a remand centre if only the first limb of subsection (4) is met; that is, that the juvenile meets the definition of "vulnerability" under new subsection (5A). Currently, it seems that the court will be required to consult the local authority or the probation service of the youth offending team before it can remand a 15 or 16-year-old to custody at all. The local authority would be able to advise the court at this stage whether the boy is vulnerable because he is immature or likely to harm himself. That is the screening that is required.

Currently there are no remand centres designated for the purpose of receiving such persons on remand. In practice, therefore, if the court is unable to remand under subsection (4)(a), the remand shall be to prison under subsection (4)(c). The amendment does not affect the ability of the court to remand a 15 or 16-year-old boy to prison. It has no practical effect, and is therefore unnecessary.

Amendment No. 100 introduces a new subsection which imposes a duty on a local authority social services department, in the case of a juvenile remanded to prison, to inform the court if local authority secure accommodation subsequently becomes available. On the receipt of such a notification, the court will order that the person be transferred from prison to local authority secure accommodation.

I understand the point that the right hon. Gentleman is making. He raised a similar point when I met him and others in December last year to discuss these issues. He knows that I believe that the amendment is not a necessary provision.

Sections 128 and 128A of the Magistrates Court Act 1980 allow a court to remand a juvenile in custody in the first instance for a period of up to eight days. That seems a reasonable time scale. The social worker, and later the youth offending team, when such teams are brought in under the Bill's provisions—that is not catered for in the right hon. Gentleman's amendment—will need to identify a suitable local authority secure place. Once that has been done, an immediate application can be made to the court. That which the right hon. Gentleman seeks to do is not prevented by existing legislation when viewed in the context of the Bill.

4.45 pm

Second and subsequent remands can be for a period of up to 28 days, but a Home Office circular issued last year informed practitioners of changes made to the Magistrates Courts Act by the Criminal Procedure and Investigations Act 1996. It reminded them of their obligation to ensure that they take proper account of the welfare of the juvenile. This involves, in particular, the need to keep cases involving juveniles remanded in custody under constant review. That is what the right hon. Gentleman is seeking, and he is right to encourage that approach. I share his view.

The circular also made it clear that the changes did not affect the general right of defendants to make bail applications before the end of the remand period, or the fact that courts were free to set shorter remand periods if, in the circumstances of the case, they judged that desirable. I am happy to reinforce that message. As the right hon. Gentleman knows, I am happy to work with him and others to try to ensure that we get the best possible disposal consistent with the protection of the public.

Mr. Dawson: Does my hon. Friend agree that, while Home Office circulars are important documents, it would surely be more effective to have what I think is generally

[Mr. Dawson]

accepted as a worthy aim enshrined in law? Would my hon. Friend also accept that continuing to remand 15 and 16-year-olds in custody is in contravention of the Utting report, and will give the Government considerable difficulties when faced with making a report on the implementation of the United Nations convention on children's rights? It is generally accepted as wrong. Should we not be trying to make every possible endeavour to ease the situation, to deal with it and to improve it?

Mr. Michael: My hon. Friend makes a number of points, and has asked a series of questions, most of which I have already answered. They are generally answered by the Bill. Ideally, 15 and 16-year-olds should not be remanded in prison accommodation. The fact that they are reflects the lack of other secure accommodation to take them on remand. I campaigned before and after entering Parliament for that system of remanding 15 and 16-year-olds to be ended. However, the Criminal Justice Act 1991, by providing for that to end, did not provide for the means of so doing. It allowed only an all-or-nothing end to the remand of 15 and 16-year-olds.

In the Bill, we allow for the progressive ending of such remands. First, we take out vulnerable 15 and 16-year-old boys. Similarly, we take out girls. We then proceed to 15-year-olds. Progressively, we move to the objective which I wanted to see for eight years, and which my hon. Friend commends to the House. That is the objective, but asking for it is not the same as meeting it. As the previous Government proved, requiring it and putting it in law is not the same as meeting the objective.

I make the same point with the Home Office circular. Working with prison authorities and voluntary organisations, encouraging the work of voluntary organisations to reduce the non-custodial remand of youngsters and encouraging bail support are the way to implement the circular practically. Putting something on the face of the Bill does not necessarily do anything. I think that my hon. Friend would accept that doing it is more important than talking about it.

Mr. Allan: I thank the Minister for giving way. I hesitate to provoke him further in debates that we are trying to keep concise. I was interested to hear him say that he sees the Bill as part of a progression towards getting rid of 15 and 16-year-olds in prison. Can the hon. Gentleman say that the Government are committed to building the 300-odd places to which the hon. Member for Gainsborough (Mr. Leigh) referred?

Mr. Michael: The hon. Gentleman misses my point, which is that it is necessary to examine the requirements and to ascertain why they exist. The right hon. Member for Fareham has made the point about the way in which youngsters can be remanded in non-custodial ways that address the evil of reoffending while on bail. I have referred to the prison work being done by the Children's Society to try to demonstrate ways in which that can work, which is proving quite successful. There are some custodial disposals that we should be able to avoid without increasing the amount of reoffending. There is more than one way of dealing with some of the problems.

The progressive ending of the remand of 15 and 16-year-olds in prison is one of the Government's objectives. That is one reason why, right at the beginning, we stated our intention of reviewing the secure estate. On the advice of the youth justice task force, and looking forward to the establishment of the Youth Justice Board, we are examining the best use of that estate in a more flexible way. That is allowed for in the Bill.

I hope that Opposition Members will recognise that we have before us proposed legislation that should not be seen in isolation, but which fits into a pattern of positive activity both to reduce offending by young people, which is the aim of the youth justice system as a whole, and to ensure that custodial and non-custodial disposals are used for that purpose. I am trying to be brief, because hon. Members want to move quickly on to other debates, but I must give way if the right hon. Member for Fareham wants me to do so.

Sir Peter Lloyd: The Minister is seeking to answer my points, but I do not quite follow his answers. I think that he said that there is a duty on local authorities to continue to seek appropriate local authority accommodation for young offenders in their areas who had been remanded to prison, but I am not certain.

The Minister also said, "The process is almost as I would like. They have to go back to the court when they have found a place." Does the juvenile himself have to go to court, and does the court have to sit? My amendment would avoid such pressure on the courts; indeed, it would free them up, and enable the system to work more speedily. I would be unhappy if the paraphernalia of the court had to be called into action, even though the result would be the same.

Setting a date is hugely important. I wish that the previous Government had set a date for ending juvenile remands to prison in the same way that they set a date for the ending of slopping out. They set that date even though everyone who knew anything about it said, "You can't be certain when it will be ready, there are all sorts of expenditures, you won't know how many prisoners there will be, and you will have to release cells so that they can be converted." It was only because a date was set that it happened.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The right hon. Gentleman is going on far too long for an intervention.

Mr. Michael: I may have to speak for another hour and a half to respond to the right hon. Gentleman's questions. I shall content myself with promising to write to him, but we take no lessons from members of the previous Government on those issues. He wants dates to be set, but we consulted on legislation last autumn, within a couple of months of coming into government; set in train the establishment of the Youth Justice Board, which will oversee the secure estate and the way in which orders are used; and are bringing coherence to the way in which young offenders are dealt with in every part of the youth justice system. We are setting ourselves clear targets, and meeting them.

The right hon. Member for Fareham should reflect on the experience of the previous Government and his period in office before suggesting that we simply set dates by pulling them out of thin air. We are establishing a board which will have responsibility for oversight of the coherence of the secure estate, the way in which youth offending teams operate, and making sure that we achieve the aim of the youth justice system set out in the Bill—reducing offending.

I have tried to be brief, but that has been difficult because I have been provoked by Conservative Members, who occasionally made partisan points and moved on without receiving a response. I hope that I have responded adequately to the debate, and that the Government amendments will be supported, because they will improve the Bill. I also hope that the Opposition amendments will be resisted, because, although some are well intentioned, they would not improve the law.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New clause 12

FOOTBALL SPECTATORS: FAILURE TO COMPLY WITH REPORTING DUTY

'.—(1) In section 16(5) of the Football Spectators Act 1989 (penalties for failure to comply with reporting duty imposed by restriction order)—

(a) for the words "one month" there shall be substituted the words "six months"; and

(b) for the words "level 3" there shall be substituted the words "level 5".

(2) In section 24(2) (arrestable offences) of the 1984 Act, after paragraph (p) there shall be inserted—

"(q) an offence under section 16(4) of the Football Spectators Act 1989 (failure to comply with reporting duty imposed by restriction order).".'.—*[Mr. Michael.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 2

DRUG TREATMENT SENTENCE

'(1) This section applies where a person aged 15 or over is convicted of an offence which carries a custodial sentence.

(2) Subject to the provisions of this section, the court by or before which the offender is convicted may sentence the offender to a period of custody in a prison or other institution ("a drug treatment sentence").

(3) A court shall not pass a drug treatment sentence unless it is satisfied that—

(a) the offender is dependent on or has a propensity to misuse drugs, and

(b) that his dependence or propensity is such as requires and may be susceptible to treatment.

(4) A drug treatment sentence shall include a requirement ("the treatment requirement") that the offender shall submit, during the whole of the drug treatment sentence, to treatment by or under the direction of a specified person having the necessary qualifications or experience ("the treatment provider") with a view to the reduction or elimination of the offender's dependency on or propensity to misuse drugs.

(5) A drug treatment sentence shall only be passed where the offender signifies his consent to such a sentence.

(6) If the offender fails to signify consent or during the period of the drug treatment sentence expressly or impliedly withdraws his consent, then

(a) if the drug treatment sentence has been passed the Court shall revoke it;

(b) the court shall sentence the offender to a term of imprisonment or detention of not less than three times the length of the drug treatment sentence intended or passed.'.—*[Mr. Malins.]*

Brought up, and read the First time.

Mr. Humfrey Malins (Woking): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following Government amendments: Nos. 47 to 50, 21, 22, 51, 106 and 53 to 57.

Mr. Malins: I begin, as always, by declaring an interest as a recorder of the Crown court and an acting metropolitan stipendiary magistrate.

I shall focus on a problem that was not known to our grandparents or to our parents, but is known to us and will certainly be known even more to our children. Thousands of people die needlessly and in pain every year because of it, and thousands more suffer. The problems of mad cow disease and acquired immune deficiency syndrome may have a higher public profile, but, in the long term, they are insignificant compared with the problem that hon. Members face in the debate. It is the most critical problem in our criminal justice system—addiction to, deaths resulting from and crime connected with hard drugs.

Hon. Members should come with me to one of the courts in which I sit, and I would show them a typical defendant. There he would stand in the dock, charged with burglary. He would probably be about 25, and would have a difficult, troubled background. When he was about 14, he would have begun to experiment with so-called social drugs. He would then have moved on a little and begun to mix with the wrong sort of people. By 16, he would have begun to use heroin, and would also have begun the steep descent to disaster.

By 18, he would be addicted and his problems would have started, because he would need money to feed his habit. He would have turned to crime, and would have had to have burgled between £500 and £700 worth of goods a week, not because he wanted them, but because he needed to sell them to raise the money to feed his heroin habit.

There he would stand in the dock—a person perhaps from a family unconnected with crime, but taken into crime by drugs. In some ways, he is a wicked and evil figure, but, in others, he is pathetic. In many ways, his plight, despite the misery that he has caused, is not his own fault. If they came to court with me, hon. Members could listen to the probation officer standing next to him, who would vainly say to the court, "How can you help?" They could listen to his barrister, who would say, "My Lord, don't send him to prison, because if there are drugs outside there are more inside." It is a vicious circle.

Let me put flesh on the bones of my remarks. Fact: more than 50 per cent. of property crime is linked to hard drugs. At least 25 per cent. of prisoners had taken hard drugs in the month before going to prison, and 20 per cent. of those arrested in London are on hard drugs. This is a cruel and wicked problem, and we must grapple with it and decide on it. Our young man may go to prison. He would cost us £25,000 a year at least, and he would cost the country a lot more in misery. This country should be ashamed that it is top of the league in Europe for young people dabbling in drugs.

I have set the background, and hon. Members on both sides of the House would do well to recognise that the problem of hard drugs and crime, and the link between the two, is the greatest single issue facing the criminal justice system. If it is not resolved, absolute disaster lies ahead.

5 pm

Clause 61 provides for drug treatment and testing orders. I read it with interest. The Labour party has honourable men and women whose intentions are good. Throughout the House of Commons, there is a feeling of unity about the need to tackle the drugs problem, although it may be a question of differing degrees of how to go about it. The clause on drug treatment and testing orders effectively requires a defendant whom the court believes is addicted to drugs to submit to treatment and testing. The key point is that that person would have to attend either as an out-patient at some form of institution—probably a probation hostel or hospital—or would be asked to be resident within such an institution for the purposes of treatment. That requirement does not go far enough.

Ms Keeble: Does the hon. Gentleman accept that he is expressing the view of a lawyer? Some Labour Members will take no lectures from the Opposition because we represent areas that have been torn apart by hard drugs. We need no lectures from lawyers about the consequences for the whole community.

Mr. Malins: I apologise to the hon. Lady for being a lawyer, but I do not seek to lecture her; nor do I think that my judicial experience makes me unqualified to comment. In the same way, I do not deny her ability to comment. She should not misunderstand me, because we are on the same side.

Ms Keeble: We are not.

Mr. Malins: In that case, the hon. Lady differs from her own Front Bench, who have had many constructive discussions with me about the approach to the drugs problem.

I was saying that clause 61 does not go far enough because it imagines a defendant being resident in the community and attending an institution for treatment. One should go to court and look at defendants. A defendant who burgles and robs late at night to feed his serious addiction cannot be allowed liberty. If such a person is put out into society under a condition to attend for treatment, he poses too much of a danger and is unlikely, in the real world, to turn up for treatment. That is a critical failure of the clause.

Thus, my charge against the Government is not that they do not care—they do. It is not that they lack good intentions—they do not. It is that their proposal is not tough enough.

My new clause differs from that of the Government in that it recognises the gravity of the problem and says that

"where a person aged 15 or over is convicted of an offence which carries a custodial sentence"

and if the court is of the opinion that the person

"is dependent on or has a propensity to misuse drugs, . . . and may be susceptible to treatment"

that court may sentence the defendant

"to a period of custody in a prison or other institution".

There is a degree of compulsion and containment, that in that prison or institution the person should accept the treatment offered. If he or she fails to accept the treatment—fails initially to accept the order—draconian penalties will follow: an ordinary sentence of imprisonment of at least three times the length of the drug treatment sentence that would have been passed. It is a way of saying to a defendant, "You will go into custody where you will be treated and if you do not co-operate, the consequences will be severe." I believe that the country would want that.

Let us all work towards a future in which prisons are drug free. I said at the beginning that the barrister in court begs the judge not to send the defendant to prison because drugs are so freely available there. Successive Governments have failed to get a real grip of that problem. Drugs in prison must be stamped out.

Mr. Tony McWalter (Hemel Hempstead): I am a little confused by the hon. Gentleman's argument. I agree with much of what he says, but clause 62(2)(a) requires that drug treatment and testing be carried out

"in such institution or place as may be specified in the order".

Subsection (2)(b) provides that a defendant may be non-resident, which allows for the prospect of electronic tagging or other mechanisms. I therefore do not quite understand the hon. Gentleman's complaint.

Mr. Malins: Let me explain the difference between us. I believe that the toughest approach is needed in terms of drug treatment and testing procedures, and that during those procedures, the defendant should be in custody at a prison or other institution of a prison nature, rather than resident in an appropriate hospital that is not secure, a probation hostel or a similar institution.

My new clause seeks to introduce a little compulsion into the relevant treatment.

Sir Robert Smith (West Aberdeenshire and Kincardine): Has the hon. Gentleman had any discussions with those who work in drug treatment about how effectively they could treat someone who might have made a choice based on the threat of a sentence that is three times the length of the drug treatment, rather than on a genuine commitment to take on the treatment?

Mr. Malins: Yes, I have had discussions with those who run such services. The hon. Gentleman makes a good point. In certain sections of the public sector that are involved in that work, my new clause has not received universal approval. Some recognise the difficulties of what I suggest, and others support it.

As regards those who support my argument, it was not long ago that the Home Affairs Select Committee had before us a number of experts to discuss the problem of drugs and how addicts should be treated. On a date in March, we had before us a representative of the metropolitan stipendiary bench, a leading clerk to the justices and a leading lay justice. I asked the metropolitan stipendiary magistrate:

"Do you think that we are moving to a stage where . . . some form of compulsory detoxification for drug abuse is necessary?"

He replied:

"Yes, I think we are. The word that I should use is 'coercion' rather than 'compulsion', but it is a fine line. There are reasons for saying that some form of coercion is necessary. The old theory that you cannot succeed in removing the drug problem unless the individual is willing to co-operate is a valid one but it only goes part of the way. I believe that an element of coercion that is applied to those who either dither or are willing to consider coming off

drugs can be applied by the courts. Quite how it can be done I am not clear, particularly in view of the cut-back in drug dependency units and funding."

On the point which the hon. Member for Hemel Hempstead (Mr. McWalter) and others made about treatment in the community as opposed to in custody, a little later during the same Home Affairs Select Committee meeting, one of the most senior lay justices in this country said:

"At the moment, one of the problems about the places that are being used for drug-addicted parents who come before the family court is the number of treatments that are begun and then dropped. They hardly get over the first hurdle before they drop out. The amount of money wasted is immense. Very often a place has been found and an interim order is made to see whether it works. The person stays two weeks and then walks out or is asked to leave because it is obvious that he or she is still using illicit drugs. I have no idea to what degree the facilities and the money that is spent on them is wasted, but I imagine that it is substantial."

That is one of my worries about the Bill.

I am also concerned about treatment of hardened criminals in the community. The lady lay justice said that she sits in a court about 15 miles from the centre of London. She said:

"We have one of the drugs treatment centres in our area . . . People go there daily for an administered dose of methadone. Some research shows that those people are helped to some extent. The downside is that they attract into the town an enormous number of drug-pushers and a very large amount of drug-related crime. There are those who take the methadone but want to go out and buy illicit drugs, or steal to buy them. It is a big problem. These drug-testing sentences will not be the answer to a maiden's prayer."

It is most unlike me—the Minister once kindly accused me of being a liberal thinker—to suggest such a harsh regime, but the House should consider a measure that would place people in custody where they would be treated almost against their will, and if they did not co-operate their position would be made worse. As the Minister knows only too well, in the United States some people, who are virtually in confinement, are administered drugs to help them get off heroin. An experiment has been carried out with the drug naltrexone. Huge numbers of people have been given that drug compulsorily and have been liberated from their heroin addiction. To liberate people from heroin is one of our great tasks in the months ahead.

We owe society a great deal. We owe that young man a great deal: we owe him the chance to get off drugs. I know the young man who says, "I want to be cured. I am going to try to go to the centre for treatment. I'll do my best, but it's not easy." I have seen him dozens of time in court. He will probably fail. Young men like him fail because there is no big stick to ensure that they go for treatment. It is sometimes necessary to help people who cannot help themselves.

I tabled the new clause for two reasons. First, we need to have a debate that focuses on this most serious problem in our criminal justice system. It is a good thing to have such a debate. Secondly, I believe that in the months and years ahead we must have a continuing cross-party discussion—there is no residue of wisdom in my party, any more than there is in any other party—to try to win the war against drugs. If we treat the problem as anything less than a war we are letting down not only our people now, but those who are yet to come.

Mr. Michael: The Government amendments in this group enhance the provisions of the new drug treatment and testing order by dealing with some practical issues. I should be happy to go into more detail, but I shall again show restraint and simply commend them to the House. I shall respond to hon. Members who want to raise any queries about the amendments, but I think that they will be agreed to without dissent.

The hon. Member for Woking (Mr. Malins) is almost always entertaining and thought-provoking, but today he was slightly confused. He began by saying that the House was united on this issue, and then he attacked and indicted the Government. He said that we were not being tough enough. He is right to say that I expressed some surprise: I heard him in Committee seeking to limit the Government's ability to protect the public and to tackle the problems of anti-social behaviour that damage our communities. The hon. Gentleman is unable to make up his mind whether he is an old softie or wants to be tough on people who cause so much crime.

5.15 pm

The hon. Gentleman should reflect on the point gently put to him by my hon. Friend the Member for Northampton, North (Ms Keeble). He invited us to go to his court. We should invite him to come to the town and city neighbourhoods and to the housing estates that have been devastated by drug-related crime. We need no persuasion about the social damage caused, which is why we have given such priority to the problem of drugs and drug-related crime, and why we have proposed the treatment and testing order.

The hon. Gentleman referred to the failure of treatment in many circumstances. It is because of that failure that we have introduced the drug treatment and testing order. By contrast, the hon. Gentleman's proposition is not practical, although I understand the motivation behind it. His new clause would introduce a totally new concept in sentencing. It would add an additional requirement to a term of imprisonment, and if that requirement were not complied with, it would lengthen the term of imprisonment.

I understand the hon. Gentleman's intentions. He attempts to replicate in the prison setting our plans for a drug treatment and testing order in the community. Unfortunately, that will not work. The drug treatment and testing order will rely for much of its effectiveness on the likelihood that the offender will be sent to prison if he fails to comply with the drug treatment requirement. We seek the offender's agreement, but the testing is compulsory and he knows that the courts will take a dim view if he fails to comply with the requirement.

If the offender is already in prison that incentive does not apply. The new clause attempts to solve the problem by threatening to make the length of the sentence at least three times as long if he does not comply with the treatment requirement. Unfortunately, that approach will lead to staggering injustice. Suppose someone is sentenced to seven years for a drug trafficking offence and he does not give or withdraws consent to treatment. Under the new clause, the court must resentence him to 21 years in prison. That means an extra 14 years imprisonment for failing to take a course of treatment. Does anyone seriously consider that that would be a proportionate response?

I firmly believe that the way forward lies with drug treatment and testing orders. The Prison Service has produced an imaginative and new strategy to respond to

[Mr. Michael]

the needs of those drug misusing offenders whose crimes are so serious that a custodial sentence must be passed. Treatment is available in the prison setting. Offenders have many incentives to benefit from it, including the chance of becoming drug free and the prospect of family life and employment after release.

Much still needs to be done to tackle the problem of drugs in prisons. The Prisons Minister is pursuing this matter with vigour. Prison staff take drug misuse in the prison setting very seriously. Almost 13,000 prisoners were referred by staff to be drug tested last year because they were suspected of misusing drugs.

The problem with the new clause is that it is unjust, unworkable and unnecessary. I know that it is not the hon. Gentleman's intention, but it would be wrong of me to ask the House to accept it. I ask hon. Members to support our proposals as a real and practical way to make progress. This is only one of the many practical measures that the Government want to take to tackle the scourge of drug misuse and drug-related crime.

Mr. Malins: I have listened carefully to the Minister's reply, and do not intend to press my new clause to a Division. I know that the Minister will have taken on board everything that has been said in this debate. I am also sure that he and I will have many dialogues on the matter in future.

On that basis, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 1

ANTI-SOCIAL BEHAVIOUR ORDERS

Mr. A. J. Beith (Berwick-upon-Tweed): I beg to move amendment No. 74, in page 1, line 12, leave out '10' and insert '16'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following:

Government amendment No. 13.

Amendment No. 147, in clause 19, page 15, line 43, at end insert—

'Such an order shall specifically state the geographical extent and duration of, and the occupations or activities covered by, the order.'.

Mr. Beith: Our amendment would increase from 10 to 16 the age at which someone could be subject to an anti-social behaviour order. The amendment follows lengthy debates in Committee on the merits and potential pitfalls of such orders. We do not oppose the orders in principle, as they could prove to be a useful tool in preventing some types of behaviour, but we have a number of widely shared concerns about them.

One concern about the orders is that the Bill's definition of "anti-social behaviour" is very broad and vague and could potentially draw in those who are merely eccentric or extraordinary, or draw in people for trivial or unintentional acts. Although Ministers have said that catching such people is not the intention of the provision, it is difficult to be sure that that intention will be realised when it has been so broadly stated in the Bill.

In making the orders, the standard of evidence applied will be the much weaker civil one, yet an order may lead to the imposition of criminal sanctions—thereby reinforcing our first concern. Moreover, the sanctions themselves are high—up to five years' imprisonment.

The real paradox that emerged in Committee—leading us to table the amendment on Report—is that, in Scotland, the Government accept that it is not appropriate for children under 16 to be subject to anti-social behaviour orders. Indeed, the Government went so far as to resist amendments tabled in Committee by Conservative spokesmen that would have made anti-social behaviour orders in Scotland apply to young children. I should say that, observing the matter from Berwick-upon-Tweed—looking up one end of the road and down the other—I found that paradox and emerging difference quite extraordinary.

The argument against extending the scope of the orders in Scotland was that Scotland already has in place for young people the children's panel system, which provided a more appropriate mechanism. Fine; we agree with that. We like the children's panel system and think that the Government, in their review of youth justice, should be building on the example of that system and incorporating some of its good features into the youth justice system in England and Wales.

We should be drawing on the best practice of the Scottish system, which has now had many years of proven experience and quite notable success in dealing with matters in a better way than our system—a system which has essentially grown out of the adult justice system, rather than being thought out from scratch as the Scottish system has been. The Scottish system was a radical one when it was introduced and has had time to prove itself. The Minister for Home Affairs and Devolution, Scottish Office is in the Chamber, and I am sure that he agrees with me about the merits of that system.

Meanwhile, in the parts of the Bill applying to England, is there a real problem if the Government do not provide for children potentially to be subject to anti-social behaviour orders? Suppose that Ministers accepted my argument and said, "When we have reformed youth justice, we will not need those orders for children at all." Will there be a problem if we do not have such orders until we have reached that stage? I submit that there will not be a problem. Young children can be dealt with in other, usually much more appropriate, ways, some of which—child safety orders and the work of young offender teams—are in the Bill. Various mechanisms are available to deal with young children.

Ministers themselves must realise that, in most cases that one could imagine, it is inappropriate for the mechanism of anti-social behaviour orders to be used for 10, 11 or 12-year-old children. I should like some assurance from the Minister that it is not intended that the orders should be used extensively for young children. If he thinks that they will be so used, will he give the House some examples of the circumstances in which he expects them to be used where alternative measures are not available?

Will the Minister reflect on and compare the Scottish arrangements with anti-social behaviour orders? Although I see merit in the argument that, in many cases, the children's panel system provides a better mechanism for dealing with youngsters than taking youngsters before the

court, I still think that the mechanisms by which we initially deal with young offenders in Scotland and in England will not be that different. Similar powers will be used in both Scotland and England immediately to address concern about an offender's behaviour, although the body—the diet, in Scottish terms—to which that offender will be taken will be different in Scotland and in England.

If what the Minister says tonight is consistent with his comments in Committee, he will say that the Government do not intend that the orders should be used widely for young children. I should like that to be made clear. I think that, from now, on grounds of principle, it would really be much better if we followed a consistent practice in the matter between Scotland and England, as the Government's argument on Scotland—with the one exception of the children's panel procedure—holds good for England, too.

Mr. Michael: I should like first to commend amendment No. 13 to the House. It is a small technical amendment, which we have tabled to meet concerns expressed in Committee that it was unnecessarily restrictive to provide that anti-social behaviour orders should contain prohibitions applying only to the local government area in which the application was brought. The amendment would allow agreement to be reached in cases in which an activity perhaps occurs across local government boundaries. I believe that both Conservative and Liberal Democrat spokesmen will welcome the fact that, on reflection, the Government have agreed that it should be possible to deal with such situations, and will accept that amendment No. 13 represents a positive response to aspects of the debate.

Hon. Members who participated in the Committee stage will recall that the minimum age of 10 was subject to a lengthy debate, and that Committee members made a strong case for the proposal now contained in amendment No. 74. I still think that they are wrong. Let us consider the situation of the "family from hell", in which the adults are involved in anti-social behaviour that threatens and intimidates the neighbourhood, and in which the younger children are very often used by their parents and older relatives as the "deliverers" of some of the harassment, damage or even injury to those in the neighbourhood. Neighbours' children can be followed or threatened by the younger children in such families.

As hon. Members will be aware, police officers often have experiences in which youngsters under 10 say, "You can't touch me, Mister." Such youngsters know that they are below the age of criminal responsibility. We have addressed the issue of such behaviour by those below the age of criminal responsibility in clause 11, which provides for child safety orders, so that—in the interests not only of the wider community but of the child—the behaviour can be dealt with and nipped in the bud.

If we are to tackle anti-social behaviour by a family or group of individuals, it is necessary to have an order against each member of that family or group. People over the age of 10 should therefore be eligible for the anti-social behaviour order. To raise to 16 the minimum age at which an anti-social behaviour order may be imposed would leave a gap between those who can be dealt with under the provisions of clause 11, as they are under the age of 10, and those over the age of 16.

I should be quite happy to respond to the request by the right hon. Member for Berwick-upon-Tweed (Mr. Beith) for clarification on use of the orders. It is not the Government's intention that anti-social behaviour orders should generally be used for younger children. However, there would be an anomaly if a family's younger members, who are perhaps being used by older family members, could not be placed under equivalent requirements so that there is equity and so that the same provisions apply to all family members.

I should like also to allay fears about juveniles being dealt with in adult courts. Part III of the Children and Young Persons Act 1933 will apply to the orders and contains important safeguards. The position concerning juveniles will be clearly stated in guidance that will be issued later this year. We made a first draft of that guidance available in Committee. Currently, we are revising the guidance in the light of discussions in Committee and of comments from other organisations. If the right hon. Member for Berwick–upon–Tweed requires any further clarification on the points that he made in moving his amendment, I shall ensure that it is provided.

Mr. Beith: The Minister describes a scenario in which he sees it as advantageous for the law enforcement authorities to put everyone—adults and children from the same family from hell—on the same sheet of paper. Of course, the family members then have to appear in separate courts—the magistrates court and the youth court. In Scotland, where it is not thought necessary to put all the names on the same sheet of paper, the children will be dealt with by the children's panel, and the adults will be dealt with differently. There is already a distinction in the procedures followed. I think the Minister may be chasing some illusory law enforcement tidiness if he thinks that having all the names on the same sheet of paper is somehow advantageous.

5.30 pm

Mr. Michael: Clearly, there are obvious differences in jurisdiction as between Scotland on one side of the border and England and Wales on the other. I am trying to address realities. Many of us have had experience of the police and local authorities being powerless to deal with a serious situation and to prevent further anti-social behaviour. As I explained in Committee, there was an attempt in Coventry to use the present system of injunctions to achieve that end.

A particular family was placed under an injunction not to continue the behaviour that was causing harassment and fear in the local community. As a result of that injunction, such behaviour lessened, not only on the part of the family placed under the injunction but on the part of other families on the estate and, indeed, in other parts of Coventry where it was seen that the police and local authorities were determined to take action and that such behaviour would not be tolerated. The problem was that, as a result of an appeal, it was found that such action went beyond the intentions in law for the proper use of that type of injunction. That is why we have to design a measure to deal specifically with anti-social behaviour.

The whole point of the order system is to prevent further anti-social behaviour by each individual who is named on an individual order. It would be very odd to place some members of a family under the requirements of an order, but to leave others free to be used by the older members. I have specific examples in mind. When I spoke to police and local authorities and, indeed, to my

[Mr. Michael]

Back-Bench colleagues, many examples arose where having an order for all a family's members would be desirable. For example, I visited an estate with my hon. Friend the Member for Northampton, North (Ms Keeble) to talk to the local community and the police. We discussed a case which clearly we cannot debate in the same way in the Chamber.

I am clear that we need to catch all the targets. If the court decides that it does not need to make some of the younger members of a family subject to an anti-social behaviour order, it does not need to do so, but it should have the freedom to address the problem on the basis of the evidence made available to it.

The intention is that the order being made and the severe punishment available for the breach of an order will not simply lead to many people being punished, but will lead to some of the offending behaviour ceasing, and other people being allowed to live more secure and peaceful lives.

Mr. Allan: We understand the Minister's point about a family grouping—there is a rationale behind it—but what will happen to a group of, for example, 13-year-olds who hang around causing minor criminal damage or writing graffiti? We want it made clear that, although their behaviour is reprehensible, they will continue to be dealt with in the normal way, and that it is not the Minister's intention that anti-social behaviour orders will be used against them, which is exactly what some people expect will happen.

Mr. Michael: I think it is unlikely. It might be possible to construct an extreme case in which it might be appropriate, but the hon. Gentleman is right—it would be unlikely that anti-social behaviour orders would be used in such circumstances. However, one or two people—perhaps 18 or 20-year-olds—might be associating with a couple of younger children who, under their influence, were indulging in anti-social behaviour. They clearly do not form a family group; it is simply that I can think of examples where it was family groups that were causing a problem that needed to be dealt with in order to protect the local community.

I hope that in my response to the serious points made by the right hon. Member for Berwick-upon-Tweed and in supplementing the very full and useful debates that we had in Committee, I have teased out for the House the Government's intentions in introducing the anti-social behaviour order and for retaining the lower age of 10 as the cut-off point in England and Wales. The fact that these debates have taken place will assist us in ensuring that the guidance offered to the courts on the use of anti-social behaviour orders is precise.

Ms Roseanna Cunningham (Perth): I shall speak briefly to amendment No.147 to clause 19, a clause which relates specifically to Scotland. It is a probing amendment directed principally at subsection (3).

I do not think that there will be much disagreement with the Government's general proposals. All Members of Parliament—I am no exception—know of people who, to a greater or lesser extent, suffer because of the anti-social behaviour of their neighbours, but I should like the Minister to tell us precisely what he expects an order to contain and, more to the point, what factors he would expect the sheriff to take into account when imposing the conditions.

The Minister will be aware that some people live in blocks comprising four flats or in even higher-density housing. Such accommodation imposes its own difficulties when orders are placed on individuals in respect of their behaviour. Indeed, I am dealing with a case where there are enormous disagreements between neighbours living in a "four in a block". I am having some difficulty envisaging how the conditions of an order can be drawn to deal with that scenario, especially when the conditions would presumably relate to proximity or geographical, physical factors. Will the Minister go into a little more detail about precisely what he would expect the sheriff to consider?

Mrs. Sylvia Heal (Halesowen and Rowley Regis): I greatly welcome the opportunity to contribute, albeit briefly, to this debate, especially as I was not a member of the Standing Committee. I come to this debate with an interest stemming mainly from a number of years spent as a magistrate in what was then known as the juvenile court and is now known as the youth court. I hope also to give some practical examples from my own constituency where, in a voluntary way, some of the orders set out in the Bill are already in operation.

I fully support the Bill's provisions and will comment especially on the clauses concerned with curtailing anti-social behaviour. These measures must be implemented if we are effectively to protect people from harassment and disruption in their daily lives. My post bag over the past year has shed light on the fact that these measures will come as welcome relief to many people, especially older people and those on some estates in Halesowen and Rowley Regis who have been victims of anti-social behaviour by young people, some of whom, I regret to say, are as young as eight or nine.

I believe that it is high time that we, as elected representatives, took responsibility for dealing with the very real problem of youth crime and anti-social behaviour, which causes many law-abiding citizens such huge distress. The Bill is a welcome step in tackling youth crime, providing a clear strategy to prevent offending and, equally important, reoffending, by young people. For the first time, moreover, the Bill includes measures to make sure that it is not only the offenders themselves but their parents—through the new sanctions of parenting and child safety orders—who must face up to offending behaviour and take responsibility for it. Parents who do nothing to prevent their children from behaving in an anti-social manner, or, indeed, who allow them to run riot, will at last be brought to account by these measures. It is morally and ethically right that the onus be placed on parents to accept responsibility for their children's misbehaviour. Parental neglect of this kind is not fair on the children or on the people who become victims of the children who turn to crime.

In one part of my constituency, the police and the special constabulary have already been making valiant strides to place greater responsibility on parents. Last year, "Operation Guardian", which commenced across South Sandwell, targeted public nuisance and anti-social behaviour by youngsters. The police consulted community groups, tenants associations and police

consultative committees before the scheme began. Directed patrols concentrated on areas identified by complaints from the public at times that were relevant to the nuisance occurring—with the intention of resolving the problem, not just dealing with the incident.

Often, the problem related to the activities of young people congregated in groups, but there were also more serious offences by neighbours, including assaults and criminal damage. Sometimes advice to the people concerned was a suitable response to an activity. If that was accepted positively, the problems could be resolved by such action alone. If it was not accepted, letters were written to parents seeking their involvement to exercise parental responsibility. Many of the parents responded positively to being informed about their children's behaviour.

The operation was highly successful, leading to 600 calls between May and September last year and a substantial fall in reported cases of nuisance behaviour. The Bill and the Government amendment will give greater impetus to such operations by formalising and rationalising them in a statutory framework. In the words of Superintendent Baxter, they will provide a "package of opportunities" to deal with such incidents.

I also welcome the power to impose curfews in areas identified by local authorities and the police as particular hot spots for trouble. I fully support the Government's initiative in introducing that bold step in a bold Bill. Local authorities should have the power to introduce local child curfews to address the problem of unsupervised, disruptive children on the streets late at night. Young offenders and their parents will be held accountable for causing disruption and, as it applies to children of 10 and younger, the measure will protect very young children from being drawn into criminal and anti-social behaviour—the so-called sub-criminal activities that can often spiral into serious crime later.

The sanctions that the police, acting in co-operation with local authorities, will have will protect the community from nuisance and harassment caused by youngsters and by anti-social behaviour generally, including that induced by drink or drugs. Replacing repeat and inconsistent cautioning with a final warning strategy is a welcome deterrent. We should be tough and consistent in our punishment of those who regularly cause emotional—and sometimes physical—pain to others.

In my constituency, great strides have already been made to tackle youth crime and social disorder on a multi-agency level. South-west Sandwell community initiative has successfully maintained the partnership approach, and strong links have been forged with the voluntary and statutory organisations in the constituency. A number of community safety initiatives have been supported through the project and have proved very successful in resolving local problems. The main focus of work with young people has been through a detached youth work scheme. That youth work has been issue-based, providing young people with an opportunity to examine their behaviour and increase their awareness of the choices available to them.

I should like to cite two examples of the success of the project in focusing young people's attention on their anti-social behaviour. In Cradley Heath and Old Hill, the recorded incidence of criminal damage and arson fell by 37 per cent. after the schemes were put into operation. On an estate on Grange road, reported incidents of nuisance behaviour fell from more than 200 to just four between April and August 1996.

The work of the police has been significantly helped by support from local community residents. Community organisations, the police and local businesses have come together and succeeded in reducing youth crime. Local people have acknowledged a change in the quality of life in the area.

Important though all the orders are, I am pleased that the Government are not introducing the measures in a vacuum. Tackling youth crime effectively requires a twin-track approach. We need effective powers and sanctions against offenders, and responsible and consistent social policies to ensure that being a young offender does not become an integral part of growing up. I support the Government's strategies for combating unemployment, drugs, failing schools and low educational achievement.

Reducing youth crime and disorder is about local authorities, the police, schools, parents and the community working in partnership. Voluntary and non-statutory schemes in my constituency have proved successful. We have to adopt legislative measures to give the relevant authorities the teeth to stamp out a problem that has been caused in part by the policies of the former Government and the social neglect over which they presided in some of our most deprived areas.

5.45 pm

Mr. Leigh: The hon. Member for Halesowen and Rowley Regis (Mrs. Heal) spoke powerfully. I wish that things were as easy as she makes out. The right hon. Member for Berwick-upon-Tweed (Mr. Beith) made a more thoughtful speech, because he revealed a problem. We all know about the family from hell. I have followed the Minister's comments carefully today and in Committee. I understand what he is trying to achieve with families that may be out of control.

We should define our terms carefully. We can do no better than to refer to the oracle himself—the Minister—who described in Committee the aim of the orders:

"Essentially, the orders are to be used for criminal or sub-criminal activity—to tackle serious, persistent, anti-social behaviour that affects a community, causing one of more persons harassment, alarm or distress. They are not intended for run-of-the-mill disputes between neighbours, petty intolerance, minor, one-off disorderly acts or the penalising of the merely eccentric. That is why the breach of an order would be a criminal offence."

Later he said:

"We think it unlikely that an order would be sought against a child unless his behaviour was part of the behaviour of a wider or older group."—[*Official Report, Standing Committee B*, 30 April 1998; c. 48-53.]

We have the definition of an anti-social behaviour order, and we know that such orders will be directed not at individual children, but at the family. The Minister made clear in Committee the danger of introducing children to courts gradually, because they can become case-hardened with repeat appearances. I share that point of view, based on my practical experience. We have to be very careful about taking a child to court. I understand that the provision will be used only rarely, when it is the only way to deal with a family.

However, I am not sure that the Minister has answered the point about the children's panels in Scotland. I do not know the details of the Scottish situation, but I understand

[Mr. Leigh]

from the hon. Member for Perth (Ms Cunningham) that the panels are informal, effective and successful. I do not think that the Minister dealt adequately with the point of the right hon. Member for Berwick-upon-Tweed on that.

Mr. Michael: No, I did not. My hon. Friend the Minister for Home Affairs and Devolution, Scottish Office may be able to give more information about the Scottish system when he responds. The White Paper on youth justice and our proposals on youth offending teams and the final warning show that we are looking at ways of introducing measures that have succeeded elsewhere in a way that fits in with our methods for dealing with juveniles in England and Wales. We want to deal with matters more effectively.

Mr. Leigh: I am grateful for that response. We are trying to resolve the problem of families from hell, but we are trying also to avoid dragging young children—we are talking here about 11-year-olds—through the criminal justice system. Would it be possible for the order to apply to the adult but—in the way in which it was framed and the injunction that it laid on the adult—instruct the adult, in some shape or form, to control his children? If so, the order would be directed against the adult, and the child would not be dragged through the courts, but the problem would be dealt with. I should have thought that that was a reasonable proposition.

Mr. Michael: If it is a question of parenting, the parenting order forms another part of the Bill.

Mr. Leigh: I am grateful for that response. However, it opens up a further debate. If the parenting order is available and if the Government are seeking to learn from the Scottish experience, why should an anti-social behaviour order be applied to a very young child? I may not be understanding this point as well as I should, but I believe that a serious point has been made by the right hon. Member for Berwick–upon–Tweed. We are talking about young children, and I should have thought that there must be other ways of dealing with them than by dragging them through the court. The Minister may shake his head. He may disagree, but I have made my point.

Ms Keeble: I am grateful for the opportunity to speak in support of Government amendment No. 13 and against amendments Nos. 74 and 147. The anti-social behaviour order is one of the most important measures in the Bill. I am sure that it will contribute to restoring to many people and their communities a sense of security which has been missing in recent years.

My hon. Friend the Minister of State came to a conference in my constituency last year on the Blackthorn estate, where there had been rioting by young people and there were concerns about endemic disorder. Those problems were causing serious distress and, literally, wrecking some people's lives. Many of the people involved in the rioting were young. There were reports that some were as young as 11.

That relates to the point made by the right hon. Member for Berwick-upon-Tweed (Mr. Beith); although the anti-social behaviour order would not normally be used against young people who were rioting, the fact that young people were involved in those serious disorders shows that we are not talking about little angels, but about young people capable of causing substantial distress and for whom—in some circumstances—it might be appropriate to use those measures. That is why I think the Liberal Democrats are wrong in their proposals to change the ages to which the orders might apply.

Mr. Beith: The hon. Lady must recognise that the Government are saying, at the same time, that there are no circumstances in which it would be appropriate to use such an order in Scotland for a child aged between 10 and 16. She cannot tell me that there are no families from hell in Scotland.

Ms Keeble: I do not know about families from hell in Scotland. I do know that, in my constituency, there is clear evidence that children as young as 11 are capable of causing seriously disruptive behaviour. Although we do not want to take children through the courts, we must find sanctions to help to prevent behaviour that causes serious distress to other people.

For many of the people at that conference—where my hon. Friend the Minister of State presented the idea of the anti-social behaviour orders—the prospect of being able to deal with the problems that had torn their communities apart for so long was nothing short of a liberation. No longer would they be powerless to counter anti-social neighbours, or to deal with them only by placing themselves at risk of victimisation. No longer would they have to tolerate young people running riot around an estate without being able to set boundaries for their behaviour. No longer would the victims of crime feel a sense of injustice at a criminal justice system that failed to provide proper justice and redress for them.

One of the most startling presentations at the conference came from Blackthorn middle school, which presented an analysis of the difficulties presented by truants and disruptive pupils. The teachers were able to present a typology of behaviour which identified the need for different and more complex sanctions, some of which recognised the need for community support, and some of which recognised that, in some families, the lack of parenting skills was a major issue in terms of children starting down a road that could—if it is not, as my hon. Friend the Minister would say, "nipped in the bud"—lead from stone throwing to bike stealing to car stealing and then to a life of crime.

Middle schools cater for children aged from nine to 13, which is an indication of the seriousness of the behavioural problems we can get with young children. Before hon. Members jump to conclusions, the estate was not a wholly council-owned estate; nor was it an inner-city estate. It was an estate with mixed housing tenure and high employment levels. Although there was a fair measure of deprivation, it was not on the scale that we see in the inner cities. That is a symptom of how deep rooted some of the problems of disorder have become in our community, and that is why it is right that the Government should make the measure available.

In terms of the Government amendment, it makes sense to ensure that the measure can be applied to different local authority areas, since people do not live their lives by local authority boundaries. In Committee, the Opposition raised some points—which they have repeated this

evening—about the anti-social behaviour orders, on the grounds that it was not clear when and how they would be applied. I have found that the community in general has no doubt about the orders and is fairly clear about identifying the types of behaviour to which they might be applied.

During the Committee stage, I put out a leaflet that said something about the orders. Immediately, a stream of people came to an advice surgery with complaints about serious problems of anti-social behaviour on their estates. For example, an estate was living in fear of a family which had been evicted from their council property, but had bought a private property and had moved back in. Because the council action in evicting them applied only to their council tenancy, there was no immediate redress for local people. The anti-social behaviour order would provide an avenue of redress and it is worth noting that, in this instance, children in that family might have been the subject of such an order.

In addition, one member of a family that came to see me had severe facial injuries. The family had been involved in a series of altercations with neighbours which had spilled over into a nearby community. That dispute threatened the family—which had six children—with homelessness. One of the protagonists in the series of assaults was a young person of only 13.

I suspect that the main—perhaps the only—problem with the anti-social behaviour orders will be that they will be extremely popular and only too well understood by the public. There will be real pressures to apply them quite frequently, and I expect to see at the front of the queue many hon. Members who will want such action taken to resolve the problems that they hear about in their advice surgeries, weekend after weekend. I commend the orders to the House, with the Government amendment. I strongly oppose the changes to the age limit proposed by the Liberal Democrats, which would weaken the effectiveness of what will be a popular measure.

The Minister for Home Affairs and Devolution, Scottish Office (Mr. Henry McLeish): I want mainly to deal with amendment No. 147, which was tabled by the hon. Member for Perth (Ms Cunningham), but I shall first refer briefly to the contributions of my hon. Friends the Members for Halesowen and Rowley Regis (Mrs. Heal) and for Northampton, North (Ms Keeble), who acknowledged that the anti-social orders will be popular. More important, the Government want to make them effective. Throughout the United Kingdom, massive problems are caused by individuals and families who are not yet aware of the need to strike a balance between rights and responsibility in any community.

The Government have no doubt that, if properly used to deal with the appropriate tenants and, indeed, owner-occupiers, the orders could have a tremendous impact in improving the quality of life for a great number of people who experience hell because of the actions of individuals who should know better. It is difficult to sum up what motivates some families to behave anti-socially, but the orders will provide a remedy, as part of a wider armoury available to the police and local authorities. My hon. Friends the Members for Halesowen and Rowley Regis and for Northampton, North have made clear their support, which, I have no doubt, will be echoed on both sides of the House.

6 pm

Mr. Beith: The hon. Member for Northampton, North (Ms Keeble) laid great stress on the importance of ensuring that 10 to 16-year-olds should be subject to the anti-social orders, so will the Minister clarify why he believes that it is safe to exclude that age group from the orders in Scotland?

Mr. McLeish: I am treading a thin tightrope tonight between English and Scottish legislation. The crucial point is that England and Scotland are different jurisdictions. For the past 27 years, the children's hearings system has existed in Scotland on the assumption that children aged 16 and under will be subject to a specific series of provisions to ensure effective treatment, care and punishment. I do not want to stray into the debate as it applies to England, but, as my hon. Friend the Minister of State, Home Office said, the measures could, in certain circumstances, be applied to those under 16.

In response to the question asked by the hon. Member for Gainsborough (Mr. Leigh), I repeat that the crucial point is that we are talking about different jurisdictions, although we could argue about whether the orders should apply to the same age groups in both England and Scotland. When we consulted in Scotland, we noted tremendous support from many quarters for applying the orders to children under 16, but we resisted doing so because, in Scotland, there are already measures to deal with that age group—we felt that, after 27 years of progress, it was vital to keep the children's hearings system intact. That is why we are treating Scotland differently—I am sure that the hon. Gentleman will forgive me for not straying further into the more complex matter of English legislation.

The anti-social behaviour orders will be like a prohibitive injunction—in Scotland, we would call it an interdict. Moreover, it will be applied to individuals. Some hon. Members have talked about families; there will be many more orders affecting the family in England than in Scotland, where we are talking only about the anti-social behaviour order, which will be served on individuals, not on families or groups of people. It is important that I make that point, as it puts into perspective the wider concern that, in dealing with the anti-social behaviour of an individual, we may encompass the family.

Until now, families have been evicted for anti-social behaviour despite the fact that the children or the spouse were not involved—because of the activities of one family member, the whole family could be subjected to the difficulties and horrors of being evicted. The order will be a much sharper measure; it will allow us to concentrate on the perpetrators of anti-social behaviour and—in many cases, I hope—to save the family.

Mr. Andrew Rowe (Faversham and Mid-Kent): I was a member of the Scottish Office civil service team that introduced the children's panels all those years ago. Because of the nature of proceedings in Scotland, it is easy to link the child to the family—the parents have to accept the decisions and take responsibility for the offence. Will the Government revisit the question whether the Kilbrandon system would be equally effective in England?

Mr. McLeish: I am sure that the hon. Gentleman will forgive me for not responding to that, although I am sure

[Mr. McLeish]

that my hon. Friend the Minister of State listened to what he said. As I have said, the jurisdictions are separate, and must find solutions to their own problems.

I have no difficulty with the principle behind amendment No. 147, which was tabled by the hon. Member for Perth. It is clearly right that a person against whom an anti-social behaviour order is made should know exactly what they must not do and where and for how long the order is to be in force. It is also important that those affected by the anti-social behaviour should be clear about what is prohibited by any order.

That provision does not need to be specified in the Bill, however. An order made by a Scottish court will, as a matter of course, specify extent, including geographical extent, duration and the prohibitions imposed on the person's behaviour. Like an interdict, the purpose of an order will be to prohibit—for example, it could prohibit loud music after 11 pm, noisy visitors after 2 am or entry into gardens or communal areas. The sheriff could consider a huge list of possibilities, so that the order fitted the circumstances in which the anti-social behaviour was taking place—the sheriff could find the proper ways in which to restrain that behaviour.

The court is also required to have regard to the terms of the order sought by the applicant. The hon. Member for Perth was not a member of the Standing Committee that considered the Bill, so she will not have had the opportunity to read the draft guidance on the implementation of the provisions that was provided to its members—I shall arrange for her to receive a copy. I reassure her that the guidance makes it clear to the local authority applicants that they must decide what terms of an order to seek and that the terms should be specific, so that what constitutes a breach of those terms would be readily apparent to the person and to the local community. The guidance also makes it clear that the applicant must decide what duration of order to seek, up to, and including, an indefinite period.

The draft guidance was produced in consultation with the Convention of Scottish Local Authorities, the Association of Chief Police Officers in Scotland and the voluntary organisation the Scottish Association for the Care and Resettlement of Offenders. It will be issued for full consultation later this summer.

I am sure that the hon. Member for Perth will be reassured when she sees the detailed guidance proposed for the implementation of the provisions. Of course, as more than a matter of courtesy, I should be happy to take account of her comments on the draft, which is a substantial document—as I said, I shall send her a copy after our proceedings. Given those comments, I hope that she will not press the amendment.

Mr. Beith: I should say in passing that Liberal Democrat Members accept Government amendment No. 13, which represents a helpful clarification.

We have had a useful debate. I thought that the hon. Members for Halesowen and Rowley Regis (Mrs. Heal) and for hon. Friend the Member for Northampton, North (Ms Keeble) may have had unrealistically high expectations for the order. They both vividly expressed the concerns that we all share about the problems that our constituents face. The hon. Member for Halesowen and Rowley Regis explained at some length many of the existing measures based on co-operative efforts and partnership, which will almost certainly bring the greatest success—I think that even she regards the orders as the ultimate sanction.

The belief that the inclusion of 11 to 16-year-olds on anti-social behaviour orders will be widespread and will make a large difference flies in the face of what Ministers have been saying—it creates unrealistic public expectations about the orders. The public will believe that if the provision is altered, it will fail to provide what would otherwise be a major addition to the powers at the authorities' disposal—we know that that is not so.

The Scottish Office Minister clearly demonstrated—although perhaps he could not use these terms—that the Scots have a better system. In Scotland, those aged between 10 and 16 can be dealt with by a variety of procedures through the children's hearings system, which makes their inclusion in the anti-social behaviour orders unnecessary.

Mr. Michael: The right hon. Gentleman may recall that both my right hon. Friend the Home Secretary and I have made it clear that we believe that there are strengths in the Scottish system and weaknesses in the system in England and Wales. That is why, in the White Paper, the Bill and in other developments, we have wanted to change the system in England and Wales, not by replicating the Scottish system, but by learning from it and from what happens in other parts of the world.

Mr. Beith: And we are seeking to encourage Ministers to do exactly that. What has emerged from our useful debate is that, whatever some hon. Members say, those procedures will not be widely used for 10 to 16-year-olds if things proceed as Ministers intend. If we developed a better youth justice system, we could create a better way of dealing with that age group, but Ministers feel it necessary to keep that part of the provision on the statute book in the meantime. If that is the basis and because we will press Ministers to carry on with the reform of youth justice, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 13, in page 2, line 21, leave out from 'protecting' to end of line 22 and insert

'from further anti–social acts by the defendant—

(a) persons in the local government area; and

(b) persons in any adjoining local government area specified in the application for the order;

and a relevant authority shall not specify an adjoining local government area in the application without consulting the council for that area and each chief officer of police any part of whose police area lies within that area.'.—*[Mr. Michael.]*

Clause 6

FORMULATION AND IMPLEMENTATION OF STRATEGIES

Mr. Beith: I beg to move amendment No. 75, in page 5, line 42, after 'area', insert

'including the behaviour of those under the age of criminal responsibility'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 76, in clause 14, page 12, line 13, after 'considers', insert

'that there are exceptional circumstances which make'.

No. 12, in clause 16, page 14, line 3, at end insert—

'(3A) Where a constable has removed a child or young person under subsection (3) above, he may confiscate any article which he has reason to suppose that the child or young person was using in the course of offering any services (whether solicited or otherwise) to any person during the time he was absent from school without lawful authority.

(3B) An article confiscated under subsection (3A) above may be disposed of in a prescribed manner.'.

Mr. Beith: We have opposed the introduction of child curfews on both practical grounds and in principle, and we divided the Committee on clause stand part on that issue. As a matter of principle, it is inappropriate to deny basic freedom of movement to general sections of the public on the basis of the possible behaviour of a few individuals—one thinks of the present arguments about whether all English attendance at world cup matches should be stopped because of the behaviour of a few. It is a difficult principle once one starts to apply it; most of us have had experience of it from schooldays, when the whole class was kept in for the behaviour of one individual.

The terminology "curfew" had its origins in the locking of city gates at night, and its more recent use is borrowed from the practices of much more authoritarian regimes, which deny freedom of movement to many of their citizens for all sorts of reasons. Even for the apparently commendable reason of preventing or discouraging the bad behaviour of a few, it is not a desirable principle that large numbers of people should be penalised.

Furthermore, if curfews became widely used for this age group, it would be a substantial change in our society and in the relationship between the state and individuals, particularly in view of the signal it would give to young people. The more that young people are told that their behaviour is against the law merely because they are out and about, the more we shall sow in them the idea that the authorities, the police and the mechanisms of law and order are against anything that they do, rather than being there to punish wrongdoing and protect the innocent, which is the signal that we ought to be giving them. We want them to support the police, and to recognise that law and order is their protection as well as that of other generations. To penalise them merely for being out of doors is unreasonable if they are not at fault in any way.

6.15 pm

The Government care very much about establishing who is responsible for things, and they seem to be throwing responsibility in all directions at once. During the passage of the Bill and in their consultation papers, they have rightly stated that they want parents and children as young as 10 to take more responsibility. Now, they are saying that the state should take responsibility for deciding what time children should go to bed. The desire to place responsibility where it belongs has gone slightly askew in giving the state that power.

I wondered whether the decision to proceed in this way had a sound basis in research, so I asked a parliamentary question, but the answer did not refer to any specific research. How many young people under 10 are not being protected because of the absence of a curfew? If they are not being protected, could an existing power be more successfully enforced? How many young people are causing problems on the streets at night and what is the peak time for young offending? Is it late at night, when the curfew might be applied, or straight after school, when it would be impossible to apply? What has been the effect of curfews in other countries? Apart from the Hamilton experiment, which the Minister did not cite in his reply, we have no research evidence.

From the discussion, it has emerged that the proposal for local child curfews, however it started out, is now seen by Ministers to be more of an experiment than a substantial addition to policy. We are concerned that demands for extension of the use of curfews will increase. During our debates, hon. Members have pleaded that the age at which curfews apply should be raised and raised again, and that the period for which they apply should be longer and longer. Because of the pressures from the public to do something—not necessarily the right thing—about the problems that they face, we may be on a slippery slope in which curfews become more and more a part of our system.

Another concern is that curfews will be the first port of call in response to a problem in an area, and that if a few young people are causing trouble, we shall introduce a curfew rather than directing attention to them and using the resources of the various agencies, on a partnership basis, to deal with them and the problems that they cause. I appreciate that the Secretary of State will have to approve schemes, but he may be under growing political pressure to do so on a fairly widespread basis.

Given the decision in principle taken in Committee, we have tabled amendments to make it a requirement that the behaviour of those under the age of criminal responsibility in an area is considered when formulating crime and disorder strategies, so that thorough and appropriate responses can be developed. Recognising that that strategy would be developed, we could then allow child curfews only under truly exceptional circumstances—that would be the combined effect of the two amendments. More emphasis would be put on formulating plans to deal with criminal behaviour by groups of young people—children—and recognising that a curfew should be introduced only in genuinely exceptional circumstances.

Of course, a curfew is meaningless unless the police can enforce it and, if one has sufficient police officers to impose a curfew on every child over a certain age who is out at night in the area, one has available sufficient officers to target the people who are committing the crimes in the first place; that would be a better use of those officers. Much of our effort is dedicated to trying to ensure that if the powers are used at all, it will be in only the most exceptional circumstances and that resources will be targeted at young people who are committing, or are likely to commit, offences, and not at innocent young people, who will consequently feel that the police and the authorities are against them even when their behaviour is in no way illegal, and is no more unreasonable than being out at night after a time when some people think that their parents should have sent them to bed.

Mr. Richard Ottaway (Croydon, South): I tabled amendment No.12 as a probing amendment and, within its confines, I must refer to the problem of squeegee

[Mr. Richard Ottaway]

merchants, particularly as it applies on the streets of London. For those who are not familiar with the problem, one pulls up the car at traffic lights and, before one knows it, someone has pounced on the car and is washing the windscreen with soapy suds. In truth, it is an unsolicited service much as described in new clause 6 which, disappointingly although understandably, was not chosen for debate.

The problem is most common in London, which is not surprising, as we have the most traffic and, indeed, the most traffic lights, which provide the opportunity for the squeegee merchant to select the car that he wants to clean. In one sense, the service ought to be welcome—the opportunity of having the windscreen washed for perhaps 50p—but regrettably, that is not the way in which the practice has developed. The service is unsolicited and one is given no opportunity to reject it or agree the terms. It leads to harassment, aggression and intimidating behaviour towards the occupants of the car. It has to be distinguished, for example, from the chap selling the *Evening Standard* beside the road—if one wants to buy the paper, one will catch his eye and he will walk over with the paper—or the man selling bunches of roses, to whom one can say, "Twenty roses for the wife, please"—or for whomever one is going to see. In those cases, there is an offer and an acceptance—an agreed contract.

Even confident and assertive people find it difficult to handle squeegee merchants. I came out of a car wash the other day and drove to the first set of traffic lights with a squeaky clean windscreen. I found a chap cleaning it before I had the opportunity to say, "Stop." That can lead to resentment. Some people refuse to pay, and others ask the squeegee merchant to stop providing the service, both of which actions may lead to trouble. Regrettably, there have been reports of attacks on drivers. Only yesterday, I heard that a driver at traffic lights on Vauxhall bridge asked a squeegee merchant to stop cleaning his windscreen, but as he wound down his window to convey that message, he got a bucket of water in his face. *[Interruption.]* It is quite amusing, unless one happens to be the guy driving the car.

In another case, someone asked a squeegee merchant to stop. The chap said that he would, but he cleaned off the soapy suds with wire wool, which permanently scratched the windscreen. My concern is primarily for vulnerable drivers—the elderly person just driving down the road to the shops, or a single woman on her own who finds the situation hard to handle.

When he was in opposition in September 1995, the Home Secretary made what was described as a tough-talking speech on the subject. He said:

> "Then there are the obstacles faced by pedestrians and motorists in going about their daily business. The winos and addicts whose aggressive begging affronts and sometimes threatens decent compassionate citizens, and the 'squeegee merchants' who wait at large road junctions to force on reticent motorists their windscreen cleaning service."

He said that there would be a crackdown, but we are 14 months into this Parliament, and we have seen no crackdown.

The problem is that the law does not specifically target problems of this type. The police must pray in aid a variety of offbeat powers to prosecute squeegee merchants. In the Vauxhall bridge case, the chap who got the bucket of water in his face went to the local police station, where he was told the police would not prosecute because it would be one heck of a job to produce all the evidence and because the legislation did not target that type of crime. Various Acts are available to fight the problem in an oblique way: the Public Order Act 1986; the Metropolitan Police Act 1839; the Highways Act 1980; and London local government legislation. However, those powers do not properly equip the police to make the clean kill of a quick prosecution.

We need a targeted crime, as set out in the non-selected new clause 6. My amendment was intended to be probing, and I should be interested to hear what the Government will do to address a problem particularly prevalent on the streets of London and in areas around my constituency.

Mr. Rowe: My concern is the Government's attitude to truancy as expressed in the Bill and in some educational measures. Inspectors' report after inspectors' report has demonstrated that truancy falls to a very low level if young people feel that what they are being taught is worth while, and if it is taught in a good way. Measures are being introduced in the Bill and elsewhere that will force children back into schools from which they are absenting themselves because they think that what they are getting is not worth having.

For too long, we have treated the education system as the cheapest form of child minding. We may find that there is a serious morale problem among teachers who no longer wish to take on for the rest of us the role of forcing authority on young people, many of whom are tall, large and threatening, and who can completely disrupt a class. I strongly believe that the policy of forcing young people back to school—which we all applaud in theory—is misconceived. We must reconsider how we deal with truants, and how we treat teachers who have asked, openly and by implication, to be relieved of the burden of trying to deal with people with whom increasingly they have huge difficulty.

I have suggested that the time may have come for another look at whether education should be compulsory under the law, which enshrines our 19th-century belief that the authority of school is the cheapest way for our society to deal with youngsters who are increasingly unsuited to the kind of schooling they are getting, who know that they are wasting their time in schools and who need somewhere else to go.

Mr. Michael: There have been three strands of debate. Let me first reassure the right hon. Member for Berwick-upon-Tweed (Mr. Beith) that our proposals are sensible. I want to persuade him not to press his amendment, and to suggest that he is wrong to oppose our carefully constructed proposals, which will effectively hand authority back to parents rather than increase the power of the state.

Amendment No. 75 would require local authorities and police forces that are carrying out crime and disorder reviews to take account of the behaviour of those under the age of criminal responsibility. That is entirely sensible, but the amendment is not necessary. In drawing up crime and disorder strategies, local authorities, the police and their partners should base them on crime and disorder audits. The audits should reflect the causes of problems in a local community, including the behaviour

of those under the age of criminal responsibility. If there are problems, they should be dealt with, and they should appear in the strategy. If there are no problems, clearly there is nothing to be dealt with.

We have deliberately left the question of what issues and aspects of crime and disorder need to be addressed in the strategies to those who are experienced in the local area. There is nothing between the Government and the right hon. Gentleman on that point, and it is clear from draft guidance now available on the website that those under the age of criminal responsibility should be taken into account. I am happy to look again at the guidance, and to make more transparent anything that is not clear. The right hon. Gentleman's point is a good one, but it does not need to be in the Bill.

Mr. Beith: Can a crime audit include what is being done by those under the age of criminal responsibility?

Mr. Michael: If the right hon. Gentleman reads the guidance, he will see that it is widely drawn. Audits of crime and disorder go wider than just criminal activity, and they include minor and petty disorders, which often cause even more distress to local communities than crimes that are regarded as more serious. Our target in the audits and strategies is to reduce the level of crime and disorder, and that covers the right hon. Gentleman's point. However, I am happy both to reconsider the guidance to make sure that it is clear, and to accept any comments that the right hon. Gentleman may wish to make on it.

An amendment identical to amendment No. 76 was tabled in Committee, and I thought that we had dealt with it. I was surprised to see the amendment tabled again, but it allows me to explain the position to the whole House, just as I did in Committee.

Some neighbourhoods are troubled by the criminal and anti-social activities of unsupervised young children. Gathering in public places at night, they can cause alarm and misery to the rest of the community and encourage each other into anti-social and criminal habits. If it is a question of one or two individuals, the Bill's child safety orders can deal with it. If it is a question of a group of youngsters, and the hours that youngsters are allowed out at night have become a problem in a street, it is often difficult for parents to take the responsibility of setting a new standard. It is difficult enough for parents to buck trends, but if there is a settled trend in the community, it becomes all the more difficult.

I should explain the steps necessary for a curfew order to be used; I think that they will reassure the right hon. Member for Berwick-upon-Tweed. First, the local authority must consult the police—and more widely—on the terms of a scheme. They have to be put to the Home Secretary, who will consider them carefully to see how they suit local arrangements. Consultation with the local community and other agencies will take place before an order is invoked under the scheme. To place an order in a community or street, the local authority would have to consult the police. It must be a joint endeavour involving the police and the local authority. They would then have to consult the local community along the lines agreed by the Home Secretary in respect of the scheme. I can think of one case in my constituency where parents asked me to meet them to discuss problems in one community. Halfway through, they admitted that part of the problem was children, including the children of people at the meeting, and that there was a need collectively to draw a line to set a standard for behaviour. Local child curfew schemes create the opportunity to do that.

6.30 pm

Local child curfews form part of a wider community safety strategy and will be applied at the instigation of the local authority concerned because it believes that there is no other way in which to deal with unsupervised young children. This is not a magic wand that will deal with the whole problem. Often, other approaches will deal with the sort of problems that the right hon. Member for Berwick-upon-Tweed recognised needed tackling. This provision should be used in appropriate circumstances, in accordance with a scheme approved by the Home Secretary.

Mr. Rowe: Will the Minister give way?

Mr. Michael: I am trying to move quickly because I understand that that is what Conservative Members want.

Mr. Rowe: Given his background, does the Minister agree, that in many instances, the importation of a youth and community worker would defuse the situation? Has he done any costings to find out whether the cost of policing a curfew, which is likely to fall on the police authority, would be greater than that of the local authority providing someone to give the kids a lead?

Mr. Michael: I regret to say that the hon. Gentleman is muddled, as he often is. My experience in 15 or 16 years of youth and community work, and as a councillor and Member of Parliament, is that we need a variety of mechanisms to deal with specific circumstances. I have made clear the specific circumstances with which this mechanism would help to deal. It may well be that the involvement of a local authority youth and community worker would help, but such workers are not a magic wand; nor are police officers. We need legislation appropriate to cover a variety of different situations and mischiefs that cause problems in local communities. I believe that this mechanism will prove its worth.

I do not think that the lack of information to which the right hon. Member for Berwick-upon-Tweed has referred proves that there is a lack of evidence of need. We can all demonstrate anecdotally that youngsters are out on the street late at night in a way that destroys their future as well as damaging the local community. That shows that no one has been willing to tackle the problem. We will monitor the way in which the provision is used, along with the other measures that we have put forward as part of a comprehensive package. In due course, I am sure that we shall debate how it has worked in practice.

Amendment No. 12 was tabled by the hon. Member for Croydon, South (Mr. Ottaway); I understand what he is trying to do. It is bad enough when children truant, but it is even more vexing when they engage in money-making ventures when they should be at school. The answer is to get them back to school. We added clause 16, which allows the police to act in partnership with local education authorities and schools to tackle truancy. It is practical because it ensures joint responsibility for dealing with

[Mr. Michael]

truancy. While truancy is an issue for the person who truants and for parents, who should take their responsibility, this measure allows police and education representatives to work together. There have been voluntary examples of that which have not had the authority of the law for the actions of police officers. This provision enables partnership to deal with the vexed problem of truancy.

It is not necessary or desirable to extend the provision to confiscating property, especially when no criminal offence is involved in its use. I hope that the hon. Member for Croydon, South will acknowledge the valuable contribution of clause 16 in seeking to tackle truancy by proper partnership—at Government level between the Home Office and the Department for Education and Employment, and locally by enabling partnership.

Mr. Ottaway: Will the Minister comment on the Government's approach to squeegee merchants? In opposition, it was part of Labour's crackdown.

Mr. Michael: That is part of the wider recent debate, which the hon. Gentleman may not have noticed, about the need to intervene quickly in things that cause nuisance and distress to people, and to ensure that they are tackled by the police to prevent them from escalating. Minor items of disorder, as was shown by the British crime survey, lead to more serious offending and damage to the community later. Often offences are committed, and that is a matter for the police. One of the things that we are engaging with is creating a structure in which those who suffer from the commission of offences and the creation of nuisance in their community can work with the police to have the problems tackled, rather than it being a question of complaint and counter-complaint.

If the hon. Member for Croydon, South looks at the whole Bill and the mechanisms that it creates to tackle crime and disorder, both when serious and when at the precursor level to serious crime—including measures to deal with truancy—he should acknowledge that we have made great progress during the life of the Bill, which has been improved by the debates both in Committee and outside. For those reasons, I hope that hon. Members will not press their amendments, which I do not believe would improve the Bill. I hope that I have given an assurance about how its measures will be effective.

Mr. Beith: I do not think that the hon. Member for Croydon, South (Mr. Ottaway) got an answer on squeegee merchants. When the Home Secretary raised the issue in his famous pre-election speech, I thought that he had lost the plot and gone seriously off message. I suspect that he is trying to forget it. However, it is a problem in some areas and we have not had an answer on how best it can be tackled.

I did not expect to get an answer from the Minister which would convince me that introducing the curfew principle into our system of law was desirable, and I have not. What I have got is even clearer confirmation than I expected that the Government see it as having only a limited role, and one which has to surmount many hurdles before it can be put into place. I hope that, in trying to surmount those hurdles, the various bodies involved will realise that there are more immediate and direct ways in which to tackle the problem than a curfew, which would probably be an admission of failure. As the hon. Member for Faversham and Mid-Kent (Mr. Rowe) suggested, the involvement of youth workers might be a better answer, as might getting at individual behaviour.

It is a great mistake to tell youngsters who are merely out milling around, perhaps causing some irritation, but doing no harm, that they are acting against the law when they do not feel that they are doing anything wrong. Few things are more perverting to children's concepts of what is right and wrong than being punished for something that they did not do or did not feel was wrong in the first place. Many have had that experience in childhood and it has probably soured their relations with authority ever afterwards.

The Minister has shown that some of the expectations that surrounded curfews are not in the Government's mind. They regard the provision as limited. Our amendments were designed merely to reinforce that limitation. We argued the issue of principle in Committee, so there is no reason to pursue the amendments today. They have given the House the opportunity to clarify the Government's intentions, which are clearly more limited than some comments had suggested. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 16

REMOVAL OF TRUANTS TO DESIGNATED PREMISES ETC

Amendment made: No. 159, in page 14, line 9, leave out from 'authority"' to 'as' and insert 'means—

(a) in relation to England, a county council, a district council whose district does not form part of an area that has a county council, a London borough council or the Common Council of the City of London;

(b) in relation to Wales, a county council or a county borough council;

"public place" has the same meaning'.—*[Mr. Michael.]*

Clause 17

DUTY TO CONSIDER CRIME AND DISORDER IMPLICATIONS

Amendments made: No. 14, in page 14, line 21, leave out 'has' and insert

'means a local authority within'.

No. 15, in page 14, line 22, at end insert

'or the Common Council of the City of London'.—*[Mr. Michael.]*

Clause 23

ANTI-SOCIAL BEHAVIOUR AS GROUND OF EVICTION

Sir Robert Smith: I beg to move amendment No. 83, in page 19, line 20, after 'tenant', insert

', being a person whom the tenant could reasonably be expected to control,'.

Mr. Deputy Speaker (Mr. Michael J. Martin): With this, it will be convenient to discuss the following amendments: No. 84, in page 19, line 20, after 'house', insert

', being a person whom the tenant could reasonably be expected to control,'.

No. 101, in page 19, line 24, after 'house), insert

'and whose commission is likely to have had a material impact on the quiet enjoyment of the home life of a person residing in the locality.'.

No. 85, in page 19, line 29, after 'tenant', insert

', being a person whom the tenant could reasonably be expected to control,'.

No. 86, in page 19, line 29, after 'house', insert

', being a person whom the tenant could reasonably be expected to control,'.

Sir Robert Smith: Amendments Nos. 83 to 86 would achieve the same goal in different parts of the clause, which seeks to widen the powers of eviction available to public sector landlords to include eviction because of the actions of tenants or their visitors to the property. We want to ensure that those powers will be used only in relation to visitors that the tenant can reasonably be expected to control. We are concerned that the clause could allow victims of domestic violence to be evicted because of the actions of their partner, whom they could not reasonably be expected to control.

Since we tabled the amendments, we have received from the Minister the draft guidelines, which have been extremely helpful. Paragraph 5 of the guidelines states:

"It will be inappropriate for landlords to pursue cases where tenants are genuinely unable to control the activities of regular visitors, and in this connection landlords will wish to ensure in particular that women with violent partners are not placed at risk of unwarranted eviction."

I welcome the Government's clarification in those guidelines.

Such clarification is a thread that has run through the proceedings on the Bill, and I hope that, when the Scottish Parliament is set up, pre-legislative inquiry will help a great deal. It seems that guidelines are issued at the end of proceedings on Bills, and to a certain extent issues are resolved. However, there is no formal link between the guidelines and the Bill, and it is extremely important that, as the Bill is implemented, it is monitored to check that what was promised in the guidelines continues to be delivered.

Amendment No. 101 attempts to narrow the clause. If the tenant, visitor or lodger were convicted of any offence liable to imprisonment—although they would not necessarily go to prison—the tenancy could be at risk. We understand what the Government are trying to achieve. The Minister's visit yesterday would have reinforced the concerns of communities about trying to deal with drug dealers and break the cycle of such crime. However, the clause is widely drawn, and some landlords might not want closely to consider the Government's intentions, so our amendment would narrow the clause.

Paragraph 6 of the draft guidelines makes it clear that eviction should be pursued only when an offence has a bearing on the tenancy. I hope that, in further discussions with communities, Ministers may find ways of beefing up the guidelines to ensure that tenants can be evicted for acts that not only result in imprisonment but affect the neighbourhood, rather than society in general. Moving the person on does not necessarily protect the community.

Eviction can be only a small part of dealing with crime. Evicting someone and moving them on merely moves the problem elsewhere. It is important that the whole armoury of actions in the Bill and other legislation is used to tackle the drug menace, because it is far more important to tackle the individuals and their offending behaviour than to deal with where they live. Moving them on from their community should help to break their links with that community, and perhaps help to treat them. It certainly helps to relieve the community.

6.45 pm

The Minister promised research—which, I understand from his letter, has not yet been undertaken—about how the measure has been implemented in England and Wales. It is perceived to have been successful in England, but it is important that we examine how it has worked in practice. That research has not yet been done, but we can try to build for the future. I understand that at present there are no centrally collected statistics on evictions by public sector landlords. It would be fairly easy to collect them, and they would be a useful measuring tool. If we could monitor evictions, we could find out whether the guidelines were being applied correctly, and whether there had been any development.

When the Minister replies, I should like him to deal with the possibilities of strengthening paragraph 6 of the draft guidelines, and of collecting statistics on evictions and monitoring their success. The Scottish Parliament will then be able to monitor the implementation of the Bill, and, if there are any transgressions, ensure that the legislation is reined in.

Mr. McLeish: In view of the desire to expedite business, I shall try briefly and comprehensively to respond to the hon. Member for West Aberdeenshire and Kincardine (Sir R. Smith).

The hon. Gentleman was right about monitoring, and that will be an integral part of the measure. We are introducing anti-social behaviour orders, and widening eviction powers for landlords. There is a range of activities that need to be monitored, partly because the information is useful in itself, but also so that we can properly evaluate our measures. I can assure the hon. Gentleman that monitoring will be carried out, and that requires a series of statistics to be compiled by local authorities, landlords and, centrally, the Scottish Office. We concede that point.

I am pleased that the guidance has been of some help. I appreciate that it does not go as far as the hon. Gentleman would wish, but it is draft guidance, and we are happy to listen to the views of the hon. Gentleman and his colleagues, and take into account their collective wisdom.

The hon. Gentleman said that the clause is part of a wider armoury of measures that we need in any community. There is clearly significant support for attacking anti-social behaviour. This evening, we are concentrating on drugs and crime and the issue of visitors, which the hon. Gentleman spoke about. We are extending powers, and we must implement them with caution.

There are currently loopholes that prevent anti-social and criminal acts committed outwith tenanted properties and the activities of visitors from being taken into account when considering whether a tenancy should be continued. The extended grounds for eviction in clause 23 will close those loopholes, but they will not open floodgates. We hope and expect that, by increasing the deterrent effect of a threatened eviction and, for persistent abusers, who are

[Mr. McLeish]

fortunately small in number, allowing swift action against them, the new measures will help to produce more harmonious communities.

In framing our proposals, we have been guided by the consideration and conclusions of the Scottish Affairs Select Committee. Its landmark report in December 1996 serves as the platform for many of the measures, be they legislative or administrative, that we are now promoting.

For those unfamiliar with the Select Committee's findings, I inform the House that it considered the addition of new mandatory grounds of eviction, and concluded against that course of action. We support that conclusion, and the proposals in clause 23 are to extend the discretionary grounds for eviction.

That is an important distinction. The discretionary grounds are referred to as such because, in considering the evidence laid before them when landlords seek a repossession order on one of the discretionary grounds, sheriffs must apply a general test of reasonableness. Thus, eviction can be granted only when the sheriff, taking into account all the circumstances of each case, believes that it is reasonable for eviction to be ordered. In practice, therefore, the courts have a very wide discretion to take into account any relevant feature of the case, such as the likelihood that a tenant could control a violent or anti-social nuisance.

I reassure the House that nothing that we are proposing in clause 23 affects the existing requirement for sheriffs carefully to weigh the evidence presented, and to consider whether it is reasonable in all the circumstances. That is as it should be, and that, as a fundamental feature of the laws of eviction, provides a powerful safeguard against the type of abuse that hon. Members have described.

Points have been raised about the impact that the Bill may have on domestic violence and on women generally. The Government have pursued a very tough line on that issue since we were elected. We would do nothing to place women in very vulnerable circumstances in jeopardy. We intend to tackle crime, drug dealing and abuse generally, but certainly there will be safeguards—as I believe we said in the guidance—for women in vulnerable domestic situations.

It follows from what I have said that the spirit behind all the amendments in the group is not unwelcome. The aims very much echo our intentions, and if amendments such as Nos. 83 to 86 were needed to offer protection to vulnerable tenants, especially women, I would not hesitate to accept them. However, in my view, the general test of reasonableness, which I mentioned earlier, renders these very specific caveats unnecessary, and in some cases undesirable.

Our guidance to landlords will make it clear that the new grounds are intended to tackle serious anti-social conduct. Even if landlords choose to disregard the guidance which we have in place when the measures take effect, the courts will be required to apply the same test of reasonableness as currently applies.

In our view, amendment No. 101 confuses the two separate grounds for eviction which are we are extending, and it is therefore undesirable. Housing legislation currently holds separate the ground for eviction based on a criminal conviction and that based on anti-social behaviour. That separation is maintained in our new grounds, and we wish to retain it. It is not necessary to provide in this way that the offences must impact on the quiet enjoyment of home life; the sheriff's general test of reasonableness already effectively requires the courts to take into account the nature of the offence and its bearing on the tenancy.

I firmly believe that, in the clause as drafted and the guidance that we shall issue, we are setting out our intentions clearly and promoting extended grounds for eviction which will be clear and limited in their application.

Yesterday, I visited Easterhouse in Glasgow, and I visited Cranhill. That community lives in fear of the menace of drugs. I was alarmed to hear the comments by the group of mothers I met. Although there are important civil liberties issues, and although it is important that landlords do not use the legislation irresponsibly, there are also very powerful arguments for saying to the women in Cranhill, "Yes, we need solutions to your problem." I think you know of their situation, Mr. Deputy Speaker. Given that situation in Glasgow, they want action.

Although it is not the solution to pass a problem from one part of a town or city to another, it might give the local residents a respite from the dealing, the pushing and the fear that children live in. The House would be remiss if it did not take those arguments seriously. I know that those feelings are shared by Opposition Members. I believe that we have achieved a balance; I hope that the guidance will ensure that that is the case.

Sir Robert Smith: I thank the Minister for his reply. On the subject of Cranhill, he has made the valid point that, if one removes a person from a community, thereby breaking their links and their network in that community, although one will have moved them into another community, at least it will take them time to build up their network, and then one might use other avenues to deal with them.

As with everything, no clause of the Bill should be oversold as the magic bullet that will solve the problem. However, if we have these clauses and then provide the resources to those on the ground, if communities are willing and in a mood to make use of them, and if we can build that momentum and keep it going, we may turn the tide of anti-social behaviour and remove some of the menaces that confront us. I especially welcome the assurance on reasonableness, because that is an excellent word, which probably defines things better than we possibly could by amending clause 23.

In light of those reassurances, the guidelines, the monitoring, and especially the gathering of statistics, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 28

RACIALLY-AGGRAVATED OFFENCES: ENGLAND AND WALES

The Secretary of State for the Home Department (Mr. Jack Straw): I beg to move amendment No. 16, in page 22, line 27, leave out

'of, or association with members of,'

and insert '(or presumed membership) of'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: Government amendments Nos. 17 and 160.

No. 10, in page 22, line 33, after 'race', insert 'religion,'.

Government amendments Nos. 102 and 103.

No. 11, in clause 33, page 26, line 9, after 'race', insert 'religion,'.

Government amendments Nos. 107 and 108.

Mr. Straw: I am glad to see that my right hon. Friend the Secretary of State for Scotland has just sat down on the Treasury Bench; now that he is present, the standard of debate should, as ever, rise to meet his—always high—standard. You know that from personal experience, Mr. Deputy Speaker; my right hon. Friend's reputation goes before him.

Amendments Nos. 16 and 17, and the equivalent amendments relating to Scotland—amendments Nos. 102, 103, 107 and 108—are designed to clarify the test of what amounts to "racially aggravated" for the purposes of these offences. In Committee, the Minister of State, my hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael), undertook to consider the sort of case in which, for example, a Bangladeshi was the victim of hostility that was intended to be directed at a Pakistani. Those who commit many racially aggravated offences and who go in for acts of racial hatred are typically so ignorant that they see the colour of someone's skin, or their general appearance, and dismiss them as, for example, "Pakis" or other such horrible insults, without knowing from which racial or religious group they come.

We are determined that no perpetrator of racist attacks should escape proper conviction and punishment because of the perpetrator's ignorance about the victim's racial group. Our amendments in this group will put the issue beyond doubt, and we are grateful to Opposition Members for raising the matter in Committee.

Our amendments make it clear that, whatever racial group the perpetrator believes the victim to be from, an offence will be racially aggravated if racial hostility or motivation is proved. That should partly deal with the concern which has been expressed to me outside the House concerning the example of a woman who happens to be white, but who is Muslim, who is wearing a chador—a religious face-covering—and who is the subject of racial abuse and racial attack on the grounds that she is a Pakistani. The fact that she turns out to be a white Muslim rather than a Pakistani Muslim will be no defence if racial hostility or motivation is proved, which I suggest it almost always will be.

I now turn to amendment No. 160 and the equivalent amendment relating to Scotland, amendment No. 103. We have continually made it clear that we are as wholly opposed to religiously motivated violence and harassment as we are to racially motivated violence and harassment. The Bill does not protect some groups and not others; it protects everyone from racist crimes.

In Committee, several hon. Members asked whether the offences described in the Bill would cover attacks made by, for example, Muslims.

Mr. Clappison: On Muslims.

Mr. Straw: I am so sorry; I meant "made on Muslims".

The Government are aware of the concerns of some religious groups, especially Muslim organisations. Last week, I met Muslim community leaders to discuss that issue, as I have done many times. Naturally, they are worried about the way in which the words that were originally in the Race Relations Act 1976, which were replicated in the Public Order Act 1986 and which are now in the Bill, have been judicially interpreted, not least in the case—although it was a non-criminal case—of Mandla *v.* Dowell Lee, a decision of the House of Lords in 1983.

We believe that, in practice, most—in my judgment, almost all—cases that appear to have a religious element will also have a racial element. When the perpetrators of these offences, for example, attack Muslims, they do not generally do so because of hostility to the tenets of Islam. I suggest that, in almost every case, they will be wholly ignorant of the tenets of Islam. They make their attacks because of racial hostility towards the victim and towards the ethnic minority groups that are associated with the Muslim faith in this country.

The test of what amounts to "racially aggravated" for the purposes of these offences requires that the racial hostility is "wholly or partly" a motivating factor. It follows that, even if there is religious hostility, provided part of the hostility is racist, the offence will be covered by the provisions.

I took account of the representations made to me last week, and I examined carefully the transcripts of the debates in Committee last week. I believe that we should make it even clearer in the Bill that people charged with these offences cannot claim that they were motivated by religious, and not racial, hatred. For that reason, we have tabled amendment No. 160, which states:

"It is immaterial for the purposes of paragraph (a) or (b) . . . above whether or not the offender's hostility is also based, to any extent, on . . . the fact or presumption that any person or group of persons belongs to any religious group; or . . . any other factor not mentioned in that paragraph."

7 pm

Under the clause, as drafted to include those important assertions, even if religious hostility is the principal or main trigger for the hostility, as long as there is some racial element—I suggest that that will be present in almost every case—the offence will be proved, and a conviction should follow. I am only too familiar with the kind of racial harassment and attacks that are suffered by the Muslim community, and I believe that this amendment will cover almost every circumstance in which Muslims are victims.

I am aware of the provisions of amendment No. 10, to which the shadow Home Secretary, the right hon. Member for Sutton Coldfield (Sir N. Fowler), spoke, and to which the Liberal Democrats have appended their names. The amendment seeks to insert the word "religion" after "race". As I think the supporters of the amendment accept, including that single word would significantly extend the terms of this group of racially motivated offences to cover religiously motivated offences generally.

We do not rule out the possibility of bringing forward legislation in due course to cover religiously motivated offences in the same way as we are covering racially motivated offences, even where the principal motivation is religious. However, this area requires careful consideration.

For example, the issue of whether someone belongs to a particular racial group, as defined initially in the Race Relations Act 1976 and subsequently, can be subject to

[Mr. Straw]

an objective test. It is a matter which can be proved by external evidence. It is better defined in clause 28(2), which states:

"In this section 'racial group'"—

it is a pretty wide definition—

"means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins."

It is obviously much more difficult to define whether someone is a member of a religious group, which involves a subjective as well as an objective test. That does not mean that it may not be a candidate for future legislation, but it makes the matter more complicated.

I know that the hon. Member for Hertsmere (Mr. Clappison), who speaks on behalf of the Opposition, is about to respond. I gently remind the Opposition that, despite the calls from Labour and the Liberal Democrats over many years regarding racially motivated crimes, those calls were resisted by the previous Government, often on the ground of the difficulty involved in defining such crimes. If that was difficult, it is still more difficult to define crimes that are based on religious hostility or hatred. We do not rule it out, but we point to the difficulty involved.

In Standing Committee, my hon. Friend the Minister said that we were establishing research on the nature and the scale of religious discrimination in order to establish the size of the problem. On 12 May, the hon. Member for Hertsmere asked whether that research would include religious attacks within the framework of the Bill. The Minister replied:

"They will be considered as part of people's experience of discrimination."—[*Official Report, Standing Committee B*, 12 May 1998; c. 316.]

That is obviously an important part of the research. However, that research has not yet been concluded—and it could not be concluded before the Bill is likely to become law.

I appreciate that the changes do not go as far as some groups would wish. However, I remind the House—and particularly those hon. Members who support amendment No. 10—that the Muslim Council of Britain, a representative group which came to see me last Tuesday, issued a statement after I had moved the amendment and the equivalent amendments for Scotland.

The council said that it welcomed my decision to table the amendment, and also the guidance that we shall publish along with the Bill. It went on:

"Although the questions of religious discrimination and vilification need to be addressed fully, the British Muslim community feels greatly encouraged by the vision and leadership displayed for the first time by the government. We view this amendment as a small but significant first step towards the economic, social and political inclusion of the Muslim community in the national life".

I record my thanks to the Muslim Council of Britain for those remarks. Given my comments and the important clarification provided by the Government amendments, I hope that the hon. Gentleman will not press amendment No. 10.

Mr. Clappison: I have listened carefully to the Home Secretary's important speech, and I am grateful for the care that he has brought to the subject. As was evident to all those who are familiar with the way in which it was dealt with in Committee, the matter has been handled sensitively by all sides. We share common objectives: it is a question not of whether we should do what we can to combat racial and religious attacks, but of how we will do so.

I welcome the Home Secretary's comments about amendments Nos. 16 and 17. They improve the Bill and will deal with the situation that arises when a person from one racial group is attacked by someone who believes that that person belongs to a different racial group. The amendments take the matter a little further and will cover certain cases. We welcome that move.

I listened to what the Home Secretary said about amendment No. 10, and I am not sure that I can extend as warm a welcome to those remarks—although I appreciate the care that the Home Secretary has brought to the subject. I shall reply gently to the Home Secretary's comments about the previous Government's approach to racial attacks. It has long been established in law that a racial element of a case is an aggravating feature, and the courts regard it as such. There is strong authority—including recent authority given during the lifetime of the last Parliament by Lord Justice Taylor—that racial attacks should be regarded as an aggravating feature by the courts.

That system applied across the board to all types of offences where there was a racial feature. It was not a question of whether a racial element should be regarded as an aggravating feature—that has always been the case. The Government have their own view about how that should be achieved, and the Bill marks a change in the way in which the law deals with racial attacks. Instead of the question whether a racial element is being decided by the judge in all cases, as at present, the Bill would put that question into the hands of the jury in certain cases.

It is a slightly wider application, and I shall not go far down this road, Mr. Deputy Speaker, but I should like to return, gently, a point the Home Secretary made to me. As the Government are minded to change the way in which the courts approach racial attacks, why do they not go the step further that we suggested in our earlier amendments and include all offences, including the most serious offences of personal violence and public order that are not currently included in the Bill? I am straying slightly from the main subject, but I wanted to respond to the Home Secretary's point.

That is not the point at issue in amendments Nos. 10 and 11, which reflect the fact that, as the Bill stands, offences committed because of hostility towards religion rather than race are not regarded as having aggravated features for the purposes of the Bill. We believe that offences committed against individuals because of their religion are every bit as evil as offences committed against individuals because of their race; and that both are extremely evil.

To attack people because they are wearing a hejab or sporting a beard is every bit as evil as attacking people because they are black or brown. Many would say that there is not a great deal of similarity between those factual circumstances, but the key distinction for the purposes of the Bill as it stands is whether the attack is motivated by racial hostility or religious hostility. Racial hostility is covered by the Bill, but religious hostility is not.

From what he said, it is evident that the Home Secretary is mindful of that problem, and sympathetic to attempts to deal with it. I listened carefully to his description of the Government amendment, which we have been considering since it was tabled. As the Home Secretary said, its intention is to make it clear that, even where there may be a religious element in a specific crime, if the hostility is even partly racist it will be covered by the Bill. We regard the amendment as an attempt by the Government to move in the right direction, but we fear that, in practice and in effect, they have not moved far, if at all.

Without the Government amendment, it is clear on the face of the Bill that offences that are motivated "wholly or partly" by hostility towards a racial group are covered by the Bill, so, unamended, it already covers matters encompassed by the amendment. Therefore, the amendment does not take matters a great deal—or, on reflection, I would have to say, any—further. In Committee, both the Opposition and the Government accepted that, where there is even a partial racial motivation, offences that have a mixed religious and racial motivation will be covered by the Bill. The amendment might be designed to make that more explicit, but it is already the effect in law, so the amendment is little more than a restatement of the Bill's existing provisions.

The Home Secretary said that, in his judgment, in many of the cases involving a religious motive, if not in almost all, there would also be a racial motive. I am not entirely convinced that that is true. It is necessary to go further and cover cases where there is an entirely religious motive and no racial motive.

Sadly, attacks are made on people purely and exclusively because of their religion. The Bill as it stands will not cover the case referred to by the Home Secretary, of the white woman wearing a hejab, which was related in a recent briefing meeting that I attended. The right hon. Gentleman said that the case would be covered if the person attacking the white woman wearing the hejab thought that she was Bangladeshi. That might be so, but cases where that is not so—where the attacker knows that the woman is white and attacks her purely because she is wearing that badge of religious identity—will not be covered by the Bill. I put it to the Home Secretary that the same would apply whatever the racial or ethnic origin of the person attacked, solely because they were wearing a badge of religious identity.

Our concern is that, even with the amendment, the Bill will not cover those cases in which a person is attacked purely because of that person's religion, and where there is no racial motive for the attack. The Home Secretary cannot tell the House that such cases will be covered by the Bill. We fear that, if it is not amended, we shall create all sorts of anomalies, whether actual or perceived, and potential sources of injustice.

The Government are aware that the courts have judged Sikhs to have the characteristics of a single ethnic group, whereas Muslims come from many different ethnic groups; it follows that any offence committed against a Sikh will automatically be covered by the provisions, but that an offence against a Muslim will not necessarily be covered. We are in danger of creating a sense of injustice. The Home Secretary knows that there is widespread concern—especially among the Muslim community because of the variety of ethnic backgrounds from which Muslims are drawn, but among other communities as well—about that possible source of anomaly and injustice.

7.15 pm

I appreciate that the Government are not closing the door on this matter for the future, but we are concerned about the state of law now. To pass the Bill, even amended, would risk creating anomalies and injustices. In addition, the courts might be left with many practical difficulties. It is not satisfactory for the Government to proceed in this way and to create new categories of racially aggravated offences, while leaving out the question of religion. We would prefer that the two issues be dealt with together. The law would be in a better state if they were.

I listened carefully to the Home Secretary's remarks on this important subject, which is of interest to many people. We appreciate his efforts, and the care and sensitivity that he has brought to the issue, but we have to say that the amendment he describes will not remedy the problems that we identified in Committee. The amendment does not take matters a great deal, if any, further, and the Bill is not satisfactory as it stands. Because we do not want to pass a potentially bad law that could be the source of anomalies and grievance, we shall seek to press this matter to a vote.

Fiona Mactaggart (Slough): I rise to speak on a matter that is of real concern in my constituency. On the streets of Slough, young Asians attack and maim each other; the excuse for that street-gang violence is that one side is Sikh and the other is Muslim.

I am deeply concerned about an unintended consequence of the Bill. I have entered into extensive correspondence with the Home Office and with my local police force on the effect of the Mandla *v.* Dowell Lee judgment, which suggests that one side in that street warfare could be classified as a racial group, whereas the other might not. In the words of my local police superintendent when writing to me:

> "You and I know how fragile an issue this is locally and it seems most undesirable that this piece of legislation should unwittingly make it more so."

I was pleased when my right hon. Friend the Home Secretary tabled the amendment, which will deal with part of the problem. I was glad to hear him declare tonight that he has an open mind on the future. However, I should be more reassured if he could give me three assurances.

First, it is clear that it is not intended that the Bill should bear more on one side of the street violence than on the other, so would my right hon. Friend agree to monitor charges and sentences in such cases in communities such as Slough? There are, thankfully, few areas where such incidents occur, but in places such as Slough, Hounslow and Southall, where such cases have occurred, sentences and charges should be monitored.

Secondly, if the result of that monitoring suggests that the impact is bearing unfairly on the Muslim community—I am reassured at present because the police are blamed by both the Sikh and the Muslim communities for being unfair, which suggests that the police may have got it right—or on one community more than the other, I hope that the open mind that my right hon. Friend the Home Secretary declared at the beginning of his speech

[Fiona Mactaggart]

will swiftly be brought to bear on the issue. Such an outcome is clearly not what is intended as a result of legislation, and I hope that my right hon. Friend will consider legislation to protect religious groups in the same way as racial groups are protected by the Bill.

Thirdly, could the guidance to which my right hon. Friend has referred include advice to the Crown Prosecution Service about how to treat cases such as the ones that arise in my community?

I believe that if I had the three assurances for which I ask I could say to both of the street gangs, which try to make their violence respectable, that the Bill will not make things uneven but will help us, as indeed the whole Bill does, in preventing youth violence on our streets.

Mr. Straw: By way of an intervention, I give my hon. Friend the explicit assurances that she seeks in respect of each of the three points that she raised.

Fiona Mactaggart: I have finished.

Mr. Allan: We welcome the new offences that are set out in the Bill, and for which we have called for a long time. We particularly welcome the fact that the Government were open to extending the offences to those of criminal damage. The issue was raised by my noble Friend Lord Dholakia in another place. The Government have been open to the issues raised and expressions of genuine concern. We welcome also the amendments that have been tabled in response to various matters that have been put to the Government by various groups and by hon. Members.

We share the concern of the hon. Member for Hertsmere (Mr. Clappison) that the Bill as it stands still does not go far enough. The hon. Gentleman referred to specific instances such as the white woman who has a badge of Muslim identity on her and is attacked. I could refer to other instances of conflict between religious groups where the members of each are clearly of the same ethnicity. The hon. Member for Slough (Fiona Mactaggart) mentioned groups of Sikhs and Muslims fighting one another. People in Scotland have experience of instances of violence between Catholics and Protestants, which can destroy communities in the same way as inter-racial violence, but which I believe would not be covered by the Bill.

Ms Keeble: Does the hon. Gentleman accept that while this is an extremely difficult issue and that it is often difficult to determine between religious and racial groupings and identities, we quite often find—I speak from experience in having dealt with such matters—that women who take on the clothing, or other things that are associated with a particular ethnic group, might be attacked on a racial basis in a vile way? They are seen to be the partners, or whatever, of men from a different ethnic group. It is a particularly obnoxious and vile form of attack which quite a number of women experience.

Mr. Allan: I agree with the hon. Lady that it is an obnoxious form of attack. I am reassured to an extent that, in some cases, it will be covered by legislation. Our concern is about the cleverness of defence lawyers—after all, they are paid to be clever. Our concern is that a lawyer could take a defence case into court, a white woman is put up in the witness stand, and the defence lawyer could say, "Look, that individual is white, how can there be any form of racially aggravated assault?" The court and the jury are likely to concur with that. That is our concern. Where these instances occur, defence lawyers will use, as they are paid to do, every tool at their disposal. We are keen to ensure that those tools are not available and that in instances of religiously motivated offences, where there is no obvious racial element for the court to perceive, we are able similarly to take severe action to limit damaging assaults, which are often caused by some of the most reprehensible people in society.

We are grateful to the work of organisations such as the Muslim Council of Britain for bringing these matters to our attention, and to other groups such as the Sikhs and the Jews, which have supported the Muslims, even though technically they are covered at present. There has been a broad-based alliance in pushing these matters forward.

We believe that the Crown Prosecution Service represents the acid test. The staff of the CPS will have to operate the new laws once they are introduced. The current distinctions do not give them the necessary tools to operate in every circumstance, although they will have the tools to operate in the large majority of cases.

I take issue with the Home Secretary's contention that there is an objective test of race. All definitions of race are vague at best and are quite clumsy tools. In a multicultural society where we have gradations of race and gradations of cultural difference as people properly mix, integrate and take on different cultural norms, traditional notions of race are highly inadequate.

The amendment tabled by the hon. Member for Hertsmere, to which we put our names, includes the idea of religion within a definition of race and is in itself a clumsy tool. However, we believe that it is as good an approximation as any in terms of giving the CPS the tools that it needs, which is the focus that we have all the time. It should have the ability to take the bigots who cause offensive acts of violence and other damage on individuals to court and to make the charges stick. The inclusion of religion will give the CPS the tool that it needs to cover all instances of racially or religiously motivated violence, rather than the 90 or 95 per cent. that I think the Home Secretary might assure us are covered by the Government amendments. We want 100 per cent.

We believe that amendments Nos. 10 and 11 would take us to a position where every instance of racially or religiously motivated assaults, in whatever form and in whatever division between the race element and the religious element, would successfully be prosecuted by the CPS. The House will then have sent the bigots the message, a message which they will have plenty of time to think on as they serve the sentences that they will rightly be handed down.

Mrs. Anne Campbell (Cambridge): I am glad to be able to speak briefly in the debate. I welcome the clauses that create the new offence of racial aggravation. I have a specific constituency reason for wanting to do so.

On Second Reading, I brought to the attention of my right hon. Friend the Home Secretary the case of a Cambridge United supporter who was caught chanting racial abuse. Unfortunately, the Crown Prosecution

Service was not able to bring a case against him on a criminal charge under the Football (Offences) Act 1991 because he was chanting abuse by himself and not with others. In the end, a case was brought against him under the Public Order Act 1986, which resulted in his being banned from football matches for two years. Although that is a serious punishment for him, it is not the punishment which I think he deserves.

Cambridge United has always taken racism seriously and has done everything to educate youngsters as well as taking tough action when it finds racism occurring. It has been involved in campaigns such as "kick racism out of football" and "give racism the red card". When it receives complaints from members of the public about foul language and racial abuse, it takes action. On the occasion to which I have referred an undercover operation was mounted during a game at which Cambridge United was at home playing Scarborough and fielding four black players. The spectators observed the hurling of threatening and abusive language at both players and spectators.

I believe—I hope that my right hon. Friend will put me right if I am wrong—that clauses 31 and 32 would enable a spectator behaving in that way to be charged under the Public Order Act 1986 for the new offence of racial aggravation. I think that all my constituents would welcome that. It would certainly be welcomed by Cambridge United.

Mr. Malins: It is customary in court, as a witness is sworn in, for the usher to ask the witness, "Do you have any religious belief?" Depending on the answer, the appropriate oath is administered. The House will be intrigued to hear that only a fortnight ago I was sitting in court hearing a case judicially when a witness was wheeled into court and the usher asked that witness, "Do you have any religious belief?" The witness replied, "No, I don't. I am Church of England." It was difficult to know which oath should be administered.

The difficulty with this area, which the House might as well admit, is that there will be problems for the courts if we stray into individual preferences, whether they be religious or racial, or in respect of individual states. When one category—race, for example—is covered, it is difficult to resist the pressure for the floodgates to open so that two, three, four or many more categories may be considered.

7.30 pm

I foresee difficulties for judges in directing juries. Whether or not something was spelt out in statute, judges would be able to take into account all the circumstances of a case, such as an aggravating factor, when deciding on sentence; indeed, they always do so. It could be dangerous for hon. Members to list too many sections of our society that might need special or individual attention.

The Bill covers racial hostility, as my hon. Friend the Member for Hertsmere (Mr. Clappison) said, but not religious hostility. Although the Home Secretary pointed to support for what he said from a particular group, hon. Members should know that the Pakistan Welfare Association, which is a major force, has contacted me through the many people I know in it. It urges hon. Members to support amendment No. 10, which was tabled by my hon. Friend the Member for Hertsmere and would insert the word "religion" in the Bill. For those reasons, it is only proper that hon. Members support our amendment.

Mrs. Eleanor Laing (Epping Forest): I support amendment No. 10. I listened carefully to the Home Secretary, who rightly said that there would be racial discrimination in almost every case where there was religious discrimination. I am sure that that is statistically correct, and that he earnestly believes it to be correct. I am also sure that it is correct in respect of his constituency and of mine, which is where he has his home, but it is not correct in respect of the place that I come from.

I shall speak briefly about the situation in the west of Scotland, where there is no racial difference in one section of the population, but a significant religious difference between Catholics and Protestants. It is well known in every community who is a Catholic and who is a Protestant, not only because of the football teams that people support, but because of the schools that they attend. There is certainly antagonism there.

I know of a young man who was attacked by supporters of the opposing side when travelling home from a football match about 18 months ago. The teams were, of course, Rangers and Celtic, and the attack took place in the centre of Glasgow. The young man, who was 17, was murdered. That was not football hooliganism—far from it; the attack was religious bigotry. I am sure that the Home Secretary will understand the point that I am making: if they do not accept amendments Nos. 10 and 11, the Government will send the wrong message. They should be sending the message that religious discrimination and intolerance are every bit as bad as racial discrimination and intolerance.

Speaking of intolerance, I appreciate that I must be brief, because the football supporters and people of differing religions to whom I have referred will be united this evening, just as hon. Members from both sides of the House—and perhaps you, Mr. Deputy Speaker—will be united in their antagonism to the citizens of Morocco. I mean that in the nicest possible sporting sense.

Mr. Straw: This has been a brief but important debate. I understand the desire of the hon. Member for Epping Forest (Mrs. Laing), who represents my home area in Essex, to get away because of other events. She may not be alone in that, and I should say to her that we welcome allcomers in that part of Essex, including Celtic and Rangers supporters.

My hon. Friend the Member for Cambridge (Mrs. Campbell) asked whether racial chanting by one person could be a public order offence under clause 31. The answer is yes, it could—if it met the test of "harassment, alarm or distress". It would not be a football offence, but it certainly would be an offence. I hope that that gives her some assurance.

Considerable reference has been made to the way in which the courts have defined racial groups. Clause 28 uses the words

"race, colour, nationality (including citizenship) or ethnic or national origins."

[Mr. Straw]

The leading authority in respect of the Judicial Committee of the Privy Council is Mandla *v.* Dowell Lee. Lord Fraser of Tullybelton said:

"The conditions which appear to me to be essential are these: (1) a long-shared history, of which the group is conscious as distinguishing it from other groups and . . . (2) a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance."

He added other categories which were not essential, but relevant. He added:

"A group defined by reference to enough of these characteristics would be capable of including converts, for example, people who marry into the group, and of excluding apostates."

The definition judicially determined, which appears in clause 28, does not exclude religious groups or converts into them. I understand the difficulty in respect of the Muslim community, and I hope and believe that the Government amendments go a long way to meeting the concerns.

I say to the hon. Member for Epping Forest, who represented her ethnic origins, that we of course recognise the case for laws dealing with religious discrimination and hatred. We are giving it active consideration, but we need to give such offences the same careful consideration that we have given to these offences. For those reasons, and no others, I ask the Opposition to withdraw their amendment.

Amendment agreed to.

Amendments made: No. 17, in page 22, line 31, at end insert—

'( ) In subsection (1)(a) above—

"membership", in relation to a racial group, includes association with members of that group;

"presumed" means presumed by the offender.'.

No. 160, in page 22, line 31, at end insert—

'( ) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on—

(a) the fact or presumption that any person or group of persons belongs to any religious group; or

(b) any other factor not mentioned in that paragraph.'.—*[Mr. McFall.]*

Amendment proposed: No. 10, in page 22, line 33, after 'race', insert 'religion,'.—*[Mr. Clappison.]*

Question put, That the amendment be made:—

The House divided: Ayes 146, Noes 268.

Division No. 313] **[7.38 pm**

AYES

Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Ballard, Jackie
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Bruce, Malcolm *(Gordon)*
Burns, Simon
Campbell, Menzies *(NE Fife)*
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harris, Dr Evan
Hawkins, Nick
Hayes, John
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Hunter, Andrew
Jack, Rt Hon Michael
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Ieuan Wyn *(Ynys Môn)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Oaten, Mark
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Tonge, Dr Jenny
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Wallace, James
Waterson, Nigel
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wigley, Rt Hon Dafydd
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Woodward, Shaun
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mrs. Caroline Spelman.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atkins, Charlotte
Banks, Tony
Battle, John
Begg, Miss Anne
Benn, Rt Hon Tony
Bennett, Andrew F
Bermingham, Gerald
Berry, Roger
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*

Browne, Desmond
Buck, Ms Karen
Burden, Richard
Butler, Mrs Christine
Byers, Stephen
Campbell, Mrs Anne *(C'bridge)*
Campbell–Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Caton, Martin
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dewar, Rt Hon Donald
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Gapes, Mike
George, Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Hesford, Stephen
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jowell, Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Livingstone, Ken
Lock, David
Love, Andrew
McAvoy, Thomas
McCafferty, Ms Chris
McDonagh, Siobhain
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McLeish, Henry
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Marek, Dr John
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Whitehead, Dr Alan
Wicks, Malcolm
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Clive Betts and
Mr. Jon Owen Jones.

Question accordingly negatived.

Clause 33

RACIALLY-AGGRAVATED OFFENCES

Amendments made: No. 102, in page 25, line 35, leave out

'of, or association with members of,'

and insert '(or presumed membership) of'.

No. 103, in page 25, line 40, at end insert—

'(2A) In subsection (2)(a) above—

"membership", in relation to a racial group, includes association with members of that group;

"presumed" means presumed by the offender.

(2B) It is immaterial for the purposes of paragraph (a) or (b) of subsection (2) above whether or not the offender's malice and ill-will is also based, to any extent, on—

(a) the fact or presumption that any person or group of persons belongs to any religious group; or

(b) any other factor not mentioned in that paragraph.'.—*[Mr. Robert Ainsworth.]*

Clause 35

EFFECT OF CHILD'S SILENCE AT TRIAL

Mr. Clappison: I beg to move amendment No. 63, in page 26, leave out lines 16 to 20.

We now come to the question of removing the right to silence for children aged under 14. The Criminal Justice and Public Order Act 1994 permits a court or jury to draw such inferences as seem proper from a defendant's failure to give evidence or a refusal to answer any questions. That was described as ending the right to silence, and I adopt the same description now. The provisions of the 1994 Act on the right to silence were restricted to defendants aged over 14. Defendants aged under 14 still enjoyed what has been described as the right to silence.

In view of what the Labour party said during the passage of the 1994 Act, we are slightly surprised that the Government are now proposing to abolish the right to silence for children. Having opposed and voted against ending the right to silence for adults, the Government now propose to go a step further and end the right to silence for children.

We are surprised by that, because in 1994—not all that long ago—the opposition to the ending of the right to silence was led by the then shadow Home Secretary, who is now the Prime Minister. He regarded this as a most serious matter to which he gave deep consideration. He told the House of Commons that the right to silence was a fundamental principle and that the case for changing it had not been made. He said:

"We go further, and say that it is more than merely a matter of high constitutional principle. There is a serious and substantial risk that, in the manner in which the Government have proceeded, we will not merely fail to convict more of the guilty, but that we are in danger of convicting more of the innocent. Those who are in primary danger from the changes will not be, as has been said, the professional and the hardened criminal, but they could well be the weak, the inadequate and the frightened."—[*Official Report*, 13 April 1994; Vol. 241, c. 261-62.]

Labour Members may latch on to the phrase

"in the manner in which the Government have proceeded"

as though it is a get-out clause. I advise Ministers that they should not see it as a get-out, because the position I described in my opening remarks is precisely the same as "the manner" to which the then shadow Home Secretary was referring. The effect of the Government's proposals for children is precisely the same as that of the 1994 proposals for adults. If there is any attempt to seek a get-out, I shall read out the then shadow Home Secretary's description—although I note that comments from hon. Members on the Treasury Bench have now subsided. That get-out has been closed off.

This is a serious issue, because the position of children in courts is special. A high-profile campaign has recently been launched by the National Society for the Prevention of Cruelty to Children about the way in which children who are victims are dealt with in courts. Some of the same considerations must also apply to children of 10 or 11, or 12 or 13, who are defendants. The 1994 Act recognises that special considerations apply to them.

Children of those ages stood trial at the Old Bailey on serious charges. The case was reported in *The Times* on 16 January 1998 under the headline:

"Old Bailey becomes classroom for rape trial of 10-year-olds".

The report begins:

"Court 12 at the Old Bailey has been transformed like a stage set into a modern primary school classroom. The only thing missing is a sandpit, a lump of Play-doh or a large frieze showing the letters of the alphabet.

Yesterday in the court two boys aged ten became the youngest children to be tried for rape. Their alleged victim was a nine-year-old pupil, raped in the lavatories of their primary school. A third nine-year-old boy escaped prosecution because he was too young to face criminal charges while two others are accused of indecent assault.

Four square tables have been arranged in the middle of the room, each with five or six chairs, just as at school. Each of the ten-year-olds sits at a separate table with his barrister, the barrister's junior, a parent and a child liaison officer.

The first thing that strikes you is how very tiny the little boys are. One of them looks no more than seven. If they had to stand in a dock they would be invisible."

Clause 35 would create similar scenes. If the clause is passed unamended, children will lose the protection of the right to silence, which they currently enjoy under the 1994 Act.

We think that special considerations should apply in the cases of young children, and are surprised that the Government are taking such a course. Although we are glad that they have repented of their opposition in 1994, one surely cannot repent of holding what the then shadow Home Secretary described as "high constitutional principles" or of seeking to avoid the terrible risk of convicting the innocent—which also was dealt with eloquently by the then Home Secretary. We think that such considerations should apply particularly strongly in the case of young children, for the reasons that I have given.

The Government are taking a very surprising course, which will have to be examined and justified further.

8 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): Amendment No. 63 would remove clause 35 from the Bill entirely. The hon. Member for Hertsmere (Mr. Clappison) made a rather confusing argument in its favour.

The purpose of clause 35 is to amend section 35 of the Criminal Justice and Public Order Act 1994, which deals with the inferences may be drawn at a trial, if the defendant chooses, in certain circumstances, to remain silent. Currently, such inferences may not be drawn when the defendant is under the age of 14, when the guilt of the accused is not an issue, or when the defendant's physical or mental condition makes it undesirable that he should give evidence.

It is the Government's intention, as effected by clause 35, to remove the age restriction from section 35 of the 1994 Act, so that the provision may apply equally to all juveniles and adults. The remaining restrictions in section 35 will not be affected.

There are two principal reasons for making such a change. The first is consistency with the Government's intention to abolish the rebuttable presumption of doli incapax—a proposal which has met with an extremely favourable response among practitioners in the arena of youth justice. Abolition of the presumption may result in a conviction, which will allow a formal opportunity for intervention in what may very well be the beginning of an offending career, so that the young person may be

turned away from such a path at the earliest opportunity. Such intervention is a key principle behind our proposals. If offending behaviour occurs, our objective is to intervene early, so that we may begin turning that young person away from offending behaviour.

In keeping with that thinking, clause 35 will allow a court or jury to draw inferences from the silence of a defendant between the ages of 10 and 13. We concluded that the defendant is responsible for his or her behaviour. Consequently, in most cases, it is eminently reasonable to conclude that a child between those ages will be able—if the circumstances are clearly explained to him or her—to understand the consequences of refusing to answer a question in court, or of refusing to speak up on his or her own behalf.

It is particularly important that a young person should provide any innocent explanation, should there be one, for his or her conduct. To allow a young person to evade that responsibility does him or her no favours. Our whole programme is about getting young people to face up to their offending behaviour, and part of that responsibility is explaining that behaviour. When it seems to the court or the jury that a child does not understand, he or she will still be able to be protected by the provisions of section 35 of the 1994 Act, which allow the court not to draw inferences if it considers that the child's mental or physical state makes that undesirable.

Mr. Clappison: Is not doli incapax an entirely separate issue? Moreover, if that safeguard has been removed, is there not a stronger case for examining even more carefully the need for other safeguards?

Mr. O'Brien: The answer to that question is no. Although doli incapax is another matter, it is related to the one that we are debating. If we are to have consistency and logic in what we do, our proposal should follow as a further change.

In most cases, it is right and appropriate that young people should face up to their responsibilities and give an account of themselves, and that any refusal to do so should be regarded in the same way as would, for example, the refusal of a 14 or 15-year-old to provide an account. Either we should treat young people as responsible for their actions or we should not. If they are responsible, they should be able to provide an explanation for their actions. Amendment No. 63 is effectively a charter for irresponsible behaviour by young offenders.

The second reason for retaining clause 35 is, once again, to achieve consistency—not, this time, with the Government's new legislation, but with current provisions on juvenile justice. Under section 34 of the 1994 Act, there are no restrictions on drawing inferences from the failure of 10 to 13-year-olds to mention facts when charged or questioned by police. Similarly, all children above the age of criminal responsibility are already treated equally, under section 36 of 1994 Act, which deals with the failure or refusal of the accused to account for objects, substances or marks, and under section 37 of that Act, which deals with the failure or refusal of the accused to account for his or her presence at a particular place. Clause 35 simply brings the position of those young people in court into line with current related provisions.

By treating all juveniles in the same way, except where individual circumstances clearly merit different treatment, we can ensure an efficient and effective approach to all offenders over the age of criminal responsibility, and can nip their offending in the bud at the earliest possible stage. We are not talking about getting a conviction and imposing a draconian penalty on a young person. Our objective is to tackle offending behaviour and divert young people from further offending, and to ensure that the courts have the ability to effect our objectives.

In the light of that explanation, I hope that the hon. Member for Hertsmere will not press his amendment.

Mr. Clappison: I am not entirely satisfied by the Minister's explanation. He said that abolition of doli incapax has received a broadly favourable reaction. As he knows, the Committee carefully considered abolition and took the view that the Government's course on the issue was right. However, not everyone took that view. The Minister should know that we received representations from organisations that were concerned about abolition.

In another place, on the abolition of doli incapax, Baroness Mallalieu—who was one of the counsel in the case at the Old Bailey that I mentioned—said that she hoped that

"the Minister will not lightly dismiss the concerns of many who practise at the criminal bar about the abolition of this rule."—[*Official Report, House of Lords*, 19 March 1998; Vol. 587, c. 833.]

The Minister would do well to bear in mind those concerns.

We weighed up the arguments and thought that abolition of doli incapax was the right course to take. We thought that it should not be necessary for the prosecution effectively to have to prove that the child knew the difference between right and wrong. However, we do not think that that belief in itself makes the case for abolishing a child's right to silence in court. The issues are quite separate. If one is removing a safeguard such as doli incapax, the case for carefully examining other existing safeguards—such as the right to silence—is strengthened.

The Minister was right to say that children do not have the right to silence in other settings, such as when being interviewed by police. However, although that was the position under the 1994 Act, a special view was taken of children in court—because giving evidence in court is different from being asked questions in other circumstances, such as in a police station. With the best will in the world, courtroom proceedings can be very daunting for little children. As I said, in its campaign, the NSPCC has recognised the difficulties of child victims who have to give evidence in court. Realistically, we have to recognise the special circumstances in cases involving young children.

We wonder why the Government have proposed such a change without consultation—or much fanfare. It would be interesting to know what issues might have been raised if there had been consultation. A bit of fanfare has surrounded the Bill—I do not think that anyone could say that it has been undersold. Perhaps "never knowingly undersold" would be the best description of the Bill. Nevertheless, we are concerned by the way in which the Government have undertaken the change.

I have expressed our concerns on the matter. However, in order to allow the House to make some progress on other subjects, I shall not press it to a vote. As I said, the Government have taken an extraordinarily contradictory position on a matter that the Prime Minister himself as a matter of high constitutional principle. If principles can

[Mr. Clappison]

be abandoned so lightly, we wonder what message will be sent, and what will happen to the principles that the Government are currently espousing.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 42

SUPPLEMENTARY PROVISIONS

Amendment made: No. 18, in page 31, line 39, at end insert

'and the Inner Temple and the Middle Temple form part of the City of London'.—*[Mr. McLeish.]*

Clause 47

POWERS OF YOUTH COURTS

Amendment made: No. 19, in page 36, line 8, at end insert—

'(1A) Where a person is remitted under subsection (1) above—

(a) he shall have no right of appeal against the order of remission;

(b) the remitting court shall adjourn proceedings in relation to the offence; and

(c) subsections (1B) and (1C) below shall apply.

(1B) The following, namely—

(a) section 128 of the 1980 Act; and

(b) all other enactments (whenever passed) relating to remand or the granting of bail in criminal proceedings,

shall have effect in relation to the remitting court's power or duty to remand the person on the adjournment as if any reference to the court to or before which the person remanded is to be brought or appear after remand were a reference to the court to which he is being remitted ("the other court").

(1C) The other court may deal with the case in any way in which it would have power to deal with it if all proceedings relating to the offence which took place before the remitting court had taken place before the other court.'.—*[Mr. McLeish.]*

Clause 56

BAIL: RESTRICTIONS IN CERTAIN CASES OF HOMICIDE OR RAPE

Mr. John Greenway (Ryedale): I beg to move amendment No. 64, in page 43, leave out lines 10 to 16.

It is a relief to take part in the proceedings, albeit at such a late stage, in view of the fact that other legislation denied me the opportunity to serve on the Standing Committee that considered the Bill, something that I had anticipated doing for some months.

The Criminal Justice and Public Order Act 1994 introduced five key changes to the right of accused persons to bail pending trial. At that time, Government estimates were that 50,000 offences were committed each year by people on bail. The changes that were made then contributed significantly to the recent reduction in crime.

One of the changes contained in section 25 of the 1994 Act provides a bar to bail for defendants charged with or convicted of an offence of homicide or rape if they have a previous conviction for a homicide or rape offence. Clause 56 seeks to amend that provision, to remove the bar to bail and introduce instead an exceptional circumstances test.

The test would in the main be the responsibility of a police officer, presumably a duty sergeant, or a magistrate before whom the accused person would appear. They would decide whether the exceptional circumstances test was met and, if so, would grant bail. We disagree with that provision; hence amendment No. 64. In Committee, there was a lively debate on this matter, which I read with some interest and which I dare say the Minister will recall. I do not propose to detain the House by rehearsing it again now; nor do I intend to tempt the Minister to anticipate European Court judgments—we think the issues are fundamental and stand on their own.

It is important to remind the House, however, that in Committee, Conservative Members pressed an amendment requiring any decisions about bail in respect of defendants in homicide or rape cases, where the defendants had a previous conviction, to be taken only by a High Court judge. We do not think that the Minister gave an adequate explanation of why the precaution of having a High Court judge's decision was so unacceptable, given the importance that the Government appear to attach to including the exceptional circumstances test.

More to the point, we do not believe that the Government have made a case as to why the 1994 Act should be changed at all in this regard. In view of that, amendment No. 64 seeks to delete clause 56, leaving the position as it currently stands—with an absolute bar to bail in such cases.

The Government's view appears to be that the 1994 Act's provision was not justified. However, Parliament approved it. The argument took place then, and is over. Parliament believed that the measure was necessary to protect the public. Ministers have not thus far provided any compelling evidence that this absolute bar to bail has created difficulty. When the 1994 Act was being considered, Labour failed to support the provision of such protection, although just about everything else in that legislation, which the current Prime Minister, who was then shadow Home Secretary, described as "gimmicks", has stood the test of time. Clearly, with the responsibility of government, a more mature view has thankfully emerged.

8.15 pm

If the Government get their way, however, and clause 56 remains in the Bill, it will be possible for a convicted murderer or rapist to be allowed out on bail when charged with a similar offence in the future. That is the purpose of clause 56.

We do not seek to criticise custody sergeants or magistrates in general or suggest that they are incapable of taking decisions about bail. They exercise such powers regularly and do so with considerable care and diligence. However, misjudgments do arise, wrong information is given, and there can be misunderstandings.

Mr. Mike O'Brien: The hon. Gentleman says that misunderstandings may occur in such circumstances. Can he give me one example of any case before 1994 which is on all fours with what he is proposing and where such a thing has occurred?

Mr. Greenway: I said that I was not going to repeat all the arguments that were made at the time of the 1994

legislation. The point is that Parliament accepted that strengthening protection in such cases was necessary. However, the Minister anticipates the point that I was about to make which clearly justifies the need for caution.

The number of cases in which rapists on release from prison subsequently attack other women—or in which people convicted of murder or, as is often the case, of manslaughter, subsequently kill again—surely indicates that any known offender in these categories who is subsequently arrested and charged with a repeat offence should not be granted bail. That is the only approach that achieves total consistency and the complete elimination of risk. That was the purpose of the 1994 legislation. As I said, in Committee the Minister could not say where there had been any difficulty with that. We believe that in order to ensure the complete elimination of risk and to achieve total consistency there should be an absolute bar to bail in such cases.

It may be argued that there could be cases in which it might be wrong—I think the Minister tried to advance this argument in Committee—to remand in custody someone facing trial for a second homicide offence if, for example, he was previously convicted of manslaughter which might have involved negligence behind the wheel of a car or negligence in failing to fulfil a professional duty. On the other hand, such a case would not proceed without compelling evidence. A custodial sentence would follow conviction, which tends to suggest that the balance of the argument should be to remand in custody. Such cases would be very rare, and the phrase used in the Bill—"exceptional circumstances"—could well be more liberally interpreted. Only time would tell.

What is much more likely is that, based on an unreliable, if not erroneous, assessment of an individual's mental state or preponderance to reoffend, someone who would pose a serious risk to the community would be granted bail and released. What are we to say to a victim's family when someone on bail kills someone else or commits rape? It is no good relying on the benefit of hindsight to conclude that a wrong decision was taken. The harm that has been caused cannot be reversed.

Those difficult and important issues require Parliament to balance the rights and freedoms of individuals with those of society. In our judgment, that balance is best struck by leaving the law as it stands. The bar to bail for defendants convicted of homicide or rape, when subsequently charged with a similar offence, is surely the minimum protection that the public should expect the law to provide. I invite the House to support the amendment to delete clause 56.

Mr. Mike O'Brien: The hon. Gentleman's argument relies on the fact that Parliament made a decision on a previous occasion and that it was wrong for Parliament to reconsider the issue. That goes against the basic constitutional principle of one Parliament not binding another. I put that argument aside. Parliament is entitled to reconsider the issue.

The Labour party argued against the introduction of the provision in the Criminal Justice and Public Order Act 1994. We continue to believe that it is bad law and against the interests of justice. We have every confidence in the ability of the police and the courts to make the right decision in such cases, just as they could before 1994. We are unaware of any example of bail having been granted in such a case. We were mindful then, and remain aware, of public concern about some bail decisions. The decision should remain with those in possession of the full facts, but the public must have confidence in the process.

We are not repealing section 25 of the 1994 Act; we are improving it. Ordinarily, there is a presumption that bail will be granted unless there are substantial grounds to believe that the defendant will abscond, commit an offence or obstruct the course of justice. In the absence of such grounds, the defendant must be released on bail. Clause 56 reverses that general presumption. The presumption will be that the defendant is taken into custody. The burden will be on the defendant to show that the circumstances of his case are exceptional and justify his release on bail. We do not expect many, if any, defendants to overcome that hurdle.

There are also existing safeguards to insure against any unacceptable risk to the public as a result of the judicial discretion that we are proposing to restore. First, there is the reversal of the presumption in favour of bail. Secondly, the Bail (Amendment) Act 1993, which applies to cases involving any offence attracting a maximum penalty of five years or more in prison, gives the prosecution a right of appeal to a Crown court judge against a magistrates court decision to grant bail. The defendant must be kept in custody pending the outcome of the appeal. Thirdly, the Bail Act 1976 says that if a defendant who has been charged with any such offence is granted bail and representations have been made that he should be denied bail, the court must state its reasons for granting bail and cause those reasons to be included in the record of the proceedings.

The new provision allows some flexibility to prevent injustice, ensures that the protection of the public remains a primary concern and provides a tough additional safeguard against bad bail decisions in particularly serious cases. I shall give an example of an exceptional case—such a case has not happened yet—in which we might want to consider bail.

Let us consider a doctor who had a previous conviction for manslaughter as a result of euthanasia. He had turned up on all previous occasions while on bail and there was no reason to believe that he would not turn up on bail. A condition of bail when charged with a second offence could be that he should not practise as a doctor, so there would be no danger to the public and noboly would think that there was. There would be every reason to believe that he would not break that bail condition. Would the hon. Member for Ryedale (Mr. Greenway) say that the courts and the police should not be able even to consider bail? The public would want to think carefully. An American doctor, whose name I forget, was involved in similar circumstances.

I am not saying that bail should be granted in such cases, but, if there are exceptional circumstances, we should trust the police and the courts to decide whether bail is appropriate. Despite what the hon. Gentleman says, this is about whether we trust the police and the courts. For decades, they have had the power to grant bail. No one has provided evidence of any case in which they could not be trusted. The Tory party has made itself the party that has no trust in the police or in our courts. The Tories are stirring up fears that the public face killers, murderers or rapists on the streets. They seem to believe

[Mr. Mike O'Brien]

that the police will irresponsibly release such people. They are stirring up those fears with no evidence and great irresponsibility.

The hon. Member for Ryedale shakes his head. During his speech, he was reasonable. However, he has issued a press release that says:

"Convicted murderers and rapists could be wandering the streets on bail."

That is not what he said this evening, but he has put out that statement to the press and the public. That is an irresponsible statement which could stir up fears among the public. If he is serious, he should not make such flagrant attempts to create fear on our streets. The fear of crime is bad enough. A responsible Member of Parliament should not put out such statements. He knows perfectly well that we shall not do anything of the sort. We are trying to make young offenders accept responsibility for their bad behaviour. I hope that the hon. Gentleman will withdraw his irresponsible statement.

No serious commentator has said that we cannot trust the police or the courts to make the right decisions in such cases. The safeguards are there. The Tories should stop undermining trust in our police and our courts, and stop making wild claims designed to stir up fear on our streets. We are dealing with a serious issue. The hon. Gentleman's press statement does not treat it with the seriousness that it deserves.

Mr. Greenway: Well, we really have touched a nerve. The Minister has made three statements that make our case. First, he said that the situation has not arisen yet. The Government have failed miserably to demonstrate any reason why the 1994 Act should be amended. The fact that the circumstances have not arisen underlines our concern that, if the bar to bail is removed, it will be possible for someone previously convicted of homicide—or, more probably, of rape—to reoffend again if granted bail.

I made no criticism of the police. I went out of my way to point out that the police do a very good job and do it with diligence. A decision on exceptional circumstances might be taken by a court rather than a custody sergeant. Who knows what the circumstances would be? Our clear view is that there should be a bar as the best means of protecting the public. That is why we implemented the provision in the 1994 Act.

Mr. Mike O'Brien: Will the hon. Gentleman confirm that, based on the pre-1994 evidence and the fact that there is no evidence that the police or the courts have ever made what he calls "mistakes" in such cases, he can trust the police and the courts to make those decisions?

8.30 pm

Mr. Greenway: We have not trawled through every single case, but the Minister must accept that there have been numerous cases where those convicted of rape, murder or manslaughter—most likely manslaughter, which is why they are released much earlier—reoffend when they are released. If they have been arrested and recharged with a further similar offence, common sense suggests that if one is in the business of protecting the public from those people, the balance of the issues lies in the public interest, not in granting bail under any circumstances.

I said that for there to be a question of remand in custody pending trial, the Crown Prosecution Service would have to have considered all the evidence. There would have to be a compelling case, considered strong enough to take to court and, on conviction, there would almost certainly be a long custodial sentence. It therefore seems illogical to argue about whether, in such circumstances, bail is appropriate.

The Minister also said that he did not expect many defendants to overcome that hurdle. That suggests that the argument is really about a point of principle. There is a meeting of two absolute views: the public generally support our view, which is that there should be an absolute bar to bail; the Government clearly do not agree.

We have made the argument, and we stand by it. We shall not seek to press the issue to a Division, but we thought it right to have this debate and to draw the public's attention to it—hence the press release put out by central office. We wanted to let people know that the Government say that they are tough on crime, yet on this issue they are failing to give the public the protection that they deserve.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 20, in page 44, line 33, after 'section' insert 'and section 51(2C) below'.—*[Mr. Michael.]*

Clause 62

REQUIREMENTS AND PROVISIONS TO BE INCLUDED IN ORDERS

Amendments made: No. 47, in page 46, line 38, after 'any' insert 'particular'.

No. 48, in page 47, line 29, leave out

'by which the order is made'

and insert 'responsible for the order'.

No. 49, in page 47, line 34, at end insert—

'(9) In this section and sections 63 and 64 below, references to the court responsible for a drug treatment and testing order are references to—

(a) the court by which the order is made; or

(b) where another court is specified in the order in accordance with subsection (10) below, that court.

(10) Where the area specified in a drug treatment and testing order made by a magistrates' court is not the area for which the court acts, the court may, if it thinks fit, include in the order provision specifying for the purposes of subsection (9) above a magistrates' court which acts for that area.'.—*[Mr. Michael.]*

Clause 63

PERIODIC REVIEWS

Amendments made: No. 50, in page 47, line 40, leave out 'making' and insert 'responsible for'.

No. 21, in page 48, line 29, leave out 'one' and insert 'either or both'.

No. 22, in page 48, line 31, leave out 'or'.—*[Mr. Michael.]*

Clause 64

SUPPLEMENTARY PROVISIONS AS TO ORDERS

Amendment made: No. 51, in page 49, line 23, leave out from beginning to 'give' in line 24 and insert—

'(1A) Where, in the case of a drug treatment and testing order made by a magistrates' court, another magistrates' court is responsible for the order, the court making the order shall forthwith send copies of the order to the other court.

(2) Where a drug treatment and testing order is made or amended under section 63(2) above, the court responsible for the order shall forthwith or, in a case falling within subsection (1A) above, as soon as reasonably practicable'.—*[Mr. Michael.]*

Clause 67

REPARATION ORDERS

Amendments made: No. 23, in page 52, line 18, after 'sentence' insert

'or a sentence under section 53(1) of the 1933 Act'.

No. 24, in page 52, line 21, leave out

'an action plan order or a compensation order'

and insert

'or an action plan order'.—*[Mr. Michael.]*

Clause 69

ACTION PLAN ORDERS

Amendment made: No. 25, in page 54, line 4, after 'sentence' insert

'or a sentence under section 53(1) of the 1933 Act,'.—*[Mr. Michael.]*

Clause 72

BREACH OF REQUIREMENTS IN SUPERVISION ORDERS

Amendment made: No. 88, in page 56, line 40, leave out from 'him' to end of line 44 and insert—

'(i) subject to section 16A(1) of this Act, an order under section 17 of the Criminal Justice Act 1982 (attendance centre orders); or

(ii) subject to section 16B of this Act, an order under section 12 of the Criminal Justice Act 1991 (curfew orders);'.—*[Mr. Michael.]*

Clause 74

DUTIES AND POWERS OF COURT

Amendment made: No. 26, in page 58, line 43, leave out from beginning to end of line 5 on page 59.—*[Mr. Michael.]*

Clause 79

SENTENCING GUIDELINES

Mr. Michael: I beg to move amendment No. 27, in page 62, line 27, after 'against' insert

', or a reference under section 36 of the Criminal Justice Act 1988 with respect to,'.

Mr. Deputy Speaker (Mr. Michael Lord): With this, it will be convenient to discuss the following amendments: No. 87, in page 63, line 8, at end insert

'and any aggravating factors based on a victim's race, religion, sexual orientation, gender, age or disability'.

Government amendment No. 28.

Mr. Michael: The amendment makes it clear that the sentencing guideline provisions apply to cases before the Court of Appeal when the Attorney-General has made a referral to it, as well as to cases where the offender appeals against sentence.

The Criminal Justice Act 1988 gave the Attorney-General the power to refer serious cases to the Court of Appeal when a sentence appeared to be unduly lenient. In the past few years, the Court of Appeal has, on occasions, established sentencing guidelines as a result of such cases. An example is the 1989 sentencing guideline on incest in the case of Attorney-General reference No. 1 of 1989. In view of the importance of the Attorney-General's powers, it is clear that such cases need to be covered. The amendment seeks to remove any doubt about whether such cases are covered—they are.

Amendment No. 87 would require the Court of Appeal to include in its sentencing guidelines aggravating factors relating to the victim's race, religion, sexual orientation, gender, age or disability. The Government have the greatest sympathy with the principle behind the amendment. We deplore offences that are driven by any of the motivating factors in the amendment. In Committee, my hon. Friend the Member for Enfield, Southgate (Mr. Twigg) helpfully suggested that the sentencing guidelines provisions in the Bill might provide an opportunity to establish guidelines on the treatment of homophobic violence. The sentencing guidelines are likely to be helpful in that regard.

The mechanism of the advisory panel provides a vehicle through which experience and opinion on such matters can be fed. The sentencing advisory panel will be able to receive views from those who have had direct experience of the sort of problems that are highlighted, and will be able to point out concerns about patterns of sentencing in relation to such matters. It will then be able to pass views to the Court of Appeal. Thus, the mechanism will be sensitive to experience in the community of the outcomes of sentencing on such matters.

Ultimately, it will be for the Court of Appeal to decide on guidelines, having regard to the requirements set out in the Bill. It would not be right for the Court of Appeal to be told that it must include certain aggravating factors; nor is it necessary to do so. Those factors are unlikely to be relevant aggravating factors in many of the cases before the court. For example, none of those factors would be at all relevant to a case of causing death by drink-driving. The aggravating factors in those circumstances are more likely to include matters such as the amount of alcohol consumed, whether the offender failed to stop after the accident, or excessive speed. Although those are important issues, they are not part of the list suggested in the amendment.

It is widely acknowledged that the courts need to have regard to a multitude of aggravating and mitigating factors when sentencing. Does that mean that the factors in the amendment are more important than other factors? Would

[Mr. Michael]

that be the effect in law? Clearly, there are occasions when they should be regarded as important, and others when they should be regarded as less important, depending on the facts of the case. Is an attack based on an offender's gender worse than an attack where a weapon is involved? Those are difficult judgments to make, yet we would raise that issue if we included the provision in the Bill.

Why do we not require the Court of Appeal to include mitigating factors? We believe that it is best to leave those matters to the courts. After deep consideration, considerable thought and debate, we have created a statutory provision on racial crime because this is a widespread problem, which does specific damage to community relations and social stability. It not only damages the victims and those associated with them, but tears a rift in the fabric of society. That is the difference, as we explained in earlier debates.

The courts are already required in sentencing to account of all the mitigating and aggravating factors of the offence and the offender. Sentencing guidelines have always included aggravating factors. To give just one example, one of the most well-known sentencing guidelines, the case of Billam, lists a number of serious aggravating factors in rape cases, including where

"the victim is either very old or very young".

The sentencing guideline provisions in the Bill are important, but they build and improve on the current system of sentencing guidelines and they are not intended to, nor do they, interfere with the independence of the courts. The amendment carries a much graver risk of interfering with the courts' discretion.

I hope that, although there may be issues that hon. Members want to raise in the debate, I have explained the reasons why it would not be advisable to put those matters on the face of the Bill, and how they can be dealt with within the structures that we propose.

Mr. Allan: I am grateful to the Minister for his warm response to the intention behind amendment No. 87, which I tabled, even though he has said that he will not accept it as worded. He was correct to refer to our debates in Committee on homophobic offences—offences motivated by hatred of people because of their sexuality. Amendment No. 87 arises from two of the issues that we discussed in Committee: first, aggravating factors based on age, gender and disability; and secondly, whether such issues should be determined through sentencing guidelines rather than through the mechanism of a new clause, as we originally proposed in Committee. Amendment No. 87 is a constructive attempt to reconcile some of the suggestions that were put to us, including the helpful suggestion from the hon. Member for Enfield, Southgate (Mr. Twigg).

Liberal Democrats remain concerned about these issues. In Committee, we cited a considerable amount of detailed evidence from such bodies as Stonewall, which, in its survey "Queerbashing", pointed out that that offence is committed daily in our streets. We also referred to the fact that, last year, the Home Secretary grouped that offence with offences motivated by racial hatred, with which the Bill, fortunately, also deals.

I am pleased that the Minister said that the appeal courts would consider these issues, even though the Government will not direct them to do so in legislation. Paragraphs (a) and (d) of clause 79(3) specify

"the need to promote consistency in sentencing"

and

"the need to promote public confidence in the criminal justice system".

If we are to achieve those goals, we believe that the courts will have to address the aggravating factors about which we are talking.

Homophobic assaults are significantly under-reported precisely because of a lack of public confidence. Sentencing guidelines are important not only because of the sentences that they suggest, but because to mention them in open court will be to give a strong signal that the court is taking aggravating factors seriously—if, in sentencing, the judge says that he or she has taken on board an aggravating factor, that will give a huge boost to public confidence, and many more offences will be reported.

Mr. Michael: The hon. Gentleman's remarks are helpful, and may be complemented by two other factors. First, the crime and disorder audit can take account of the experience of particular groups, which can then be considered in decisions on strategy. The second factor is the attitude of the police. The Association of Chief Police Officers, for example, has made it clear that it recognises that the police must listen to and understand the experience of particular groups, such as the lesbian and gay communities, to deal with specific crimes.

Mr. Allan: I am grateful for those comments. We have strongly welcomed the community safety strategies and the idea that communities should be asked about what they want. We believe that communities will, through those consultation exercises, express their desire to receive the protection that we are talking about. I am also grateful to the Minister for the way in which he has taken on board the issues that we raised—hon. Members on both sides of the House agree about the importance of boosting public confidence.

Action is needed throughout the criminal justice system. The Minister referred to the police, who we believe are now making strenuous efforts. However, the tools must also be given to the Crown Prosecution Service, so that it knows that evidence on aggravating factors must be collected and that such evidence is worth presenting in court.

Moreover, the courts—including the judges and the magistrates—must also take these issues seriously and treat cases consistently. The experience that has been reported to us is that some aggravating factors are taken more seriously than others. In some cases, they can even be used as mitigating factors—in citing the homosexual panic defence, for example, individuals justify their attacks on gay people by saying, "I was scared because he was making an approach, so I had to hit him, guv." We believe that such a defence is unacceptable, and we hope that the sentencing guidelines will reflect that.

We are grateful to the Government for their constructive approach. We want to continue dialogue both with Ministers in the Home Office and, crucially, with Ministers in the Lord Chancellor's Department, who have specific responsibility for the guidance that is offered to the courts. We hope that the measures applying to

offences motivated by racial hatred will also apply to other offences motivated by hatred—they are often committed by the same people. Moreover, we hope that the courts will maintain public confidence by dealing consistently and seriously with such offences across the country. We must send a message to the people who commit these crimes that the Government and the courts will not accept such behaviour.

Amendment agreed to.

Amendment made: No. 28, in page 63, line 22, at end insert—

'( ) For the purposes of this section, the Court is seised of a reference under section 36 of the Criminal Justice Act 1988 if it has given leave under subsection (1) of that section and the reference has not been disposed of.'.—*[Mr. Dowd.]*

Clause 84

SEXUAL OR VIOLENT OFFENDERS

8.45 pm

Ms Roseanna Cunningham: I beg to move amendment No. 149, in page 65, line 44, leave out from beginning to end of line 1 on page 66.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendments Nos. 104 and 105.

Ms Cunningham: The Minister will not be surprised that I have tabled amendment No. 149, as I have previously flagged up the issue of removing the limits on extended sentences. He will be relieved to know that I do not intend to speak for more than a few minutes—both he and I have pressing engagements elsewhere—and that I shall not press the amendment to a Division.

Clause 84 introduces the concept of extended sentences for sexual and violent offenders, which I believe will become a useful adjunct to the sentencing options that are currently available to Scottish courts. The concept is welcome, but I do not see why there should be a limit on the extended sentence, particularly on sentences that are given in the High Court. People in the profession have queried why High Court judges should have a capping limit of 10 years when, under common law, a life sentence is available. It is understandable that some limits should apply in the sheriff courts for summary and solemn cases, but High Court cases involve only offenders who have committed the most serious offences.

I am sure that the Minister will not deny that an individual such as Cronin—about whom there has been a great deal of public disquiet both in Scotland and in Ireland—who seems utterly unwilling or unable to change his behaviour, needs to be watched for the rest of his life, whether he is in prison or out of prison. I doubt whether many people would fall into that category—at least, I certainly hope not. The fact that there are only a few, however, is no reason for the Government to set their face against the concept of an extension for life.

I expect that, like an ordinary sentence, the extensions would be subject to appeal. Perhaps I have overlooked the part of the Bill where that is specified, so I hope that the Minister can confirm it for the record. I hope that he will also say what provisions there will be to review extended sentences to take account of any changed circumstances that may arise.

Mr. McLeish: I rise to respond at a gloomy moment in the fixture between Scotland and Morocco—my pager reliably informs me that, after 18 minutes, we were one-nil down. However, we are an aspirational country, so I await with interest a further message on my pager—*[Interruption.]* I do not want to be sidestepped into talking about last night's match, but, if pushed, I will.

I shall respond briefly on amendment No. 149 and speak to the Government amendments. First, I share the concern of the hon. Member for Perth (Ms Cunningham) to ensure that the courts have adequate powers to impose sentences that will protect the public from serious criminals. As the provisions stand—taken together with existing legislation—they will achieve that objective.

The provisions in the clause will allow the court to impose an additional period of supervision of up to 10 years in the case of a sex offender. That is on top of any determinate custodial element to the sentence, which may in itself be very lengthy. The maximum is longer for sex offenders than for violent offenders because all the evidence shows that the behaviour of sex offenders is more deeply entrenched. The maximum extension period for violent offenders is therefore less—five years, rather than 10, where a determinate custodial sentence of four years or more is imposed. A five-year extension period could be imposed on a violent offender who would have received a custodial sentence of 10 years, but whom the court considered still to be likely to pose a risk of serious harm to the public when he ceased to be on licence. Therefore, he would either be in custody or on licence and subject to recall to custody for 15 years—well past the point at which most violent offenders, unlike sex offenders, have ceased to be a risk to the public. Should the court decide it necessary, it can impose a discretionary life sentence, which is close to what the hon. Member for Perth appears to want to achieve through the amendment; that power already exists.

The clause contains an additional power. I mentioned the difference between the maximum for sexual offences and for violent offences. If it becomes clear with the operation of the legislation that a longer additional period is desirable in the case of violent offenders, the maximum may be increased up to the same level as for sex offenders by statutory instrument, subject to affirmative resolution. The Government will have no hesitation in seeking Parliament's approval for that change if it should prove necessary.

I hope that I have reassured the hon. Lady that the clause will provide the courts with adequate powers. Like all legislation, we will keep it under close scrutiny so that we can review what is happening. Our objectives are, I think, the same, but we are content with the current provisions of the clause.

On appeals, an extended sentence is a sentence and, therefore, appealable like any other sentence. I pointed out earlier that conditions can be removed by the Secretary of State if they are no longer appropriate—for example, on residential changes. There will be monitoring and review, and I think that the point about appeals has been tidied up. Given those comments, I invite the hon. Lady to withdraw the amendment.

Government amendments Nos. 104, 105 and 109 are consequential on the introduction of clause 109 and are intended to ensure that sentence calculation rules apply similarly to extended sentences as to other custodial sentences.

Ms Roseanna Cunningham: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 85

FURTHER PROVISION AS TO EXTENDED SENTENCES

Amendments made: No. 104, in page 68, line 45, after first 'to' insert

'section 1A(c) of this Act and'

No. 105, in page 69, line 21, after 'In' insert 'section 1A(c) and'.—*[Mr. Dowd.]*

Clause 88

REQUIREMENTS AND PROVISIONS TO BE INCLUDED IN DRUG TREATMENT AND TESTING ORDERS

Amendment made: No. 106, in page 71, line 29, after 'any' insert 'particular'.—*[Mr. Dowd.]*

Clause 94

OFFENCES RACIALLY AGGRAVATED

Amendments made: No. 107, in page 78, line 28, leave out

'of, or association with members of,'

and insert '(or presumed membership) of'.

No. 108, in page 78, line 34, at end insert—

'(2A) In subsection (2)(a) above—

"membership", in relation to a racial group, includes association with members of that group;

"presumed" means presumed by the offender.

(2B) It is immaterial for the purposes of paragraph (a) or (b) of subsection (2) above whether or not the offender's malice and ill-will is also based, to any extent, on—

(a) the fact or presumption that any person or group of persons belongs to any religious group; or

(b) any other factor not mentioned in that paragraph.'.—*[Mr. Dowd.]*

Clause 97

POWER TO RELEASE SHORT-TERM PRISONERS ON LICENCE

Mr. Greenway: I beg to move amendment No. 72, in page 81, line 7, leave out from beginning of line to end of line 19 on page 82.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 73, in clause 98, page 82, line 20, leave out from beginning of line to end of line 46 on page 83.

Government amendments Nos. 161, 109 to 113, 117 to 120 and 143 to 146.

Mr. Greenway: The Criminal Justice Act 1991 introduced the concept of tagging offenders as an alternative sentence to imprisonment. As a Back-Bench member of the Standing Committee of that Bill, I recall during its progress and previously being a strong advocate of the tagging option. At that time, the Labour party took a wholly different view, and I make no point other than that we welcome its conversion now.

However, the House has to ask itself: why the change? We think that the clear and singular answer is concern about prison places, which in turn means concern about the need to save money. I will not labour the point about prison places, except to say that we have yet to be told what the effect of the comprehensive spending review will be on the Home Office budget, and in turn on prison budgets and the provision of new places. We hope that the expansion of prison places in line with the increase in the prison population will continue.

Mr. Beith: Does the hon. Gentleman envisage that to be an indefinite process—that prison numbers will continue to expand, and, year by year, spending reviews will continue to provide more money for them?

Mr. Greenway: That is an important point, but the right hon. Gentleman knows full well that the answer is that it is not the House or the Government, or the Opposition parties, who sentence prisoners to custody. The job of the Government and the House is to ensure adequate provision of prison places. I shall deal with an alternative to the Government's proposals in the Bill, which I hope will encourage the right hon. Gentleman to think that the Opposition are not pursuing a lock-everyone-up policy—far from it: the 1991 Act contained many important reforms of non-custodial sentencing, the bulk of which have now bedded down well into sentencing patterns, and I recall that much concern and suspicion was expressed in the Standing Committee on that Bill.

The proposals in clauses 97 and 98 together provide a detailed scheme for the early release of prisoners serving short-term sentences of more than three months. A prisoner sentenced to four to eight months will serve only a quarter of the term ordered by the court. That means—this has become a colloquial expression—that six months will mean six weeks in prison. For the remainder of the time, up to the point where the prisoner would normally have been released—at the halfway point of the sentence—he or she would be subject to a curfew condition, backed by a tagging requirement to ensure that he or she spent at least nine hours a day on home detention.

Clearly, that provision will affect large numbers of prisoners, who will as a consequence be released early. Notwithstanding the tagging condition or the risk assessment that we are promised, that is a retrograde step: it will give prisoners the opportunity to reoffend, which will consequently undermine the protection of the public. The Minister and the Home Office ministerial team need to brace themselves for significant public disapproval when such cases occur and are publicised.

In the exchange a few minutes ago, we were talking about rare cases and cases in extremis. Here we are talking about the run-of-the-mill Johnny Burglar being released early, spending some time at home because he is tagged, but also spending some time out on the street reoffending. We think that this does not achieve honesty or consistency in sentencing, because if the risk assessment is to mean anything, it will determine that some prisoners will not be released early. More to the point—this is why we chose to have this debate on the Floor of the House—we do not believe that this is the best use of tagging and curfew.

9 pm

Tagging should be a sentence of the court. I must say to the right hon. Member for Berwick-upon-Tweed (Mr. Beith) that it should be seen as an alternative to custody where some restriction of liberty is thought appropriate and a prison sentence is not. Tagging was never considered as a viable sentencing option that would provide an excuse to halve sentences imposed by the courts. On Second Reading, the Home Secretary said that prisoners would be released under the procedure towards the end of their sentences. However, the public will see that tagging occurs within weeks, if not days, of sentence. That will not inspire public confidence in sentencing.

Ministers say that tagging introduces self-discipline, and enables prisoners to be better prepared for life outside prison. Over time, curfew orders certainly can have beneficial effects, and both sides agree that they are a valuable option. Under the Bill, however, many short-term prisoners will have a curfew condition that lasts only a few weeks—it may be as little as two or three weeks. The reduced time served in prison will mean even less time for meaningful work or rehabilitation. We do not believe that the Government's arguments in favour of curfews supported by electronic tagging really make sense.

Ministers have suggested that a risk assessment for each qualifying prisoner will determine suitability. Who will carry that out? What assurance can we have that the assessment process will not be undermined by the need to reduce overcrowding in prison, or to avoid investment in additional places? The clause also provides power for the Secretary of State to amend the various time periods in the proposals. That gives rise to general concern that the proposals will be used as a means to release large numbers of prisoners into the community long before their sentences have been concluded.

We oppose the early release of prisoners under the scheme. That is why we tabled our amendment proposing to remove clause 97. We want an extensive scheme for tagging to reinforce curfew orders, but it should be a proper sentence of the court. Courts could then decide to impose curfew sentences as opposed to short-term custodial sentences where circumstances dictated that that would be beneficial. That is a better and more honest way to relieve pressure on the Prison Service, and to ease overcrowding. It is certainly a more appropriate use of tagging-based curfew sentences.

The Government's approach runs the risk—I say this in all sincerity—of bringing both custodial sentences and the use of tagging into disrepute with the public. The Government would then reap the worst of both worlds. They should think again.

Mr. Mike O'Brien: Amendment Nos. 72 and 73 affect clauses that were not opposed in Committee, and would kill off the home detention curfew. The Government therefore oppose them. Clause 97 establishes the new power under which prisoners near the end of short sentences may, subject to passing a risk assessment carried out by the Prison Service, be considered for an electronically monitored curfew. Clause 98 provides the framework under which a prisoner will serve the period of his home detention curfew.

When my right hon. Friend the Home Secretary announced this initiative, he said that tagging had an important role to play in preparing prisoners for their reintegration into society, and that it could help prisoners by establishing some structure and order to their lives and imposing discipline that may assist in taking

"proper responsibility for working or looking for work, for keeping their families together and for maintaining self-control."—[*Official Report*, 20 November 1997; Vol. 301, c. 454.]

The case for introducing an element of tagging into the last part of a short-term prison sentence is strong. Rather than imposing an outside discipline in the prison, its impact would be to get people to impose self-discipline so that they begin to take responsibility for their behaviour and understand that they can change it and cease their offending behaviour. The effect of teaching prisoners self-discipline will be safer streets, because there will be less likelihood of crime. The Home Secretary also said that it would be the height of irresponsibility not to take advantage of the opportunities offered by technology, thereby contributing to the safety of society at large by improving the prospect of the prisoner's resettlement.

The hon. Member for Ryedale (Mr. Greenway) appeared rather unconcerned about prison places. In Committee, the hon. Member for Woking (Mr. Malins) graphically described the consequences of prison overcrowding—the lack of supervision, the opportunities for misbehaviour, and the fact that it produces more, and worse, criminals. The previous Government created legislation that ensured that more people went to prison, but they failed to finance the prison places. As a result, the new Government had to find £112 million to provide further prison accommodation.

The extra resources announced by the Home Secretary will be used to increase the operational capacity of prisons by 3,820 places. That includes 1,540 new places to be opened in the form of new house blocks, cell reclaims and the continued operation of HMP Weare. Additional resources would also provide staffing and funding for regime activities to support the placing of an additional 2,280 prisoners in existing prisons. In total, the prison building programme will provide 9,700 additional places by the end of 2000, by a combination of expanding existing prisons and building new ones. To date, 4,700 places have been delivered. The new Government accept their responsibility to deal with those issues.

I stress that not all offenders will qualify for home detention curfew. Certain categories of very serious offenders, particularly sex offenders, will be dealt with very carefully indeed. Even if they do not qualify, they will not be released without restriction. There will be a cut-off point below which curfews will generally be impractical and of little value.

The home detention curfew is not an easy option. Offenders will be required to spend nine hours a day or more under curfew. The curfew is an on-going part of the sentence and should be seen as such. The sentence does not end with the custodial element, and failure to comply with the demanding curfew will result in the offender being returned to prison.

The Opposition amendments would stop an important new scheme dead in its tracks. They would mean turning our back on the clear and valuable benefits that can be drawn from this emerging technology. They would perpetuate unnecessary overcrowding and the associated problems that that creates for the Prison Service. They would deliberately prevent us from developing new and constructive ways to manage the transition from custody

[Mr. Mike O'Brien]

to reintegration into the community. As a result, there would be more offending, not less. They should therefore be resisted.

Government amendment No. 161 is consequential on clause 99. It is needed because the clause creates an unintended anomaly in respect of an activated suspended sentence. The amendment is uncontroversial, and my right hon. Friend the Home Secretary fully explained the need for such an amendment when he wrote to the right hon. Members for Sutton Coldfield (Sir N. Fowler) and for Berwick-upon-Tweed (Mr. Beith) to describe the purpose of Government amendments. However, I shall set out that explanation for the record.

At present, the law allows an activated suspended sentence to be regarded as having begun on the date on which it is activated, or ordered to take effect under section 23 of the Powers of Criminal Courts Act 1973. Under clause 99, the key date for the purposes of deciding whether sentences are to be aggregated is that on which the sentence was passed.

Where there is a suspended sentence, there is scope for doubt about whether the key date is the point at which the original court imposed the suspended sentence or the date on which it takes effect. To maintain the current position on how such sentences relate to any others being served by the offender, it is necessary to make it clear that an activated suspended sentence is passed for the purposes of clause 99 at the time it takes effect. Amendment No. 161 achieves that.

Government amendments Nos. 109 to 113, 117 to 120 and 143 to 146 are minor. They are consequential on the changes in sentence calculation arising from clause 109, or address anomalies in the Prisoners and Criminal Proceedings (Scotland) Act 1993.

Amendment No. 145 repeals provisions that require a prisoner released from one sentence and subsequently ordered back to prison under section 16 of the 1993 Act to be released on licence in certain circumstances in respect of the order and any new sentence. The intention is that, under the revised arrangement, the original sentence will continue to exist, and consequently any subsequent requirement to be released on licence from that sentence, regardless of whether a section 16 order of fresh sentence is imposed. That is consistent with the amendments to the 1993 Act made by clause 109.

The original sentence will not form a single term with a section 16 order and any new sentence. It is therefore no longer considered necessary to require a prisoner to be released on licence in respect of his section 16 order and new sentence.

I hope that, on the basis of those comments, the hon. Member for Ryedale will be prepared to withdraw his amendments, and that the House will accept the Government amendments.

Mr. Greenway: I warned the Minister not to argue about the provision of prison places, but he could not resist the temptation. It is clearly on record that, in the years leading up to the 1997 general election, prison capacity increased by over 20 per cent.—11,000 additional places—as a result of the previous Government's prison building programme.

The anticipation of an increase in numbers arising from criminal justice and public order legislation passed by the previous Government, to which the hon. Gentleman referred, also led to the planning of nine new prisons. It is to the Government's credit that they have continued that programme, but the Minister is wrong to suggest that the previous Government failed to address the need to create improved and additional capacity in the prison service—the facts reveal a wholly different scenario.

Mr. O'Brien: The hon. Gentleman will no doubt accept that the new Government have applied a certain amount of expenditure restraint. If the previous Government were so free with their largesse on prisons, why does he think that the new Government have had to find £112 million of new money to try to correct the defects that they inherited from the previous Government?

Mr. Greenway: The hon. Gentleman's very silly argument is that, regardless of circumstances and developments, not another penny will need to be spent on any area of public policy, in addition to whatever public expenditure provisions were in place and planned when a Government of any party took office. It is preposterous nonsense.

The £112 million that the Minister refers to is very small in relation to the hundreds of millions—I guess it runs to billions—of pounds that was spent on the prison estate under the previous Government. As a Home Office Minister, who travels throughout the country visiting custodial institutions, he can see for himself the huge investment that was made following the riot at Strangeways prison—I think it was in 1990.

9.15 pm

If I remember rightly, the Minister was not then a member of the Select Committee on Home Affairs; I do not think that he was in the House. Those of us who were, and who had the opportunity to visit Strangeways, made several recommendations. The entire contents of the Woolf report were warmly embraced by the previous Administration. Therefore, we should not, and cannot, take any strictures from the Government about lack of investment in the prison estate. They must respond to the circumstances as they find them: that is the job of Government.

We are not, as the Minister alleges, seeking to stop any tagging experiment dead in its tracks. On the contrary, we are the party which has advocated the use of tagging. We are suggesting to the Minister an alternative, which would command better public confidence than the alternative in the Bill.

The Minister prayed in aid the beneficial features of tagging to reinforce curfew orders. We agree, but we believe that if the Government go ahead with the scheme, it will undermine public confidence in custodial sentences that are served up to only a quarter point of the original sentence, and in the use of tagging, which the public regard as a soft option to prison. Obviously, our arguments have fallen on deaf ears, but, as in the previous debate, in which I took part, the Opposition believed it right to draw the attention of the House and the country to the fact that what the Government are doing is wrong. Now that we have done so, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 99

EARLY RELEASE: TWO OR MORE SENTENCES.

Amendment made: No. 161, in page 84, line 12, at end insert—

'( ) Where a suspended sentence of imprisonment is ordered to take effect, with or without any variation of the original term, the occasion on which that order is made shall be treated for the purposes of subsection (2) above as the occasion on which the sentence is passed.'.—*[Mr. Michael.]*

Clause 109

EARLY RELEASE IN SCOTLAND: TWO OR MORE SENTENCES.

Amendments made: No. 109, in page 88, line 47, leave out from beginning to end of line 4 on page 89.

No. 110, in page 89, line 27, at end insert—

'( ) for the words "a prisoner" there shall be substituted the words "an existing prisoner";'.

No. 111, in page 89, line 41, leave out first 'a' and insert 'an existing'.

No. 112, in page 90, line 45, at end insert—

'(8) In relation to a prisoner released on licence at any time under section 16(7)(b) of the 1993 Act, section 17(1)(a) of the 1993 Act shall have effect as if after the word "Act" there were inserted the words "or a short term prisoner has been released on licence by virtue of section 16(7)(b) of this Act".'.—*[Mr. Michael.]*

Clause 112

ORDERS AND REGULATIONS.

Amendment made: No. 29, in page 91, line 34, after & 61(7)' insert ', 73(2)(b)(ii)'.—*[Mr. Michael.]*

Clause 119

SHORT TITLE, COMMENCEMENT AND EXTENT.

Amendments made: No. 113, in page 95, line 2, leave out 'section 107' and insert 'sections 107 and 109(8)'.

No. 1, in page 95, line 14, at end insert—

'( ) section *(Reduction in age at which certain sexual acts are lawful)*(3);'.

No. 114, in page 95, line 26, at end insert—

'( ) paragraph 15 of Schedule 7 to this Act and section 104 above so far as relating to that paragraph;'.

No. 115, in page 95, line 27, after 'paragraphs' insert '1,'

No. 116, in page 95, line 27, after 'and (3),' insert '11(1) and (2),'.

No. 162, in page 95, line 27, after '29,' insert '36B,'.

No. 2, in page 95, line 31, after 'Sections', insert

'(Reduction in age at which certain sexual acts are lawful)(4),'.

No. 3, in page 95, line 31, leave out 'section'.

No. 163, in page 95, line 33, after 'and (3),' insert '36B,'.

No. 164, in page 95, line 36, after '(3)' insert ', 36B'.

No. 165, in page 95, line 39, after '(3)' insert ', 36B'.—*[Mr. Michael.]*

Schedule 2

THE YOUTH JUSTICE BOARD: FURTHER PROVISIONS.

Amendment made: No. 30, in page 101, line 41, leave out from 'shall' to end of line 42 and insert

'out of money provided by Parliament pay to the Board such sums towards its expenses as he may determine.'.—*[Mr. Michael.]*

Schedule 3

PROCEDURE WHERE PERSONS ARE SENT FOR TRIAL UNDER SECTION 51.

Amendment made: No. 52, in page 105, line 44, at end insert—

'Use of depositions as evidence

.—(1) Subject to sub-paragraph (3) below, sub-paragraph (2) below applies where in pursuance of paragraph 4 above a person has his evidence taken as a deposition.

(2) Where this sub-paragraph applies the deposition may without further proof be read as evidence on the trial of the accused, whether for an offence for which he was sent for trial under section 51 of this Act or for any other offence arising out of the same transaction or set of circumstances.

(3) Sub-paragraph (2) above does not apply if—

(a) it is proved that the deposition was not signed by the justice by whom it purports to have been signed;

(b) the court of trial at its discretion orders that sub-paragraph (2) above shall not apply; or

(c) a party to the proceedings objects to sub-paragraph (2) above applying.

(4) If a party to the proceedings objects to sub-paragraph (2) applying the court of trial may order that the objection shall have no effect if the court considers it to be in the interests of justice so to order.'.—*[Mr. Michael.]*

Schedule 4

ENFORCEMENT ETC. OF DRUG TREATMENT AND TESTING ORDERS.

Amendments made: No. 53, in page 110, line 21, at end insert—

'( ) After sub-paragraph (3) of that paragraph there shall be inserted the following sub-paragraph—

"(4) In this Schedule, references to the court responsible for a drug treatment and testing order shall be construed in accordance with section 62(9) of the Crime and Disorder Act 1998."'.

No. 54, in page 110, line 29, leave out

'by which the order is made'

and insert 'responsible for the order'.

No. 55, in page 110, line 43, leave out

'made by a magistrates' court'

and insert

'for which a magistrates' court is responsible'.

No. 56, in page 111, line 24, leave out 'did not make' and insert 'is not responsible for'.

No. 57, in page 111, line 33, leave out

'by which a drug treatment and testing was made'

and insert

'responsible for a drug treatment and testing order'.

No. 31, in page 112, line 13, leave out first 'above' and insert

'of the Crime and Disorder Act 1998'.—*[Mr. Michael.]*

Schedule 5

ENFORCEMENT OF REPARATION AND ACTION PLAN ORDERS.

Amendments made: No. 32, in page 113, line 41, at end insert—

'( ) For the purposes of sub-paragraph (2)(b) and (c) above, a reparation order or action plan order made on appeal from a decision of a magistrates' court or the Crown Court shall be treated as if it had been made by a magistrates' court or the Crown Court, as the case may be.'.

No. 89, in page 115, line 31, at end insert—

'(2A) The provisions of section 12 of the 1991 Act (curfew orders) shall apply for the purposes of paragraph 3(2)(a) above but as if—

(a) in subsection (1), for the words from the beginning to "before which he is convicted" there were substituted the words "Where a court considers it appropriate to make a curfew order in respect of any person in pursuance of paragraph 3(2)(a) of Schedule 5 to the Crime and Disorder Act 1998, the court"; and

(b) in subsection (8), for the words "on conviction" there were substituted the words "on the date on which his failure to comply with a requirement included in the reparation order or action plan order was proved to the court".

(2B) Schedule 2 to the 1991 Act (enforcement etc. of community orders), so far as relating to curfew orders, shall also apply for the purposes of that paragraph but as if—

(a) the power conferred on the magistrates' court by each of paragraphs 3(1)(d) and 7(2)(a)(ii) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the reparation order or action plan order, in any manner in which the appropriate court could deal with him for that failure to comply if it had just been proved to the satisfaction of that court;

(b) the power conferred on the Crown Court by paragraph 4(1)(d) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with such a requirement, in any manner in which that court could deal with him for that failure to comply if it had just been proved to its satisfaction;

(c) the reference in paragraph 7(1)(b) to the offence in respect of which the order was made were a reference to the failure to comply in respect of which the curfew order was made; and

(d) the power conferred on the Crown Court by paragraph 8(2)(b) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the reparation order or action plan order, in any manner in which the appropriate court (if that order was made by a magistrates' court) or the Crown Court (if that order was made by the Crown Court) could deal with him for that failure to comply if it had just been proved to the satisfaction of that court.

(2C) For the purposes of the provisions mentioned in sub-paragraph (2B)(a) and (d) above, as applied by that sub-paragraph, if the reparation order or action plan order is no longer in force the appropriate court's powers shall be determined on the assumption that it is still in force.'.—*[Mr. Michael.]*

Schedule 7

PRE-CONSOLIDATION AMENDMENTS: POWERS OF CRIMINAL COURTS.

Amendments made: No. 58, in page 120, line 6, leave out from beginning to 'there' in line 10 and insert—

'. After subsection (8) of section 7 of the 1969 Act (alterations in treatment of young offenders etc.)'.

No. 59, in page 134, line 7, after 'who' insert 'on conviction'.—*[Mr. Michael.]*

Schedule 8

MINOR AND CONSEQUENTIAL AMENDMENTS.

Amendments made: No. 33, in page 134, line 34, at end insert—

' . After subsection (1) of section 56 of the 1933 Act (powers of other courts to remit young offenders to youth courts) there shall be inserted the following subsection—

'(1A) References in subsection (1) above to an offender's being committed for trial include references to his being sent for trial under section 51 of the Crime and Disorder Act 1998."'.

No. 4, in page 135, line 39, at end insert—

'Sexual Offences Act 1956 (c. 69)

In sub-paragraphs (a) and (b) of paragraph 16 (indecency between men etc.) of the Second Schedule to the Sexual Offences Act 1956 (punishments etc.), for the word "eighteen" there shall be substituted the word "sixteen".

Sexual Offences Act 1967 (c. 60)

In section 8 of the Sexual Offences Act 1967 (restriction on prosecutions), for the word "twenty-one" there shall be substituted the word "sixteen".'.

No. 34, in page 135, line 39, at end insert—

'Criminal Procedure (Attendance of Witnesses) Act 1965 (c.69)

' . In subsection (4) of section 2 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (issue of witness summons on application to Crown Court), after the words "committed for trial" there shall be inserted the words ", or sent for trial under section 51 of the Crime and Disorder Act 1998,".'.

No. 35, in page 136, line 14 at end insert—

' . In subsection (2) of section 9 of the Criminal Appeal Act 1968 (appeal against sentence following conviction on indictment), after the words "for either way offence)" there shall be inserted the words "or paragraph 5 of Schedule 3 to the Crime and Disorder Act 1998 (power of Crown Court to deal with summary offence where person sent for trial for indictable-only offence)".'.

No. 36, in page 136, line 15, leave out from beginning to 'after' in line 16 and insert—

' .—(1) In subsection (2) of section 10 of that Act (appeal against sentence in other cases dealt with at Crown Court), the words "(other than a supervision order within the meaning of that Part)" shall cease to have effect.

(2) In subsection (3) of that section,'.

No. 60, in page 136, line 37, at end insert—

'. In subsection (8) of section 7 of the 1969 Act (alterations in treatment of young offenders etc.), for the words from "person guilty" to "were begun" there shall be substituted the words "child or young person guilty of an offence".'.

No. 90, in page 137, line 11, at end insert—

' . After section 16A of the 1969 Act there shall be inserted the following section—

"Application of section 12 of Criminal Justice Act 1991 etc

16B.—(1) The provisions of section 12 of the Criminal Justice Act 1991 (curfew orders) shall apply for the purposes of section 15(3)(a) of this Act but as if—

(a) in subsection (1), for the words from the beginning to "before which he is convicted" there were substituted the words "Where a court considers it appropriate to make a curfew order in respect of any person in pursuance of section 15(3)(a) of the Children and Young Persons Act 1969, the court"; and

(b) in subsection (8), for the words "on conviction" there were substituted the words "on the date on which his failure to comply with a requirement included in the supervision order was proved to the court".

(2) Schedule 2 to the Criminal Justice Act 1991 (enforcement etc. of community orders), so far as relating to curfew orders, shall also apply for the purposes of that section but as if—

(a) the power conferred on the magistrates' court by each of paragraphs 3(1)(d) and 7(2)(a)(ii) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the supervision order, in any manner in which the relevant court could deal with him for that failure to comply if it had just been proved to the satisfaction of that court;

(b) the power conferred on the Crown Court by paragraph 4(1)(d) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with such a requirement, in any manner in which that court could deal with him for that failure to comply if it had just been proved to its satisfaction;

(c) the reference in paragraph 7(1)(b) to the offence in respect of which the order was made were a reference to the failure to comply in respect of which the curfew order was made; and

(d) the power conferred on the Crown Court by paragraph 8(2)(b) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the supervision order, in any manner in which the relevant court (if that order was made by a magistrates' court) or the Crown Court (if that order was made by the Crown Court) could deal with him for that failure to comply if it had just been proved to the satisfaction of that court.

(3) For the purposes of the provisions mentioned in subsection (2)(a) and (d) above, as applied by that subsection, if the supervision order is no longer in force the relevant court's powers shall be determined on the assumption that it is still in force.

(4) In this section "relevant court" has the same meaning as in section 15 above."'.

No. 91, in page 137, line 35, after 'years' insert

'when the order is made'.

No. 92, in page 137, line 36, leave out from 'by' to end of line 37 and insert

'a local authority specified in the order."

( ) After that subsection there shall be inserted the following subsection—

"(2A) The local authority specified as mentioned in subsection (2)(b) above shall be the local authority within whose area it appears to the court that the offender resides or will reside."'.

No. 93, in page 138, line 3, leave out 'After subsection (8)' and insert 'In subsection (4)'.

No. 94, in page 138, line 4, after 'orders)' insert

', for the words from "a probation officer" to the end there shall be substituted the following paragraphs—

"(a) a probation officer appointed for or assigned to the area for the time being specified in the order (whether under this subsection or by virtue of Part IV of Schedule 2 to the Criminal Justice Act 1991);

(b) a person appointed for the purposes of those provisions by the probation committee for that area; or

(c) in the case of an offender under the age of 18 years when the order is made, a member of a youth offending team established by a local authority for the time being specified in the order (whether under this subsection or by virtue of that Part)."

( ) After that subsection there shall be inserted the following subsection—

"(4A) The local authority specified as mentioned in subsection (4)(c) above shall be the local authority within whose area it appears to the court that the offender resides or will reside."

( ) After subsection (8) of that section'.

No. 95, in page 138, leave out lines 8 to 13.

No. 38, in page 138, line 13, at end insert—

' . In subsection (2) of section 21 of the 1973 Act (restriction on imposing sentences of imprisonment etc. on persons not legally represented)—

(a) after the words "sentence or trial," there shall be inserted the words "or sent to that Court for trial under section 51 of the Crime and Disorder Act 1998,"; and

(b) for the words "which committed him" there shall be substituted the words "which committed or sent him".

. In subsection (1)(b) of section 32 of the 1973 Act (enforcement etc. of fines imposed and recognizances forfeited by Crown Court), after the words "or dealt with" there shall be inserted the words ", or by which he was sent to that Court for trial under section 51 of the Crime and Disorder Act 1998".'.

No. 39, in page 139, line 40, at end insert—

'36A. In subsection (4)(c) of section 125 of the 1980 Act (warrants)—

(a) the word "and" at the end of sub-paragraph (ii) shall cease to have effect;

(b) in sub-paragraph (iii), for the words "or 97 above" there shall be substituted the words ", 97 or 97A above; and"; and

(c) after that sub-paragraph there shall be inserted the following sub-paragraph—

"(iv) paragraph 4 of Schedule 3 to the Crime and Disorder Act 1998."

36B. In section 126 of the 1980 Act (execution of certain warrants outside England and Wales)—

(a) the word "and" at the end of paragraph (c) shall cease to have effect;

(b) after that paragraph there shall be inserted the following paragraph—

"(cc) warrants of arrest issued under section 97A above;"; and

(c) after paragraph (d) there shall be inserted the words "; and

(e) warrants of arrest issued under paragraph 4 of Schedule 3 to the Crime and Disorder Act 1998."'.

No. 40, in page 140, line 11, at end insert—

' . In subsection (2) of section 1 of the 1982 Act (general restriction on custodial sentences), for the words from "remanded in custody" to the end there shall be substituted the following paragraphs—

'(a) remanded in custody;

(b) committed in custody for trial or sentence; or

(c) sent in custody for trial under section 51 of the Crime and Disorder Act 1998."'.

No. 41, in page 140, line 30, at end insert—

'( ) In subsection (2) of that section—

(a) after the words "sentence or trial," there shall be inserted the words "or sent to that Court for trial under section 51 of the Crime and Disorder Act 1998,"; and

(b) for the words "which committed him" there shall be substituted the words "which committed or sent him".'.

No. 117, in page 144, line 20, leave out from 'prisons)' to end of line 21 and insert '—

(a) in subsection (7)—

(i) at the beginning there shall be inserted the words "Subject to subsection (7AA) below,";

(ii) for the words "a short-term or long-term prisoner within the meaning of" there shall be substituted the words "any person who is, or is treated as, a long-term or short-term prisoner for the purposes of any provision of";

(iii) the words from "and the foregoing" to the end shall cease to have effect; and

(b) after that subsection there shall be inserted the following subsections—

"(7AA) Additional days shall not be awarded under rules made under subsection (7) above in respect of a sentence where the prisoner has at any time been released on licence, in relation to that sentence, under Part I of the Prisoners and Criminal Proceedings (Scotland) Act 1993; and any reference to a sentence in such rules shall be construed in accordance with section 27(5) of that Act.'.

No. 96, in page 149, line 13, at beginning insert

'in the case of a person under the age of 18 years on his release,'.

No. 97, in page 149, line 46, at end insert—

'( ) After paragraph 12(4) of that Schedule there shall be inserted the following sub–paragraphs—

"(5) Where—

(a) the court amends a probation order or community service order under this paragraph;

(b) a local authority is specified in the order in accordance with section 2(2)(b) or 14(4)(c) of the 1973 Act; and

(c) the change, or proposed change, of residence also is or would be a change of residence from the area of that authority to the area of another such authority,

the court shall further amend the order by substituting the other authority for the authority specified in the order.

(6) In sub-paragraph (5) above "local authority" has the meaning given by section 42 of the Crime and Disorder Act 1998, and references to the area of a local authority shall be construed in accordance with that section."'.

No. 118, in page 150, line 12, at end insert—

'( ) In subsection (2) of that section at the end there shall be added the words "unless he has before that time been so released, in relation to that sentence, under any provision of this Act".'.

No. 119, in page 150, line 24, at end insert—

'. In section 5 of the 1993 Act (fine defaulters and persons in contempt of court)—

(a) in subsection (1) for the words "and (3)" there shall be substituted the words "to (4)"; and

(b) after subsection (3) there shall be inserted the following subsection—

"(4) Where a person has had imposed on him two or more terms of imprisonment or detention mentioned in subsection (1)(a) or (b) above, sections 1A and 27(5) of this Act shall apply to those terms as if they were terms of imprisonment."

. In section 7 of the 1993 Act (children detained in solemn proceedings)—

(a) in subsection (1)(b) at the end there shall be added the words "unless he has before that time been so released, in relation to that sentence, under any provision of this Act";

(b) after that subsection there shall be inserted the following subsections—

"(2A) This subsection applies where a child detained under section 208 of the 1995 Act is sentenced, while so detained, to a determinate term of detention in a young offenders institution or imprisonment and, by virtue of section 27(5) of this Act, such terms of detention or imprisonment are treated as single term.

(2B) In a case where subsection (2A) applies and the single term mentioned in that subsection is less than four years, the provisions of this section shall apply.

(2C) In a case where subsection (2A) applies and the single term mentioned in that subsection is of four or more years—

(a) section 6 of this Act shall apply to him as if the single term were an equivalent sentence of detention in a young offenders institution, if that term is served in such an institution; and

(b) the provisions of this Act shall apply to him as if the single term were an equivalent sentence of imprisonment, if that term is served in a remand centre or a prison."; and

(c) after subsection (4) there shall be inserted the following subsection—

"(4A) Where an order under subsection (3) above is made, the making of the order shall, if there is in force a licence relating to the person in respect of whom the order is made, have the effect of revoking that licence."; and

(d) in subsection (5) after the word "construed" there shall be inserted the words "and sections 1A and 27 shall apply".

. In section 11 of the 1993 Act (duration of licences) subsections (3)(b) and (4) shall cease to have effect.'.

No. 120, in page 150, line 31, at end insert—

'( ) Paragraph (b) of that subsection shall cease to have effect.'.

No. 42, in page 152, line 46, after 'Act' insert '(compulsory disclosure by accused)'.

No. 43, in page 153, line 7, after 'Act' insert '(time limits: transitional)'.

No. 44, in page 153, line 12, at end insert—

' . In subsection (1)(a) of section 28 of that Act (introduction to Part III), after the words "committed for trial" there shall be inserted the words ", or sent for trial under section 51 of the Crime and Disorder Act 1998,".

. In subsection (1) of section 39 of that Act (meaning of pre-trial hearing), after the words "committed for trial for the offence concerned" there shall be inserted the words ", after the accused has been sent for trial for the offence under section 51 of the Crime and Disorder Act 1998,".'.—*[Mr. Michael.]*

Amendments made: No. 122, in page 155, line 13, leave out 'and (b)(i) and (iii)'and insert '7,'.

No. 121, in page 155, line 13, leave out 'to' and insert '1A, 3,'.

No. 123, in page 155, line 16, at end insert

'and

(ii) after the word "3," there shall be inserted words "6(1)(b)(i) and (iii)";

( ) in sub-paragraph (2)(b) for the words "sub-paragraphs (3) and (4)" there shall be substituted the words "sub-paragraph (3)";'

No. 124, in page 155, line 19, after '"sections' insert '1A,'.

No. 125, in page 155, line 36, leave out 'to' and insert '1A, 3,'.

No. 126, in page 155, line 36, leave out 'and (b)(i) and (iii)' and insert '7,'.

No. 127, in page 155, line 38, at end insert

'and

(ii) after the word "3," there shall be inserted the words "6(1)(b)(i) and (iii),";'.

No. 128, in page 155, line 40, after '"sections' insert '1A,'.

No. 129, in page 156, line 27, leave out 'to 3' and insert '1A, 3, 3A'.

No. 130, in page 156, line 27, leave out 'and (b)(i) and (iii)' and insert '7,'.

No. 131, in page 156, line 28, after '21' insert ', 26A'.

No. 132, in page 156, line 30, after 'Act")";' insert 'and

( ) for the words "the 1989 Act" there shall be substituted the words "the Prisons (Scotland) Act 1989 ("the 1989 Act");'.

No. 133, in page 156, line 32, after '"sections' insert '1A,'.

No. 134, in page 156, line 32, after '2(4)' insert '3A'.

No. 135, in page 156, line 32, after '21' insert ', 26A'.

No. 136, in page 156, line 36, leave out 'to 3' and insert '1A, 3, 3A'.

No. 137, in page 156, line 36, leave out 'and (b)(i) and (iii)' and insert '7,'.

No. 138, in page 156, line 37, after '21' insert ', 26A'.

No. 139, in page 156, line 38, after 'Act")";' insert 'and

( ) for the words "the 1989 Act" there shall be substituted the words "the Prisons (Scotland) Act 1989 ("the 1989 Act");'.

No. 140, in page 156, line 41, after '"sections' insert '1A,'.

No. 141, in page 156, line 41, after '2(4)' insert '3A'.

No. 142, in page 156, line 41, after '21' insert ', 26A'.—*[Mr. Mike O'Brien.]*

Schedule 9

TRANSITIONAL PROVISIONS AND SAVINGS

Amendment made: No. 166, in page 158, line 25, at end insert—

'Football spectators: failure to comply with reporting duty

. Section *(Football spectators: failure to comply with reporting duty)* of this Act does not apply where the offence was committed before the commencement of that section.'.—*[Mr. Mike O'Brien.]*

Schedule 10

REPEALS

Amendments made: No. 45, in page 160, line 28, at end insert—

'1968 c.19.	Criminal Appeal Act 1968.	In section 10(2), the words "(other than a supervision order within the meaning of that Part)".'.

No. 46, in page 161, line 35, at end insert—

		'In section 125(4)(c), the word "and" at the end of sub-paragraph (ii). In section 126, the word "and" at the end of paragraph (c).'.

No. 143, in page 162, line 5, at end insert—

'1989 c.45.	Prisons (Scotland) Act 1989.	In section 39(7), the words from "and the foregoing" to the end.'.

No. 144, in page 162, line 47, column 3, at beginning insert—

'Section 11(3)(b) and (4).'.

No. 145, in page 162, line 47, column 3, at end insert—

'Section 16(7)(b).'.

No. 146, in page 163, line 4, at end insert—

'Section 130(4).'

—*[Mr. Mike O'Brien.]*

Title

Amendment made: No. 5, in title, line 5, after 'trial;' insert

'to reduce the age at which certain sexual acts are lawful;'.—*[Mr. Mike O'Brien.]*

Order for Third Reading read.

9.20 pm

Mr. Michael: I beg to move, that the Bill be now read the Third time.

This is a particular pleasure for me. Having considered one criminal justice Bill after another in opposition since 1990, it is exciting to be involved with legislation that has real potential to change the quality of life for our constituents in every part of the country.

Since my right hon. Friend the Prime Minister set out the Labour party's determination to be tough on crime and tough on the causes of crime, we have been preparing to undertake ambitious reform of the criminal justice system. Since my right hon. Friend the Home Secretary assumed office, he has won enormous credit and respect for his willingness to take on the difficult issues—not just those that gain immediate plaudits but the tough issues that must be tackled if we are to succeed in our ambition of creating a safe society.

A most exciting aspect is the way in which we are experiencing genuine enthusiasm from the police, local authorities and communities up and down the country. My hon. Friends referred today to the responses of their constituents when we have discussed with them the day-to-day problems that they experience on housing estates, in communities and in towns and cities throughout the country.

Mrs. Helen Brinton (Peterborough): Last week in my constituency, the local newspaper the *Peterborough Evening Telegraph* carried reports of most appalling levels of vandalism and harassment in Heltwate court in the Bretton part of my constituency. That area was once described as a state-of-the-art model housing development, but complaints from residents have tripled

[Mrs. Helen Brinton]

in recent months. I am sorry to say that the perpetrators of those crimes are often young teenagers and those in their pre-teenage years. Last week, the editor—

Mr. Deputy Speaker: Order. The hon. Lady must sit down when I am on my feet. Is she making a speech or an intervention?

Mrs. Brinton: It is an intervention, and it will be brief.

Mr. Deputy Speaker: I am not sure that it can be brief now. Perhaps the hon. Lady will make it very brief.

Mrs. Brinton: I shall be very brief, Mr. Deputy Speaker. Last week, the editor of the local newspaper called the Government to account and asked when they were going to introduce parenting orders and address the problem. Will my hon. Friend assure my constituents that the parenting orders in the Bill will indeed have that effect?

Mr. Michael: My hon. Friend makes one very good point, which is that crime and disorder happen not elsewhere, but in each of our constituencies. It is right that she should concentrate on Peterborough, just as my right hon. Friend the Home Secretary often draws inspiration from Blackburn and I draw inspiration from Cardiff. It is a serious point that individual communities bear the brunt of crime and disorder, which is all too easy to regard as a set of statistics. I assure my hon. Friend that the measures in the Bill, including parenting orders and anti-social behaviour orders among many others, will make a real difference to the lives of her constituents.

One of the messages that have been brought home during the discussions leading up to the Bill and during our debates on the Bill is that cutting crime and disorder is a task for each one of us. I pay tribute to my right hon. Friend the Home Secretary for making it clear that our task in Government is not to blame other people, but to be a part of the solution, working with the police, local authorities and everyone else. One of the Bill's most important elements is that it gives everyone an opportunity to be involved at local level, through the crime and disorder audit on which a local strategy to tackle crime and disorder can be built. There is to be a close partnership between the police, the local authority, other agencies and the wider community as they set about the task of reducing crime and disorder in their community.

It is especially important that the Bill addresses the problem of youth crime and makes it clear that the aim of the youth justice system is to reduce offending and reoffending. It sets about the job to which we are committed of speeding up youth justice and makes it clear that our measures are part of a comprehensive approach. Aspects such as the final warning and the introduction of the concept of reparation into our thinking about how the youth justice system works will make a difference by confronting youngsters with their behaviour and the damage that it does to the wider community, as well as to their victims. The secure detention and training order will help to bring coherence to the system of secure accommodation for youngsters who have to be detained securely.

Today, we have discussed the problems of racially motivated crime and the necessity of going further in giving confidence to certain communities, especially in response to the concerns of the Muslim community. The Bill sets about filling in the gaps in the system, with the anti-social behaviour order, the drug treatment and testing order and the sex offenders order, each of which is worthy of serious consideration by the House. I am pleased that scrutiny in Committee has led to considerable support for our approach in those matters.

Above all, it is important to recognise that legislation is the start, not the end, of a process. Later this year, the Youth Justice Board for England and Wales will be established. We are already working on preparation with police and local authorities and issuing guidance for local crime and disorder strategies. Each of those measures is individually important, but, taken together, they mark an enormous stride forward in the fight against the crime and disorder that has created so much misery for so many people. The aim of the Bill is simple: to build a safer and more responsible society. The Bill will help local communities to fight back against crime and anti-social behaviour. It does not finish, but begins the Government's root-and-branch reform of youth justice; and it will help to reduce delays and increase public confidence in the criminal justice system as a whole.

It is only fair to say that hon. Members who laboured in the Committee and those who participated in debates yesterday and today have helped to improve the Bill. In many cases, we have seen the House of Commons, in Committee and on the Floor of the House, at its best. At times, hon. Members have acted in a way that leads to controversy and argument, which are the stuff of political debate, but the result has been to improve the legislation, which is no small feat, given the easy temptation to indulge in knockabout, rather than positive debate. During the two days on Report, we have made significant further improvements. With Opposition support, we have strengthened the law against football hooligans, increased the maximum prison sentence available for those who breach a football restriction order and given the police powers to arrest someone who has, or is about to, breach an order.

I have referred to the important elements of the protection against racially aggravated offences. The concerns of the Muslim community and those of the Opposition led to the amendments that were considered earlier today to clarify that, under the terms of the new offences, it will be no defence to argue that an attack was based to any extent on religious hostility. Yesterday, the House took a clear view, on a free vote, that the age of consent for homosexuals should be brought into line with that for heterosexuals.

During more than 50 hours of debate in Committee significant changes were made to the Bill. As I anticipated on Second Reading, the clause establishing a standing advisory council on criminal justice and the penal system was removed from the Bill. The Government argued, and the Committee agreed, that such a body would be neither necessary nor desirable. However, the way in which we could deal with advice and guidance by the Appeal Court was improved and strengthened. That has again been the subject of a positive and constructive debate today.

Other important improvements include a new power for the police to take truanting children back to school, or to another safe place designated by the local

education authority. I am sure that hon. Members would agree that if we fail to tackle truancy we are failing our children. We are failing also the wider community but we are failing the children who truant. Children who exclude themselves from education are jeopardising their chances of leading useful and successful lives. They are also more likely to commit crime and to cause distress and nuisance. The measure is part of our wider programme to tackle school exclusions and truancy and so help every child make the most of his or her talents and opportunities.

I think that it is because of our partnership approach that our proposals were welcomed by the police. The police have always been doubtful about the idea of being lumbered with the problem of truancy. We have a combination of Ministers at the Department for Education and Employment and at the Home Office working together and providing a mechanism that allows co-operation at a local level to tackle truancy and the problems that arise from it.

We have seen added provisions to enable the police, in closely defined circumstances, to require the removal of face coverings. Too often in the past, people intent on violence and intimidation have disguised their identity with balaclavas, for example, causing greater fear and distress to their victims and frustrating the efforts of the police. The powers in the Bill will enable the police to unmask potential troublemakers before violence starts.

We have introduced provisions to clarify the way in which two or more sentences of imprisonment should be combined. We have given the Crown court the power to impose a confiscation order when an offender is committed to it for sentence.

Before we complete our consideration of the Bill, I say on behalf of my right hon. Friend the Home Secretary, the Under-Secretary of State for the Home Department and my hon. Friends who supported us in Committee that we have been gratified by the support that has been shown for the Bill generally and for many of its provisions. That can be said of hon. Members on both sides of the Chamber. The Bill, when implemented, will help us fulfil 12 manifesto commitments. However, it is not a partisan measure. It is a practical measure designed to protect innocent people and to help restore law-abiding responsible communities.

On Second Reading, the main opposition parties gave the Bill a more or less qualified welcome. I feel that the input of both Conservative and Liberal Democrat Members in Committee, as well as that of Labour Back-Bench Members, however brief and restrained those contributions were, was informed and instructive. Seven of the Government amendments agreed to on Report were inspired by points raised by Opposition parties in Committee. I have referred to several of them during earlier debates today, such as the ability to make an anti-social behaviour order crossing a local government boundary.

I believe that we will pass the Bill back to the other place considerably improved, and we started off with a pretty good Bill. I hope that the Bill will receive Royal Assent before the summer recess. I know that my right hon. Friend the Home Secretary is keen that many of the measures set out in the Bill should be proceeded with quickly so that the wider community can begin to benefit. In particular, the local crime reduction strategy, for example, could be well in place by next April and the start of a new financial year, and a new planning year for both local authorities and the police.

Only once the Bill is enacted will the real work begin. Successful implementation will depend above all upon successful local partnership. It will be for practitioners and local communities throughout the country to make the Bill work for them so as to cut crime and reduce serious anti-social behaviour and thus make their communities safer and more pleasant places in which to live. I hope that I speak for the whole House when I say that I am eager to see that process start without delay. I commend the Bill to the House.

9.34 pm

Sir Norman Fowler (Sutton Coldfield): We did not vote against Second Reading; nor do we intend to vote against Third Reading, so I shall not detain from the Scotland match those who would prefer to watch it. Given what is happening in the match, however, they may prefer to be in the Chamber.

We have taken that attitude to the Bill because it includes a number of measures that we want to work. We are at one with the Government in the aims that lie behind the anti-social behaviour orders, the sex offender orders, and the youth care and youth treatment measures. We welcome the policy changes introduced by the Bill. It was refreshing and interesting, although in contrast with what he said in opposition, to hear the Minister of State, Home Office, talk in such admiring terms about tagging and the processes that go with it. My recollection is that that was not quite the attitude that the Labour party took a few months ago.

No one should be in any doubt about the difficulties that stand in the way. My hon. Friend the Member for Hertsmere (Mr. Clappison), whom I congratulate on the way in which he handled Committee proceedings, was entirely correct to scrutinise, for example, the anti-social behaviour orders. I also congratulate my hon. Friend the Member for Gainsborough (Mr. Leigh), who was a member of the Committee. Someone who scrutinises a measure to discover whether it will work does not have to be against it in principle. I think that the Prime Minister's point on that was completely barmy, and, on reflection, so will he. *[Interruption.]* The Home Secretary is making a remark from a sedentary position, but I cannot hear it. Perhaps he wants to make a speech.

Mr. Straw: I was paraphrasing Shakespeare in relation to the comments of the hon. Member for Hertsmere (Mr. Clappison) in *The Sunday Telegraph* on 12 April. I said, "Methinks that he protests too much." He described the anti-social behaviour orders as dangerously unworkable. I am grateful to my hon. Friends, the Minister of State and the Under-Secretary of State, for educating the hon. Gentleman about the workability of the orders.

Sir Norman Fowler: If that is the only point that the Home Secretary wants to make, we are grateful that he did not make a speech, which we had been looking forward to. He will remember that my hon. Friend

[Sir Norman Fowler]

the Member for Hertsmere dealt with that point comprehensively yesterday, to the entire satisfaction of this side of the House.

Mr. Allan: Of the whole House.

Sir Norman Fowler: I am most grateful to the hon. Gentleman. Even at this moment, the Lib-Lab alliance is breaking apart.

Another area of obvious difficulty which hon. Members must take seriously is youth crime and youth offenders. I recently met the Association of Directors of Social Services. It is in favour of the Bill in principle and wants it to succeed, but it pointed to the difficulties of the client group—if I may put it that way—with which it deals. It has provided me with some figures: 50 per cent. of young people under 18 in prison custody have a care background; 60 per cent. of young people in prison custody admit to misusing drugs; 17 per cent. of male young offenders admit to having suffered physical or sexual abuse; 39 per cent. of young offenders in prison custody have a long-standing illness or disability; and 60 per cent. of remanded male youths and 30 per cent. of sentenced male youths have a diagnosable mental disorder.

The Bill creates new ways of dealing with those offenders. However, it also creates new duties for a number of services concerned with law and order. The Association of Directors of Social Services is aware of that and has pointed to the crucial importance of resourcing the new orders and the new approaches that are to be set up. A similar point was put by the Central Probation Council, which said:

"Every aspect of workload is increasing and substantially exceeds the projections on which government plans and budget forecasts were based."

That is the position now. In no way are those bodies against the Bill, but if new duties are to be created, they are saying that, above all, they will need new people.

What applies to them applies equally—if not more so—to the police. In trying to get information on police strength, I was less than impressed by the Home Office's ability and willingness to give that information. I was particularly unimpressed by the Minister of State, who began the debate. Following an exchange in *The Times* between the right hon. Member for Berwick-upon-Tweed (Mr. Beith) and the Home Secretary, I sought to ask what I thought were some fairly standard questions. Two weeks ago, I asked the Home Office

"how many police constables are currently employed in the police service in England and Wales"

and

"what is the current police officer strength of the police service in England and Wales."

On Thursday 11 June, after four days, I received the reply:

"I will reply as soon as possible."

It is slightly amazing that the Home Office was unable to answer basic questions of that kind. That was in stark contrast to the other Minister of State, who answered similar statistical questions on immigration.

Evidently, the Home Office was able to provide the statistics in the end, but only after Home Office questions the following Monday. I was not unbelievably impressed by that either. I do not intend to go into the details of those replies suffice it to say that, at the very best, police strength is levelling out, with a tendency to fall back. That is the fairest way in which I can state the position. Against that background, we are being presented with a Bill which will place new duties upon the police.

Mr. Allan: I was talking to my local chief constable in South Yorkshire the other day, and he informed me that he has decided to place a senior officer—I think of superintendent rank—in each local authority area to deal with the new provisions of the Bill. It is right that he should take it so seriously, but clearly that has resourcing implications for the entire force.

Sir Norman Fowler: That is the point. It is one thing to propose and pass legislation, but that legislation clearly has resource consequences. The Bill obviously has resource consequences for the police. As the right hon. Member for Berwick-upon-Tweed has pointed out, the police are stretched, and police numbers are not increasing.

I also asked the Minister of State to tell me

"the real term increase in the budget for the police service in the current year".

He gave me not the real-terms increase, but the revenue budgets of police authorities. He said that they would rise by £255 million in 1998–99,

"an increase of 3.7 per cent."—[*Official Report*, 11 June 1998; Vol. 313, c. 646.]

We can take it that the real-terms increase in the police budget is not 3.7 per cent., but that was the question I asked. I assume that either the Minister or his officials are trying to hide the fact that the real-terms increase is much smaller.

Inflation stands at 4.2 per cent. I suspect that Treasury-measured inflation—which is slightly different and does not include mortgage interest—is more than 3 per cent. At the very best, we are looking at an increase in real-terms spending of less than 1 per cent. I hope that inflation will level out and reduce, but if it continues to increase, it will be fascinating to see what the real-terms increase will be as the year goes on.

It is difficult to see how all the measures in the Bill can successfully be implemented without a stronger police service. In our period of office, the number of police in post increased by more than 15,000 or 14 per cent. We responded to the new demands, and we want to ensure that the current Government do precisely the same.

We are giving the Bill its Third Reading, but passing this legislation will not, by itself, reduce crime and tackle disorder. That will be done only if the resources for the new duties, responsibilities and tasks being placed on the law and order services match the Government's objectives. Over the next months, we shall monitor the effectiveness of the Bill. We are not interested in gesture legislation, but in legislation that works.

9.46 pm

Mr. McWalter: I realise that there is little time left, but I should like to place on record a few remarks about the Bill. I am a friend of the Bill, but I am a little confused. I hope that, either in my hon. Friend's reply or in the other place, some of my concerns will be addressed.

The Bill is about crime and disorder. It creates a new category of person: those who need to be ordered. There is much to be said for making people the subject of parenting orders, sex offender orders, drug treatment and testing orders and other such orders. However, I am confused about the clause dealing with orders that deem people to be anti-social. I do not know whether it is easy or hard to be deemed anti-social; I do not know whether it is easy or difficult to become someone who needs to be ordered.

Perhaps this is the vengeance of someone who was not a member of the Standing Committee. I gather that there is a draft elucidation of how the concept of needing to be ordered may be implemented, but I cannot find it anywhere because I was not on the Committee. It is not in the Library and it is not on the internet. I am left with the thought that perhaps it is easy to be a person who needs to be ordered. After all, under clause 1(1)(a) people who behave in a manner that causes distress have potentially behaved in an anti-social manner.

Mr. Michael: Will my hon. Friend give way?

Mr. McWalter: In a moment, because my hon. Friend has had rather a lot of time to speak. I hope that he will forgive me if I resist his intervention for a moment.

When I was a child, I used to play football tennis. I realise that, as we are 3-0 down, the mention of football may be unfortunate. We played it with a ball bearing, which we kicked against a wall. One day, I kicked the ball bearing, which went through someone's window. Although I did not mean it—of course I did not mean it—my act was clearly capable of causing alarm and distress. Nevertheless, I did it. The concepts of repetition and of malevolence should be crucial in making anti-social behaviour orders, but it is difficult to capture such ideas.

One would not mind including such concepts in the Bill if implementing it were a matter only of providing an explication of its provisions to our courts. However, the orders will be made by local authorities, and each area will have its own understanding of the meaning of the provisions. Although I welcome devolution of power, and of responsibility for achieving the Bill's laudable objectives, I think we will have to face up to the fact there could be as many interpretations of the anti-social behaviour provisions as there are words in the Bible. I do not think that that was a planned feature of the Bill, and therefore ask for some elucidation of how the Bill will be implemented.

It may be rather easy, or quite difficult, to be deemed to be "anti-social". Clause 1(1)(b) states

"that such an order is necessary to protect persons"

from further anti-social acts. Yesterday, when dealing with an Opposition amendment, the House considered the "necessity" condition, and hon. Members agreed that the condition would be very difficult to meet. We essentially agreed that it would be difficult to establish the necessity of an order.

Angela Smith (Basildon): My hon. Friend seems to have some difficulty in establishing what constitutes anti-social behaviour. He should listen to some of my constituents. In my surgery, they have told me how, day in and day out, they suffer from anti-social behaviour, and how the police and the council are powerless to act. They know the meaning of the phrase "anti-social behaviour". If my hon. Friend will listen to them and to the debate, he will learn the meaning of the term.

Mr. McWalter: I thank my hon. Friend for reminding me about that.

There are situations in which there is a clear understanding of what constitutes anti-social behaviour. However, there are also conflicts in which one person accuses another person of harassment, and the accused accuses the accusor of causing distress. Sorting out such conflicts is extremely difficult. We will therefore have to have a much clearer understanding of the provisions.

Clause 1(5) essentially states that an order will not be imposed on someone who can demonstrate that his or her behaviour was reasonable. However, the provision seems very much to be loaded in favour of the articulate and of older people. I am not sure that people will be able to secure themselves against a possibly malevolent accusation of anti-social behaviour. I am sure that hon. Members will be aware also of that type of accusation.

Clause 1(7) makes it clear that someone who is made subject to an order will be put in a nasty and difficult situation. My right hon. Friend the Home Secretary therefore owes it to the House to tell us whether it will be easy for a council to impose an order. If so, many people will be made subject to orders, and there will be a lot of trouble. Conversely, if it is difficult to impose an order, the letter of the provisions will become as dead as that of football restriction orders. Perhaps the orders will be somewhere in between the two extremes. Nevertheless, how will we ensure that there is uniform interpretation of an Act that will be the property of such widely varying authorities?

9.53 pm

Mr. Beith: The hon. Member for Hemel Hempstead (Mr. McWalter) has raised some points that Liberal Democrat Members raised in Committee and on Report. We share his concerns. However, I think that he has caused "harassment, alarm or distress" to Ministers and to the Whip, who is already writing out a draft anti-social behaviour order which will soon be applied to the hon. Gentleman.

Despite some reservations—which I shall mention shortly—we think it is well worth giving the Bill a Third Reading, as it has many good things in it. We welcome early intervention in the cases of young offenders, including the potential role of the Youth Justice Board, youth justice plans and youth offending teams in providing constructive responses to young people who offend. The requirement to devise and implement local crime reduction strategies is welcome. Also welcome are the plans to tackle drug-related crime with drug treatment and testing orders, which we see as potentially the first steps towards specialised drugs courts to help break the cycle of drug addiction and crime.

The Bill also provides for greater protection of the public through greater supervision of serious offenders once they have left prison. We welcome the new sentencing advisory panel, the overhaul of sentencing guidelines to promote greater consistency, and the introduction of racially aggravated sentences, which sends a message on hate crimes—although we still see a gap,

[Mr. Beith]

because religion as such is not included. We welcome what the Government said tonight on that subject, but until the picture is complete, there will be a gap.

There are things about the Bill that we do not like, however. I have voiced my criticism tonight of the child curfew proposals. Other measures, although not necessarily bad in themselves, have been greatly exaggerated in terms of impact. Part of the answer to the hon. Member for Hemel Hempstead is that Ministers have made it clear, so far as I can see, that some of the orders will not be widely used and will be quite difficult to secure. Hon. Members who leapt enthusiastically to their feet to imply that a new dawn would break because of the availability of these powers were looking at the wrong parts of the Bill. The parts of the Bill that potentially have the greatest value are those that will encourage and enable the various agencies dealing with offenders to get together and work on co-ordinated strategies.

In some cases, the order procedures may be of assistance, but, if misused or if used excessively, they will be harmful and, in some instances, will risk alienating young people who are innocent or who have embarked only briefly on criminal behaviour and could be turned away from it if a more positive intervention were made.

We are concerned about other aspects of the Bill. The Bill does not guarantee the ending of the practice of remanding young boys to prison, despite the pledges given on that. We are anxious to see progress on reform of the youth justice system. It is rather discouraging to hear unsatisfactory elements in the Bill defended because the Government have not yet been able to sort out the youth justice system. We shall be pressing them on that.

I share the concern expressed by the right hon. Member for Sutton Coldfield (Sir N. Fowler) that perhaps the most fundamental problem will be the resources required to implement the Bill by agencies which are already severely stretched—the police, the probation service and the almost non-existent youth service in local authorities. All those bodies simply do not have the necessary resources, yet considerable demands are being made of them. Cutting crime is a valuable investment, and if Home Office Ministers needed any assistance in telling their Treasury colleagues that, it has been offered from various parts of the House tonight.

A final criticism of the Bill is its treatment of Scotland. It was never good practice to shove bits of Scottish criminal legislation—from what the Minister has tonight described as a completely different jurisdiction—into essentially English legislation. I hope and believe that this will be the last time we ever do that, because a Scottish Parliament will very shortly be dealing with these matters.

Although there was a free vote on it, I personally welcomed the decision to equalise the age of consent. I agonised hard over it when we voted on it a year or two ago. I came to a conclusion that I supported with my vote again this time and I am pleased with the outcome, although I think the Government were given a pretty clear signal by the relatively narrow defeat of the amendment proposed by the hon. Member for Bassetlaw (Mr. Ashton). That shows the extent of the concern that something should be done about predatory people in positions of authority, in relation to heterosexual and homosexual behaviour and in relation to the girls and boys who are in their charge. The Government must regard that as a signal to move ahead quickly with the proposals that they mentioned in response to that amendment.

I must say a word of appreciation to my hon. Friends the Members for Sheffield, Hallam (Mr. Allan) and for West Aberdeenshire and Kincardine (Sir R. Smith) for their work in Committee. They both testified that it was a rather good Committee and that serious discussion prevailed. We were glad to encounter some liberal-minded Conservatives. Freed from the tyranny of that person who has something of the night about him, they seemed able to express sensible, liberal and constructive views. My two hon. Friends are new to the job and acquitted themselves well—especially my hon. Friend the Member for Hallam who bore the greatest responsibility while simultaneously serving on another Standing Committee and on two Select Committees. We have reduced his load, although that is no criticism of the excellent work that he did on the Bill.

9.59 pm

Angela Smith: It is encouraging that the Bill is welcomed by members of all parties, but the real test will be the reaction not of Members of Parliament, but of our constituents, to the practical application of the measures and how they affect them. I should like to give an example that might encourage my hon. Friend the Member for Hemel Hempstead (Mr. McWalter) to be more supportive of the Bill. Considering the time, I shall be brief.

A father of three came to my surgery. He had suffered harassment and violence beyond what any of us can imagine—not just once or twice, but day in, day out. The police were able to take action on the violence. The men were convicted and sentences were passed, but the day they were released they were back to harassing him and his family day in, day out. His quality of life has been destroyed. He no longer feels at home in his house. He does not feel relaxed; he is fearful and nervous; and his and his family's health has suffered. They are the people whom the Bill should protect. We can all identify one or two similar cases from our experience in which the police and the council are sympathetic—and the Member of Parliament is very sympathetic—but we cannot do anything. The Bill can make a difference.

The most important aspect of the Bill is that it prevents reoffending. Reducing the level of reoffending is the key to cutting crime. I welcome the measures on community safety partnerships. I pay tribute to my local authorities, particularly to Basildon and Thurrock councils, but also—unusually for a Labour Member; this may be the only time that I do so for a while—to Essex county council, for their work on community safety partnerships. I hope that other Essex Members will join me in also paying tribute to Robert Erith, the former high sheriff of Essex. Basildon does not normally take kindly to men in frilly shirts and tights, but on this occasion we make an exception. Community safety was the issue closest to his heart. He worked particularly hard on it and became a great friend of Basildon. I pay tribute to his work, which will continue after his term of office.

The real issue is not just crime but the fear of crime. I bring to the attention of Ministers a report from the National Federation of Post Office and BT Pensioners, which shows the fear of crime among pensioners. Some 56 per cent. of pensioners say that they go out less at

night because of their fear of crime. They have not all been attacked, but they are frightened of being victims of crime. That is a serious problem. Some 71 per cent. felt that local policing levels were inadequate. That is why all sections of the community have to be brought on board to work together in community safety partnerships. I hope that my hon. Friend the Minister will be able to reassure pensioners that everyone will be consulted and involved in community safety partnerships.

I hope that my hon. Friend will also pay tribute to those local authorities that said that they would work hard on community safety before the House placed a statutory duty on them. The previous Government failed to legislate on the issue, despite the Morgan report saying that they should, but many local authorities have taken on board community safety partnerships. They will provide the model for all local authorities.

The Bill is widely welcomed. The Minister said that it was an ambitious reform; it is, but it is also long overdue. I commend it to the House.

10.3 pm

Mr. Leigh: I pay tribute to my fellow Conservative Back Benchers in Committee, who sustained our debates with very little help from Labour Back Benchers—although their presence was welcome.

It was charming to see the Minister of State, Home Office, the hon. Member for Cardiff, South and Penarth (Mr. Michael) in action in Committee. For many years, he laboured in the dry soil of the Opposition vineyard, trying to nurture the delicate plants that he has brought with such pride to the House tonight. At the same time, he was uprooting 100 years of Labour tradition in defence of civil liberties. Whatever he says tonight, he will not convince the House or the nation that simply introducing a few bureaucratic orders will make much difference to crime and disorder.

As a recent Home Office study made clear, the real problem is that the key factors relating to criminality are being male and being brought up by a criminal parent or parents. Those who live with both natural parents were the least likely ever to start to offend; the difference in offending rates was statistically significant, for both males and females in that category.

As we well know, the problem with crime and disorder relates not to any particular Bill that we may introduce but to the decline in family values in western society. The Labour party may choose to blame the years of materialism and consumerism under Margaret Thatcher, and the Conservative party may blame the increase in dependency brought about by various socialist Governments and socialist councils on council estates. I do not know the answer, but I am certain that the few gushing speeches that we have heard from Labour Back Benchers trying to convince us that the Bill will make a difference go way over the top.

The former shadow Home Secretary, now the Prime Minister, described the 27-point plan of the then Conservative Home Secretary as a series of gimmicks to get a headline. That is exactly what the Bill amounts to. Improvements in crime and disorder depend not on the content of the Bill, which will make very little difference, but on the content of the footnotes to the Red Book on the funding of police forces throughout England and Wales. My right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) hit the nail on the head today with his pertinent remarks about the very small increase in funding for the police force.

We had some lighter moments in Committee—not least the Under-Secretary's reply to a question I asked him about the abolition of hanging for piracy in the south seas. He said:

> "I shall write to the hon. Gentleman on the remit of the Royal Navy to deal with piracy in the south seas. However, if it found any pirates in the south seas whom it was thinking of hanging I suspect that it would not seek to bring them to the Isle of Man to do so."—[*Official Report, Standing Committee B*, 11 June 1998; c. 861.]

I commend the Under-Secretary for the way in which he has replied to our points with such good humour during the past five or six weeks.

Will the anti-social behaviour orders make much difference? I suspect that they are just another form of the friendly policeman's pat on the back, which we have known and loved over the years. I suspect that they will make little difference.

I do not know whether parenting orders will make much difference—it all depends on resources. I hope that the Bill will manage to speed up youth justice. Those of us with experience in the courts have often commented on the delays—usually caused by lawyers—to youth justice. In that respect, I wish the Bill every success.

I suspect that this is just another well-intentioned Bill. There is nothing fundamentally wrong with it, which is why there is no point in Conservatives opposing it. Why should we oppose it when so much of it was contained in our own manifesto last year? It is yet another Bill launched by the Home Office—we have had so many in the past—on the stormy seas of the criminal justice system. We shall see it sail away and it will be forgotten in a year's time. Crime and disorder will continue to rise on our estates unless we address the fundamental problems of the decline of moral, social and ethical values in society.

10.8 pm

Mr. Clappison: All legislation concerned with criminal justice and public order calls for especially careful and constructive scrutiny, and this Bill is no exception. I should like to think that we have given it the degree of scrutiny appropriate to such legislation.

I am grateful to my hon. Friends for the part that they played—and especially to my hon. Friend the Member for Epping Forest (Mrs. Laing), who assisted on the Bill's Scottish measures, and to my hon. Friends the Members for Gainsborough (Mr. Leigh), for Woking (Mr. Malins) and for Surrey Heath (Mr. Hawkins). The House will have gathered that my hon. Friend the Member for Gainsborough was rightly concerned to delve into every nook and cranny, including whether pirates could be taken from the south seas to the Isle of Man to meet their just deserts. We approached the Bill in a spirit of complete scrutiny, which we believe was appropriate.

All Governments set great store by presentation—I do not think it too controversial to say at this late hour that this Government are no exception. However, presentation is not everything—it is important to examine the detail and to see what happens to it later.

We are pleased that some of the amendments that we tabled were accepted, including amendments on such important subjects as stiffening the law against football

[Mr. Clappison]

hooligans and allowing victims to receive financial compensation as well as reparation—the latter amendment was passed today. However, we shall have to return to many of the amendments that were not accepted, including those on such important subjects as drugs—further action needs to be taken, especially against people who push drugs. We believe that further detailed consideration needs to be given to fill in some of the gaps in the Bill—on sex offenders, for example.

My right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) was absolutely right to say that we need to examine the question of resources and whether the Government's good intentions are followed through in practice: I put the Government on notice that we shall scrutinise that question every bit as carefully as we scrutinised the Bill.

10.10 pm

Mr. Michael: I have time only to make one point, and I must combat the message given by the right hon. Member for Sutton Coldfield (Sir N. Fowler)—the shadow Home Secretary—and the hon. Member for Gainsborough (Mr. Leigh), that we shall somehow tackle problems by throwing money at them. The Audit Commission report demonstrated the need for efficiency and effectiveness. The Government have given an increase in resources of 3.7 per cent. to the police this year—that money must be used effectively. The police know that, by co-ordinating the resources of local authorities—

It being six hours and a half hours after the commencement of proceedings on the Bill, MR. DEPUTY SPEAKER, *pursuant to the Order [22 June], put forthwith the Question already proposed from the Chair:—*

Question agreed to.

Bill accordingly read the Third time, and passed, with amendments.

Israeli-occupied Territories

Motion made, and Question proposed, That this House do now adjourn.—*[Jane Kennedy.]*

10.11 pm

Mr. Richard Burden (Birmingham, Northfield): I recently had the opportunity to spend a week in the west bank and the Gaza strip with a number of colleagues from the Labour middle east council. I am grateful for this opportunity to describe some of the things that we witnessed and what we were told about the way in which international law operates in that part of the world.

Today, I and others met and put our concerns to the Israeli ambassador to the United Kingdom. The meeting was private, so it would be wrong to discuss in detail what was said. However, the Israeli ambassador asked me to say tonight that I recognised the real concerns of the Israeli people to live in peace and security, and the personal tragedies and losses that so many Israeli families have suffered in the past 50 years of conflict. I willingly do so, and I say without doubt or hesitation that Israel has a right to exist within secure and recognised borders. I accept that—those borders have been internationally recognised since 1948.

I want tonight to address not the position inside those borders, but the position outside them, in those territories that were occupied by Israel in 1967 and which remain under occupation to this day. Those territories are covered by numerous United Nations resolutions, by the provisions of the internationally ratified Oslo accords and, as occupied territories, by the provisions of the fourth Geneva convention. The people who live there, like people in every part of the world, have a right to expect that they will be protected by the universal declaration of human rights. From our experience in the occupied territories only a few weeks ago, however, I must tell the House that there are considerable causes for concern on each of those grounds.

At the heart of the Oslo process is the principle of land for peace. Both sides agreed that they would not take actions that would pre-empt the results of negotiation. We still do not know exactly what Israel's final response will be to the United States proposals for a withdrawal from a further 13 per cent. of the occupied land. However, as we travelled round the west bank, we could see that the illegal settlement building was continuing and we witnessed roads being built. The roads criss-cross the west bank—bypass roads built for the most part on confiscated Arab land.

It is also becoming clear to the local population that that road building seems to be part of a long-term plan to pre-empt the results of the final negotiations. The maps show a pattern developing—a pattern of settlement blocks and bypass roads that reflect political and not natural boundaries and are designed to take in precious water resources. They appear to be splitting the Palestinian centres of population into many small islands, each detached from the others and permanently dislocated from east Jerusalem. When put together with the daily restrictions that Palestinians face on movement, many people have being saying—I think that they can legitimately suggest this—that what appears to be being created on the west bank today is a series of Palestinian Bantustans. Settlement building is not merely illegal; it is a threat to the peace process itself.

During our recent visit, we were shown around the site of Har Homa at Jabal Abu Ghneim. We could see for ourselves how Israeli plans to develop that prime site in the heart of Palestinian territory on the south-eastern corner of Jerusalem, overlooking the hills that lead to Bethlehem, should have caused such outrage and fear among the Palestinian population.

During our tour of that area, we were also taken to a point in the north-east part of the city, looking toward the settlement of Maale Adumim and shown an area of open land that has been earmarked for what has become known in the area as the E1 project, which is designed to expand the boundaries of the settlement and create a territorial link between Jewish settlements beyond the green line and the boundaries of the city of Jerusalem. A decision to go ahead with that development could be made at any time and would almost certainly lead to the same sort of disastrous political consequences that accompanied the decision to go ahead with building the settlement at Har Homa. That was three weeks ago, and a potentially explosive situation is now being compounded further by the Israeli Cabinet's decision on Sunday to extend further the municipal boundaries of Jerusalem and, apparently, annex the land on which a number of settlements have already been built in occupied areas.

I hope that the Minister will agree with me and use this opportunity to condemn unreservedly that latest illegal act in defiance of the Oslo peace agreement and the provisions of international law that remain applicable to the occupied west bank. I also hope that my hon. Friend will be able to reassure me that the Israeli ambassador has been reminded of the commitment of the United Kingdom and our European partners to a peace process that is based on international law and the protection of human rights.

I hope also that the Israeli Government have been reminded that the United Kingdom and the international community regard east Jerusalem and the west bank as occupied territory and that any changes made to the status of the city of Jerusalem and any borders redefined unilaterally by the Israeli Government are absolutely prohibited under international law.

Jerusalem is one of the most difficult issues of the peace process. That is why Oslo stipulated that it should be left to final status negotiations and why the architects of Oslo—Yitzhak Rabin and Yasser Arafat—wanted to build confidence-building measures that could lead that way. Developments in Jerusalem today are undermining that process and pre-empting those final status negotiations.

Housing laws operate in a discriminatory way. Homes are scheduled for demolition on the Palestinian side, while we are informed that less than 8 per cent. of east Jerusalem is available for Palestinian development. It is difficult for a Palestinian to get planning permission to extend his or her home. Whole areas of east Jerusalem are being designated as green zones, which apparently has less to do with environmental protection than with preventing building to house the Palestinian people of the area. As their families expand, and their population expands, all too many Palestinian families feel that they have to move out.

Only 7 per cent. of public services in the municipality are made available to the residents of east Jerusalem. I interviewed Naela Zaru, who is aged 40 and who was recently evicted from her home at 60 Rehov Hasaraya, also known as Diskin house, in east Jerusalem. Eviction followed a dispute with a family of settlers over ownership of the apartment. It had been through the Israeli courts twice. Once, the Palestinian woman won, and on the other occasion the Israeli family won. What was interesting was that after the Palestinian woman won, it took no less than nine months to ensure that the court's decisions were implemented and the Israeli family evicted. When it worked the other way round and the Israeli family won, eviction took place within 10 days, and was supervised by both the police and the military.

When I interviewed Naela, she was sitting on the steps outside a neighbour's house. Her possessions were in a storeroom, having been put out on the streets a few days before. The consequence of her eviction may be the loss not only of her home, but of her very right to live in Jerusalem. One of the most insidious developments is what appears to be a deliberate attempt to alter the demographic character of Jerusalem by denying more and more Palestinians the identity cards that they need to live in east Jerusalem.

Palestinians in Jerusalem face several inter-related problems. Identity cards can be withdrawn if they cannot prove to the satisfaction of the Israeli authorities that their "centre of life" is in Jerusalem. Withdrawal of an ID card can lead to problems in other areas, such as an inability to register the birth of a child. Anyone who seeks to marry a non-Jerusalemite must apply for a family reunification permit, and the chances are that it will be refused. If so, the person would have to live outside Jerusalem, and living outside Jerusalem for only a limited period means that the chances are that an ID will be withdrawn.

According the Centre for the Study of Civil and Social Rights, in the period from 1 January 1996 to 24 November 1997, a total of 63 ID cards were confiscated, 313 family reunification requests were pending, 194 had been turned down and 208 cases had been deleted from the computer of the Israeli Ministry of the Interior, so that those Palestinian families had simply disappeared. There had been 130 deportation orders during that period, and 23 cases of lack of permits or tourist visas for Palestinians. There were seven cases of lack of laissez-passers, 16 of inability to register the birth of children and 49 in which Palestinians were unable to replace lost ID cards. In the period between November 1997 and May 1998, there were 425 new cases in those categories.

There is a way round all that for the Palestinian. He or she can swear allegiance to the state of Israel, gaining permanent status. However, to make fundamental rights conditional on swearing allegiance contravenes article 45 of the Hague regulations, which stipulate that

"it is forbidden to compel residents of an occupied territory to swear allegiance to the hostile power."

All this is not only illegal. It creates a climate in which Jerusalem Day, on the 31st anniversary of the occupation of east Jerusalem, was marked by a militaristic parade of armed settlers into the east. It creates a climate in which settlers from the Ateret Cohanim group felt able to move into east Jerusalem with Israeli troops to guard them. When they were eventually told to leave, they secured a deal to be able to guard the area.

I ask the Minister to agree that all that is contrary to the peace process, and to international law. I hope that he will agree that Britain should join moves at the United Nations to ensure that the fourth Geneva convention is

[Mr. Richard Burden]

implemented more thoroughly, that Israel is reminded of its obligations under UN resolutions—particularly 242 and 298—and that the European Union-Israel trade agreement will not be used to allow importation to the EU on preferential terms of produce from illegal settlements in occupied land. I also ask the Minister to agree that peace will come only when all sides in the middle east recognise that all sides have rights, and that those rights must be protected. That is not what is happening now.

I close with a short, anonymous poem by a Palestinian that talks about the situation in the occupied territories much more graphically than I could. It says:

"Theodore Herzl once said the Jews must go to Palestine because it was 'a land without people for a people without land'. I cry, I sorrow, for that land was mine. I am people, the Palestinians are people, and you who have suffered such persecutions, have forced us to pick up your ancient cry:

'NEXT YEAR IN JERUSALEM'."

10.25 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): I congratulate my hon. Friend the Member for Birmingham, Northfield (Mr. Burden) on raising these issues and on the way in which he introduced the topic. Anyone who had the benefit of hearing him knows that he raised it in a way that reflected his deep, long-standing personal commitment.

My hon. Friend raised three issues. The first is technical and I shall deal with it straight away. Secondly, he raised the international legal position. Thirdly, and much more importantly, he mentioned the peace process, and development and rights within that.

On the more technical matter, my hon. Friend referred to the EU-Israel trade agreement, labels of origin and enforcement of the procedures in relation to Israel. That is a matter for the Commission. During the UK presidency, we have supported its actions so far. When it comes to enforce the European law in that respect, we will continue to support it. It is important that countries of origin are clearly labelled and marked so that the consumer can have faith in that labelling. We expect the Commission to enforce that against any country that has a trade arrangement with the European Union.

My hon. Friend clearly set out his views on the international legal position on settlements. Until a final settlement is agreed, we will base our position on the United Nations Security Council resolutions. International humanitarian law will remain the basis for our policy on the occupied territories. The key to that, as my hon. Friend said, is the fourth Geneva convention of 1949. Again, we have consistently called upon Israel to comply fully with its provisions. Israel ratified it in 1951, so we are asking Israel to do no more than what it has committed itself to for the past 47 years. Successive UK Governments have never accepted the Israeli argument that the convention does not apply to occupied territories. That has been the UK position for many years—many people would say too many years in relation to progress on the issue.

Article 49 of the fourth Geneva convention clearly states:

"The Occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies."

It appears difficult not to agree that the purpose of the Israeli settlers, and perhaps of the present Government of Israel, is to change demographically the population and structure throughout the occupied territories. Following that through logically, as my hon. Friend did, it appears to be inconsistent with article 49.

My hon. Friend also asked what action the UK had taken in relation to the fourth Geneva convention. We have constantly reminded Israel of its obligations under the convention. More recently, the United Kingdom, in its EU presidency, supported the UN resolution in March calling for a full conference of the high contracting parties to the fourth Geneva convention to discuss the Israeli violations.

We welcome in particular the efforts of the Swiss Government in making progress on the resolution. This month, President Cotti of Switzerland hosted a meeting of representatives of Israel, Palestine and the International Red Cross to discuss how to improve the situation. It was good to see both parties engaged in the process. We want that process to go further, and to relate to the international law and the spirit behind it.

My hon. Friend asked me about the Israeli Cabinet decision of this weekend and the United Kingdom Government's response to it. We took the opportunity yesterday to make clear our position, on behalf not only of the United Kingdom, but of the European Union presidency. We expressed our concern

"at the Israeli Government's endorsement of plans which will alter the demographic balance in the Jerusalem area."

The statement continued:

"The European Union has repeatedly called for a halt to unilateral activity in Jerusalem. The plans currently under discussion would complicate the peace process at a very sensitive time.

The EU's position on Jerusalem is well known. We believe that the final status of Jerusalem should be determined in final status talks. Neither side should pre-empt this."

I hope that my hon. Friend agrees that the statement that we issued yesterday on behalf of the EU presidency in response to the Israeli Government's decision clearly stated the EU's position. That position was reinforced at the Cardiff summit a few days ago, and has been consistent from the Luxembourg statement through to the Cardiff statement.

The key point that my hon. Friend wanted to make was that without progress on the peace process, the sense of frustration and despair will increase significantly. He has drawn that from his experiences in his recent visits to the west bank. I was in the area in January at the beginning of the UK presidency, and I had exactly the same experiences. I sensed the same lack of hope, and the frustration and despair felt by the Palestinians.

The Palestinians do not have a monopoly on frustration and despair. There are many in Israel who want progress to be made on the peace process. Recent opinion polls in Israel show that 70 per cent. are in favour of peace and the principles of the Oslo peace accord. The obvious act of diplomacy is to bring together those on both sides who want to make peace—the overwhelming majority of the Palestinians and the Israelis. Our task is to ensure that we can achieve that objective.

My hon. Friend rightly talked about his visit to Har Homa. I also went to Har Homa and saw what my hon. Friend referred to. That development is significant, not only because of the land that is covered, but because of the trust between the two parties. When my right hon. Friend the Secretary of State visited Har Homa, he was subjected to some criticism. He was absolutely right to go there because, in doing so, he made a strong and cogent point that if there is action that pre-empts the final status negotiations, it will be impossible to make progress—and it is progress to which we all aspire. It is crucial that no action is taken to pre-empt the final status negotiations. The settlements do that, and we have always said that the status of Jerusalem is a crucial part of those final status talks.

At the start of the United Kingdom presidency, we set out our own objectives in terms of the middle east peace process. We have always agreed with the policy position taken by the European Union that the real way forward is on the basis of Oslo and on the basis of land for peace, and that, meanwhile, there should be action to build, not undermine, confidence.

However, we wanted to make a more active commitment to those policy objectives, and we wanted to see what we could do to push the process forward. We were told whenever we visited the middle east—and in the United Kingdom, by those supporting the Palestinian case—that it was important for the European Union to aspire to and achieve a greater role and higher profile in the peace process. I believe that, at the end of the United Kingdom presidency, we have achieved that objective, and that we have shown that the European Union has a complementary role to play in developing the United-States-led peace initiative.

It is always clear that the peace initiative will be led by the United States, but the European Union role has been to complement that leadership, and I say to my hon. Friend that I believe that, through the activity of the Foreign Secretary and the Prime Minister, we have taken a lead to ensure that the European voice is heard throughout that process.

It is crucial that we recognise the frustration that exists—that we recognise the fact that, without a peace agreement, we shall not see the middle east to which all of us, whichever way we approach these issues, aspire. One of the things that have pleased me in the past few months in the House of Commons is that no one now argues that to be pro-Israel is to be anti-Palestine, or that to be anti-Palestine is to be pro-Israel. Hon. Members now recognise that we are all committed to the peace process; we recognise the importance of the peace process for Israelis and Palestinians. That is why we took action to try to build up Israeli confidence. For that reason, too, during our presidency, we have tried to help the Palestinians to fulfil their security commitments as part of the Oslo process. That is important to win Israeli confidence—to ensure that the ordinary Israeli believes in, and has faith in, the peace process.

For that reason also, in a complementary way, we took action to try to build up Palestinian confidence—action to encourage progress on some interim economic measures, such as the industrial estate and Gaza airport. Above all, we continued to make clear our commitment that land for peace is the basic requirement for progress in the middle east.

My hon. Friend, talking eloquently about the feeling of frustration, reflects the point, which is well taken by every hon. Member, that, because we have been unable to resolve this crucial question, the middle east has suffered economically—it has under-performed. My hon. Friend mentioned the gross injustice of there being some affluence alongside poverty. That injustice can be dealt with only by making progress in the peace process.

We are determined, when we hand over the EU presidency, to continue to play a complementary and supportive role in the process, and to ensure that there is a continued European commitment. My hon. Friend is right to say that we are at a crossroads. The issue is not just about the settlements and it is not just about international law. It is much more about whether there is any belief that progress will be made.

I would say to the Israelis that 70 per cent. or more of the people of Israel are committed to peace; I welcome and support that, and I believe that we should all work in that direction. However, we must not miss opportunities when they are available. My plea to the Israeli Government is to recognise that an opportunity for peace exists; we must take such opportunities when they become available.

The Palestinians are now willing to sign up to the offer that the Americans are trying to broker. That initiative was accepted by the Palestinians in an act of statesmanship which will stand them in good stead. It is crucial that the Israeli people—and the Israeli Government in particular—see the opportunity to make progress, recognise the commitments that the state of Israel has already made towards land for peace and try to move that process forward.

The negatives are apparent. The negative view that says we shall not make progress will lead to a build-up of frustration and despair on both sides of the divide. My simple view is that that is in the interests of neither Israeli nor Palestinian, and it is an outcome which we must avoid.

My other advice to the Israeli Government—for what it is worth—is to remember that if the negotiations are to make progress, they must involve two parties with self-confidence and self-esteem. It is important to recognise that President Arafat has made significant concessions and has made every effort to keep the peace process going. The Israeli Government, of whatever political persuasion, need a partner in the negotiating process. I urge the Israeli Prime Minister to take the opportunity of negotiating with a partner who is keen to negotiate. The risk involved in that exercise is considerably less than the risk of no negotiations and no progress.

I recognise the deep feelings that exist in the House and throughout Europe regarding the middle east question. We must make progress, and we shall continue to work to try to achieve that progress. However, if we do not succeed, I share my hon. Friend's concerns that the situation will become more and more difficult to manage. Good people—those who want peace, and who act and vote for peace—will find it very difficult to control others whose

[Mr. Derek Fatchett]

wishes may be different. That is why this process involves not just a legal position—which my hon. Friend set out clearly in his speech—but politics, diplomacy and, above all, statesmanship. We need political leaders who will look beyond the present and recognise that the true interests of their people lie in a long-term settlement that will benefit both the Israelis and the Palestinians. I commend my hon. Friend for raising the issue, and he was right to do so—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at nineteen minutes to Eleven o'clock.

House of Commons

Wednesday 24 June 1998

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Crime (London)

Motion made, and Question proposed, That this House do now adjourn.—*[Janet Anderson.]*

9.34 am

Mr. Keith Darvill (Upminster): It is a privilege to open this important debate. I represent an outer east London constituency, which forms part of the London borough of Havering. In Metropolitan police terms, it is part of K division. These introductory remarks are not a prelude to a speech about crime and policing in my constituency, but an introduction to one of the aspects of crime in London, which I want to address—the contrast between inner and outer-London boroughs. The other aspect with which I shall deal is the development of partnerships among the police, local authorities and other agencies, which I strongly support as they will deliver tremendous benefits, providing that their development is properly resourced.

I begin with a word about trends in crime. Statistics showing crime by borough have been few and unreliable, although the Metropolitan police has just produced comprehensive figures for the past two years. While those statistics can be criticised, an important political point is to be made, as recorded crime is 25 per cent. higher than 10 years ago and, 80 per cent. higher than 20 years ago.

In London, crimes of violence against the person in 1979 were 16,027, and in 1997 they were 53,721, an increase of 235 per cent. Sexual offences were 2,736 in 1979, and had increased to 7,708 by 1997, an increase of 182 per cent. Theft and handling were 316,505 in 1979, but had risen to 382,694 in 1997, an increase of 21 per cent.

Those figures underline the abysmal failure of the Conservative party when in government—a failure that was one of the many contributory factors to its defeat at the last general election. Notifiable offences recorded by the police show significant increases in crime in most London boroughs. Interestingly, some of the highest increases in such offences were in the outer-London boroughs. In Havering in 1980, there were 10,977 notifiable offences. In 1996, when the figures were at their peak, they had increased to 15,900. Last year showed a small decrease, to just below 15,000.

Ms Linda Perham (Ilford, North): As my hon. Friend knows, I represent the neighbouring borough of Redbridge. Does he agree that the use of closed circuit television has certainly improved the crime rate in the outer-London boroughs? We introduced closed circuit television last year in Ilford town centre, since when the crime rate has dropped by 18 per cent., and more than 300 criminals have been caught on camera. I am sure that he will agree that CCTV has been a great benefit, particularly to the outer-London boroughs.

Mr. Darvill: Of course I agree, and there are similar examples in my borough.

In recent years, the most worrying trend in crime statistics has been the increase in crimes of violence. Although the total number of notifiable offences recorded by the police fell by 5 per cent. in London as a whole, and there was the same percentage decrease in outer-London boroughs, crimes of violence increased more in Havering, for example, than in the capital as a whole. While robbery decreased in London by 7 per cent., it increased in Havering by 13 per cent. Sexual offences and violence against the person both increased by around a fifth.

Bearing in mind the particular factors that affect inner-London boroughs—I am thinking of Westminster and Camden—with the influence of tourism and commuters, the outer-London crime statistics give rise to even greater concern.

I do not want to take up the time of the House with too many statistics, which I give to counter the popular view that the outer-London areas do not need the resources and attention that the inner-London boroughs require. The concept of a crime-free leafy suburb is wrong. I know that, because of targeting, there is a tendency to shift resources from outer-London areas. I am opposed not to targeting, which can be effective in the fight against crime, but to the year-on-year shift of resources at a time when we should be tackling the worrying increase in crime.

The 1998–99 settlement for the Metropolitan police service provided a total spending power of £1.775 billion—an increase of 3.7 per cent. on the 1997–98 figures. However, the settlement proposed a 25.4 per cent. increase in the precept on council tax. My constituents would not object to such an increase, given that the increase on a band E property would be about £1.20 a month, if it were not for the fact that local police numbers are being reduced, and local police stations are under threat of closure. Indeed, in my borough, the police station at Collier row, which falls in the constituency of my hon. Friend the Member for Romford (Mrs. Gordon), is currently under threat—I know that my hon. Friend has taken up the matter with the Home Office.

I acknowledge the successes in crime reduction, and I congratulate Sir Paul Condon and all his officers on the recent reduction in the figures—the significant fall in the figures for burglary and car crime in the capital over many years is very encouraging. I also welcome the Government's proposals to set up a London police authority as part of the Greater London assembly, which will enable elected representatives to contribute directly to the management of the police service in London. That will provide not only new leadership, but long-awaited democratic accountability. I am sure that the inner/outer London debate can be advanced in that forum, although I would welcome the Minister's comments on it today.

My constituents—and, I am sure, the residents of all London boroughs—share the same fears and concerns about crime. The need to continue to attack crime and help crime prevention at all levels is paramount, and outer London should not be discriminated against in that.

[Mr. Darvill]

I make no apology for raising the issue of working in partnership so soon after Third Reading of the Crime and Disorder Bill. I genuinely believe that the Bill's proposals will have a significant effect, provided that they do not mean that a local police plan will be prepared with the local authority only to be left on the shelf to gather dust. My view is that the public, through their councillors, neighbourhood watch representatives and other agencies, will warmly embrace the Bill's provisions, which will work as effectively as the partnerships in local schools between school governors, teachers and parents—all those to whom I have spoken warmly welcome the cross-agency co-operation.

I am concerned about the resources required to make those provisions work. I do not say that because I believe that this year's police settlement was poor—it was not. I am familiar with the Audit Commission performance indicators and with its report, which I read in preparation for this speech. The report rightly says that police resources do not reflect performance in matters such as crime prevention partnerships, in which forces, councils and community groups have worked together. On one key question, the report says:

"each force must now face the challenge of building partnerships with social services, education and health services to prevent crime—especially juvenile crime—and to improve community safety, without letting performance slip in key areas. To do this, forces will need to squeeze every drop of value from their resources."

The report shows that performance varies, and that, in some areas, increased resources have not meant improved performance. Examples of best practice should be incorporated in all forces.

My chief concern is the resourcing of local authorities, which is a matter not for the Home Office but for the Department of the Environment, Transport and the Regions and for the Treasury. However, in considering crime in London and the role of partnerships, we must take account of all the partners. As the Audit Commission recognised by referring to education, social services and housing and planning, local authorities will be important partners.

Havering has suffered from particularly bad standard spending assessments. Year after year, cuts have been imposed and the borough has spent up to its capping level. If the SSA formula is not improved, the council—which is keen formally to start the co-operation partnership with the police and others—will be restricted, to say the least. Indeed, the Minister of State, Home Office, my hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael), will be aware from his recent visit to my constituency that work on the cross-agency approach to tackling youth crime in the Harold Hill area has already begun.

If cuts in the SSA continue to be made, the borough council will find it difficult to continue its work; it will do what it can, but that may not be enough, which would mean that the opportunity had been missed. Public funds need to be properly invested. If we fail to invest, and crime continues to increase, public expenditure on legal aid, the courts and many other matters will also increase.

I have addressed two matters that I believe the Government should seriously consider: first, the problems faced by the outer-London boroughs in terms of increasing crime and decreasing resources; and secondly, the role of local authorities in future partnerships, which I strongly support. All Londoners, wherever they live, have to put up with the effects of crimes—some are the victims of mindless violence, others of anti-social behaviour or theft. Those problems are Londonwide, but I know that the Government are acting quickly to tackle them, not least because of their election pledges. I have been honoured to open this debate, and I look forward to hearing the contributions of hon. Members on both sides of the House, and of the Minister.

9.46 am

Dr. Vincent Cable (Twickenham): I congratulate the hon. Member for Upminster (Mr. Darvill) on raising this important subject in a balanced and helpful way. We have an annual debate on the Metropolitan police, and we are now roughly mid-term, which gives us an opportunity to review some of the trends that are beginning to emerge. I share his view, which is based on statistical evidence, that the current picture on recorded crime is, in many ways, encouraging—the favourable trends are reflected in the area that I represent in south-west London—and I congratulate the Metropolitan police on that.

We should not be too complacent, however. Most crimes involve property, and many historical data show a strong correlation between property crime and the state of the economy. Once the current boom is over and unemployment begins to rise again, the trends may be less encouraging.

I draw attention to something more worrying—the trend in the resourcing of the Metropolitan police, and police numbers. In the five years before the change of Government—1992–97—the number of Metropolitan police officers declined by roughly 1,300, a fact about which both the Liberal Democrats and the Labour party made a great deal. Since March 1997—the beginning of the new statistical base—the decline has continued and, unfortunately, accelerated. The number of Metropolitan police officers fell by 384 between March and September 1997, with a further fall of 189 between September 1997 and April of this year. The decline is even more rapid than in 1992–97. I do not suggest that that necessarily shows a decline in the Government's commitment to the police in general, because police numbers outside London seem actually to have increased.

The problem is specific to London—it reflects the formula through which London receives its allocation, which has long been a source of concern to the Metropolitan police. Although the force received a relatively favourable settlement this year, that has not stopped the rot of the decline in police numbers. I would be grateful to the Minister for some explanation of why that trend is continuing. There may be problems of recruitment as well as problems of cash, but it would be helpful to know where the continuing decline leaves the Metropolitan police's declared strategic objective to increase the number of police officers this year. They are not going to meet that objective, as there will be a substantial decline.

The hon. Member for Upminster mentioned the strong trend towards a decline in the number of accessible police stations. That has grown over the years, and in 1997 there were six closures and hours were reduced at 18 stations, one of which is in my constituency. I have discussed the

trend with senior police officers who make a reasonable operational case that, given the often painful options they have, it is often the most sensible action.

It is sensible of senior police officers to make sure that officers are out on the street rather than sitting behind a desk, if that is the choice that has to be made. However, that choice should not have to be made. Accessibility to police stations is important to public confidence, and fear of crime is considerably reduced if a local population knows that it has access at reasonable hours to a police station within a reasonable distance. The matter should be dealt with through civilianisation rather than reduction of access to police stations. How does the Minister see the trend towards declining access? Is it part of a concerted strategic reorganisation of the service, or has it just happened as a temporary fallout from financial cuts?

My final point arises from the disturbing Lawrence inquiry which is currently taking place. It has been a traumatic experience for the police, as well as a harrowing one for the Lawrence family. I do not want to comment on the inquiry or on the substance of the case, but the inquiry has highlighted the serious long-term increase in London of racial "incidents", as police statistics call them.

There appears to be no basis for calculating violence; racial incidents may not necessarily involve violence, but their trend is strongly upward. Figures obtained from written questions to the Minister suggest that, since 1995, the number of incidents across London rose from about 580 for each 100,000 people to 830 last year. In area 5, my area in a relatively affluent bit of south-west London, the number had risen even more, from 420 to 800 for each 100,000 people.

That does not necessarily mean racial violence, as the statistics are a little ambiguous, but it is suggestive none the less. The figures puncture some of the complacency we sometimes hear. There is a broad feeling that Britain is doing rather well in race relations these days, and certainly in comparison with France and Germany. There is a feeling that race relations are much easier than they used to be, and that people feel more comfortable in a multicultural society. However, the undercurrent appears to be a rising trend in racial incidents.

Will the Minister indicate his awareness of that problem? Senior police officers are aware of racial difficulties, and police training is much more sophisticated than it used to be. At senior officer level, there is an enlightened approach to matters affecting ethnic minorities, but I suspect that that is not totally carried through, and I hope that an understanding of the worrying trend in the figures, combined with the outcome of the Lawrence inquiry, will result in more attention being given to the problem.

9.52 am

Ms Karen Buck (Regent's Park and Kensington, North): I congratulate my hon. Friend the Member for Upminster (Mr. Darvill) on introducing a debate that has implications for every hon. Member who represents a London seat. Like him, I want to accentuate the positive, and I join in his congratulations to Sir Paul Condon on the Metropolitan police's success in turning back the tide of crime in recent years. However, the borough of Westminster, part of which I represent, went against that trend, with a reported crime increase last year. In an over-dramatised feature a few weeks ago in the *Evening Standard*, Westminster topped the crime league table, to the newspaper's apparent surprise. I shall return to that point, as it raises interesting questions.

I warmly welcome the Government's initiative to pilot youth justice schemes through the Crime and Disorder Bill. One of the pilots will cover all my constituency, the rest of Westminster, Kensington, Hammersmith and Fulham. The pilot will test final warning schemes, reparations, child safety and parenting orders, and youth offending teams, and it will bring together council-run social service and education authorities, the police, the probation service, the courts and the Crown Prosecution Service.

That will show the importance of partnership, which, where it exists, has been extremely successful in helping to engage the community in the broadly based crime prevention strategies that are essential to turn the tide of crime. The importance of those parts of the Crime and Disorder Bill cannot be over-emphasised. Crime is not one-dimensional, and the police alone can never solve it.

There have been real successes based on collaborative working in my community. I congratulate the local police in Notting Hill on working with the police in Paddington on a real turnaround in the Colville area of North Kensington and Westminster. Until last autumn, it was plagued by drug dealing and prostitution. During my first months as a Member of Parliament, I was quite rightly flooded with correspondence from residents who felt besieged in their own homes by the extensive dealing and prostitution going on outside them. There has been a dramatic turnaround, because of a combination of good policing strategies rooted in the local community and the introduction of closed circuit television cameras in North Kensington.

There have been other successes. Where regeneration projects target crime prevention, they can bring about real change. The single regeneration budget covering my home ward, Queen's Park in Westminster, has been at least partly responsible for a significant fall in street crime and burglaries. As we are rethinking regeneration strategies, we should make sure that crime prevention is at the heart of them. Crime prevention goes hand in hand with youth activities and employment and training schemes.

A project in north Kensington should be a model for crime prevention work. Youth Cable TV is an innovative project that brings disaffected young people—those excluded from school or at risk of it—together with school classes, and it teaches young people the performance and technical aspects of television production. I was privileged to visit it before the election, and I cannot overstate how impressed I was with its work.

Over the years that the project has been running, more than 500 young people have gone through its schemes, and there is no doubt that it has engaged young people's imagination, has brought them off the streets, and has removed many of them from the risk of offending. It has done that with a mixture of lottery and privately raised funding, and I hope that we will be able to invite Ministers to come to see the part that that genuinely imaginative and radical project plays in solving the crime problem.

I met the director of Youth Cable TV yesterday, when she told me some of her ideas for plugging into the youth justice pilot. For example, the project is considering developing video letters as part of a reparation scheme.

[Ms Karen Buck]

In cases in which a victim of crime and the proponent cannot be brought together, perhaps because the victim would find it too traumatic to be in the same room, YCTV could film the young person who committed the crime explaining a little of what happened. That is an exciting and imaginative way to contribute towards reparation.

We should be proud of some excellent schemes initiated and led by both the police and the community. I hope that we can build on that good practice and look laterally at the contribution that such schemes can make.

However, I have three main concerns. I seek today not specific answers, but general assurances that the Home Office recognises the scale of the problem. I began by saying that the borough of Westminster appeared from the recently released crime figures to have gone against the trend and suffered an increase in reported crime. I am conscious—it is brought to my attention by constituents—of the extent to which the residential communities, primarily although not exclusively in the north of the borough, feel neglected because they are in the shadow of the west end, where a high proportion of Westminster's reported crime occurs.

Last year, Westminster had 30,000 reported crimes more than its nearest rival. That reflects the fact that the population of the borough, and that of its neighbour, Kensington and Chelsea, are inflated by more than 1 million tourists and commuters a day. It is thus unsurprising that the crime figures are higher. The mere fact that Westminster covers the heart of the city makes likely an increase in violent crime associated with heavy drinking, because of the number of pubs, restaurants and alcohol outlets concentrated there. Westminster is at the heart of London's prostitution trade. Inevitably, there is also more drug dealing—many drug dealers operate from the heart of the city.

The police must go where crime is highest. Only last week, I met the divisional commander for Paddington, an officer whom I like and greatly respect. We discussed the issue in the context of a crime problem close to me, involving a chemist at the heart of a local drug market. In discussing the policing of that problem and the nuisance that surrounds it, he perfectly reasonably remarked that, when he was planning the distribution of resources to fight crime in the borough, he has to concentrate on areas such as Bayswater and the west end, where reported crime is highest.

The officer said that, in north Paddington and northern parts of the borough, the statistics show, as they unarguably do, that crime is lower, so it would be unjustifiable for him to direct resources disproportionately to that area. I stress that he and other police commanders are committed to good and effective policing of those communities. I do not say that they are under-policed, but people in the residential communities of the estates and streets of north Paddington feel that their problems of anti-social behaviour, nuisance and crime do not always get the attention they deserve.

This is not only an issue of policing. Recently, the CCTV scheme covering Oxford street went live. I was pleased that local newspapers reported that the first signs are that it has significantly reduced crimes such as handbag theft and pickpocketing, which happen in the west end. It is a successful scheme.

The trouble is that people who live on the big council estates in the north are sometimes terrified to leave their homes because of crime, especially street crime, and of youths who congregate and act in a threatening fashion. They feel that they are not getting their share of such resources. Worse, with CCTV schemes, which were mentioned by my hon. Friend the Member for Ilford, North (Ms Perham) and which are welcome and increasingly demanded by many communities, there is a danger of displacement.

That is already being translated into hard facts. The police have told me that, since Oxford street CCTV went live, there are clear signs of crime creeping into the Marylebone area north of Oxford street. In my area, some poor and deprived streets have been cornered between different CCTV schemes. CCTV schemes operate in south Kilburn and on the London Underground and the local station, and a huge and apparently successful one operates in north Kensington. The inevitable result is that street criminals seek areas where no CCTV operates.

The situation is worse for some of my constituents on the streets and estates in the north, because they have also suffered the consequences of recent reductions in the housing department's security budget. They watched with pleasure the introduction of CCTV on Oxford street, to which I think Westminster council contributed £100,000, yet in their blocks of flats there may be incidents of youths gathering on streets and on the stairs inside, taking drugs and, at the very least, being a threatening presence, which is unpleasant for single people and for older people who feel vulnerable.

Projects such as the door entry scheme proposed for Atherstone court on the Warwick estate have been put back because of housing security budget cuts. It is understandable that some sense of grievance is felt because the west end tends to suck in attention and resources. Such people are the poorer as a consequence.

Another illustration is the closure of police stations mentioned by the hon. Member for Twickenham (Dr. Cable). He rightly noted the trend towards concentration and centralisation of police stations in recent years.

However understandable it may be in the financial context of the Metropolitan police, that trend cuts across the desire of communities for a local police presence to which they can relate so that they can build relationships with police officers. People find local police stations, like policemen on the beat, a comfort. I accept that having police on the beat is often not the most efficacious way to tackle crime, but the issue is not only about reducing crime and catching criminals. It is equally vital to restore public confidence, to make people feel confident in their homes and streets.

In my constituency, the police station in St. John's Wood has been threatened with closure. It is another example of the west end against the residential communities of Westminster, because the Metropolitan police are making a case, sound on its merits, for the redevelopment of Marylebone police station on Seymour street off Oxford street.

The residents of Church street and St. John's Wood again see the demands of policing the west end drawing attention and resources away from their community. As things stand, we cannot be wholly assured that the Met can put in sufficient resources to that corner of the

borough to maintain at least a standard level of service there. We are still at a reasonably early stage of negotiation, although I understand that the police station closure decision was taken some years ago, as part of the capital development programme.

I urge the Minister to accept that the police do not have the most brilliant record of consultation and explanation of their decisions. When decisions are apparently consultative, and it seems that representations are sufficiently strong and broadly based to secure a change of decision, local communities are understandably aggrieved to be told that the decision was actually taken long ago. I hope that lessons will be learned, because communication is a problem.

As it might be one of the only concrete measures we can take without a vast injection of resources, will the Minister look into the imbalance in policing resources within communities, and especially into the performance indicators and year-on-year improvements that are expected of local police? Performance indicators have been invaluable as a benchmark allowing us to monitor and detect trends and there is certainly no going back from their use. The danger is that too rigid an application of performance indicators may accelerate or intensify the trend for the police to concentrate on reaching their targets by focusing on reducing auto crime, pickpocketing or handbag theft in areas where the scale of crime is greatest, as has happened in the west end.

That can detract from their ability to concentrate on the areas of crime that are statistically smaller-scale, but more worrying and damaging to local communities; and on the building of community links through regular police attendance at sector police meetings and other community meetings that are essential to the creation of good personal relationships. I hope that the Minister will take that general message away this morning.

The second of my concerns is that the wholly desirable emphasis on bearing down on crime should not put good community relations at risk. The Home Office is aware of my concern about the stop-and-search figures. For the Met as a whole, according to the report that I have read, but certainly in Westminster, the figures show that black people are more than four times as likely to be stopped and searched as white people. The figures are not only wholly out of line with the ethnic distribution of the local community, but considerably out of line with the charges laid after stop and search.

I know that the statistics do not tell the whole story, and I believe that there are explanations that would help to allay some of the anxieties of the black community and, in particular, the Commission for Racial Equality. From my conversations with local police officers, I am increasingly sure that there is more to the issue than meets the eye. However, I have been given several different, and sometimes conflicting, interpretations of the figures.

It is essential that the Metropolitan police recognise that some anxiety is legitimate when a clear and convincing explanation has not been given. When I first wrote to the Met on the subject, I received a two-line reply, the last line of which said, in effect, "I am anxious that you have misinterpreted these statistics." That is quite unacceptable: I might have misinterpreted the statistics, but that is not the point; the point is that the Met has a responsibility to recognise the scale of concern and to work with people such as the Council for Racial Equality and other opinion formers to explain what is going on and establish a constructive dialogue.

There are encouraging signs—recent dialogue has been far more constructive, and I look forward to further meetings with the Met. However, I would welcome assurances from the Minister that this is a matter of concern to the Home Office, and that the Home Office will search for a way forward that at least improves the lines of communication between the Met and representatives of the black and other ethnic minority communities.

Let me say a word or two about the environment that creates the conditions in which crime can flourish. I have always agreed with several aspects of the policy of zero tolerance. In particular, I am firmly convinced that, when relatively minor acts of criminality and anti-social behaviour are ignored, a sense of neglect and loss of control is created; and that, in such an environment, more serious crimes can flourish.

Cracking down on such minor acts is not only a matter for the police, but, in order to encourage them to take action along those lines, it is essential to send a strong message to other public agencies, especially local authorities. In that way, we can ensure that the state of neglect and disrepair in some of our streets and housing estates is tackled with vigour. The conditions in some housing estates are appalling, as door entry systems are left broken and play equipment left damaged and covered in graffiti, which creates an atmosphere in which people feel that nothing they can do matters.

Finally, I hope that we can tackle one particular problem, which is that of prostitutes' cards in phone boxes. [HON. MEMBERS: "Hear, hear."] It is dear to my heart as a London Member of Parliament, as it is to the right hon. Member for Cities of London and Westminster (Mr. Brooke) and many other hon. Members on both sides of the House. The boroughs of Westminster and Kensington, in the middle of London, are a sea of prostitutes' cards.

In the year to November 1997, 10 million cards were removed from central London, but such efforts are like putting one's finger in the dyke, because no sooner are the cards removed than they are re-posted. They create an atmosphere of neglect and sleaze, and it appears that agencies are unable to do anything constructive to solve the problem. The despair of local communities, which have made vigorous representations, is not surprising.

Mr. James Clappison (Hertsmere): The hon. Lady makes a valuable point. Does she agree that prostitutes' cards, although a nuisance to many of us, are of more serious concern to women; and that they paint an appalling picture of London for visitors to the capital?

Ms Buck: I totally agree that the cards are disgusting, that they are bad for tourism and bad for business, and that many women regard them as threatening. I regard with horror the prospect of having to go into a public phone box with my young son to make a call, because I do not want to have to explain to him why it is full of pornography.

I understand that British Telecom has asked Oftel for a licence modification which would allow BT to bar calls from a BT call box to any number advertised without

[Ms Buck]

authorisation. I welcome the fact that the Department for Trade and Industry has taken a keen interest, and is working with the Home Office to see whether something can be done. Oftel has just finished consulting on the issue, and we await a decision in the near future.

I urge the Minister to take this message back to the Home Office, so that the Home Office, the DTI and Oftel can together implement an effective call-barring system, which would go a long way towards ending the problem. I am pleased that many hon. Members and Westminster council have taken a strong line and urged Ministers to address the issue. I hope that, by working together, we can solve the problem.

I congratulate the Met on the general reduction in crime that has been achieved in recent years, and look forward to dramatic further improvements based on the Crime and Disorder Bill. However, central London has special needs, and its residential communities away from the west end have very particular needs that are in danger of being overlooked. I look forward to hearing a recognition of that fact from the Minister, so that we can go back to our communities and convince them that the general reduction in crime will shortly bring about a real and distinct improvement in their lives.

10.18 am

Mr. Andrew Dismore (Hendon): I should declare an interest, in that the solicitors firm of which a remain a partner, even though I no longer run any cases, has the Police Federation as a client. However, I have not received, nor am I speaking to, any briefing from the Police Federation, and I have not been in communication with the federation about this debate.

I congratulate my hon. Friend the Member for Upminster (Mr. Darvill) on securing the debate. When discussing crime, it is inevitable that one starts with statistics. The Metropolitan police are to be complimented on having produced figures on a boroughwide basis for the first time. There are problems comparing like with like, borough to borough, but I have no doubt that the statistics will be refined in the light of experience, and that they will be useful for year-on-year comparisons both between and within boroughs.

The statistics show, unlike the experience of my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck), that Barnet, where my constituency is situated, has the best crime record in London—Westminster having the worst. Again, that is not comparing like with like, as the boroughs are very different. However, I am encouraged to see an overall drop of 10 per cent. in crime in Barnet last year. The statistics reveal serious problems, including a growth in violent crime in Barnet from 988 incidents in 1996–97 to 1,249 last year. The problem is graphically illustrated by the recent despicable murder of a 60-year-old pensioner in my constituency. She was murdered at night in her home in Hyde crescent.

There have been many changes in policing in my constituency over recent years. We have seen the closure of smaller police stations, and a concentration on one mega-station at Colindale. Inevitably this has created some disquiet and concern in areas that were formerly served by smaller stations. The change programme is not yet complete. The aim is to merge the two police service divisions in Barnet into one as a consequence of the "Policing in Barnet 2000" plan.

I think that this move will be of great benefit both in terms of efficiency and in developing joint working and joint problem solving with the London borough of Barnet and other agencies. At present the plan is a little uncertain, until the future policing of Hertsmere has been finalised. No doubt the hon. Member for Hertsmere (Mr. Clappison), who sits on the Opposition Front Bench, will comment on that.

Hertsmere is outside the greater London boundary, but is served by the Metropolitan police as part of the Barnet and Hertsmere division. This poses an additional challenge to the Barnet police service, which wishes to implement the merger of the divisions by 1999. It would be helpful to the local police service if my hon. Friend the Minister were to give some indication of the progress that has been made on this issue.

In referring to the major change programme, I must pay tribute to Chief Superintendent Simon Humphrey, our local police commander. I hope that he will not be too embarrassed to hear me say that I believe that he has been managing the programme effectively but sympathetically, and with pragmatic common sense. He is a thoughtful and intelligent officer, and I know that he is committed to community policing and the practical philosophy behind the new approach that has been heralded by the Crime and Disorder Bill. We are extremely lucky locally to have Chief Superintendent Humphrey in charge of our police.

Inevitably with such a major change programme, it is a major task to maintain public confidence. As my hon. Friend the Member for Regent's Park and Kensington, North said, if police stations close, the police must do all they can to maintain visibility and contact with the people in the area affected. Clearly the police are not like the fire brigade, whose staff spend time waiting for the emergency call. The police are out on patrol in the area and on the beat.

If we are to be able to reassure the public—fear of crime is almost as serious a problem as crime itself—the police must continue to be highly visible on the streets and available to local people. For example, consequent on the closure of Hendon police station under the plans approved by the previous Government, I was able to negotiate with Chief Superintendent Humphrey for local police surgeries in Hendon, which are held regularly in the area previously served by the Hendon station. The project has spread out into other areas that were served by other stations that have been closed.

If those surgeries are to succeed, and if the resources in police officer time devoted to them are to be justified, it is important that the public make use of them. Part of the problem is the need for the police to publicise what they are doing in the area. I think that they have some lessons to learn in community contact and publicity for these initiatives. I am discussing with the local police how contact and publicity can be improved.

Important community work such as neighbourhood watch must also be maintained. On Sunday, I visited a stall at Brent Cross shopping centre, which was organised by Dartmouth road neighbourhood watch in my constituency to publicise its work and that of the special constabulary. As well as local volunteers, the local beat constable and the crime prevention officer were on hand

to give advice. The stall was well received. I think that that shows how important the work of neighbourhood watch is to people.

Police work in schools makes a vital contribution to building good police-community relations. As budgets locally have come under pressure, despite the improvements in the Metropolitan police settlement announced by my right hon. Friend the Home Secretary last year, there is a risk that much vital community work will come under the microscope. I hope that the Minister will agree with me that we must do all we can to protect these activities.

Our local police, under Chief Superintendent Humphrey, have performed extremely well in making their work more cost-effective. They have been making many efficiency savings to free resources for front-line work. It is frustrating to see that the benefits of improved efficiency are not fairly reflected locally, and that resources are diverted from the outer-London boroughs to the centre. My hon. Friend the Member for Regent's Park and Kensington, North spoke of the problems in her constituency, where resources are diverted to the very centre of London from the outer parts of the centre. The problem is even greater in the outer boroughs, with the transfer of resources to the centre.

Locally, for example, police officer numbers in Colindale have fallen from 428 to 406, along with a reduction in civilian support. We all recognise the serious demands of central London and the problems there, but I am concerned that the apparent success revealed by the statistics for Barnet should not be lost by the redistribution of resources from us and other areas in outer London.

I know that the local police will continue to ensure that policing on the streets remains a priority, and will not suffer from the diversion of resources. I also know that protection of the public will be maintained. However, I do not see that we shall be able to maintain the valuable community work as well. There is a risk of loss of public confidence unless the trend is addressed.

Colindale has been able to achieve its high performance by a more proactive approach to police problem solving, led by better intelligence work and focusing on identifiable trouble spots. I know that the local police welcome the new crime strategies that have been developed, as foreshadowed by the Crime and Disorder Bill. I am already talking to them about how the Bill can best be implemented in Barnet as part of the joint agency approach.

The local police are great supporters of breaking down barriers between the various different agencies and developing joint problem solving. We already have excellent relations between the police and the local authority.

With the major change programme to which I have referred, there is concern that the time scales laid down in the new approach are very ambitious. If any progress can be made on the merger of the two divisions in Barnet, things will become more manageable for the police, despite creating geographically the biggest police division in London.

The police are only part of the story in the fight against crime. We need to improve the performance of the Crown Prosecution Service. The recent Glidewell report clearly points the way for that in London.

I welcome the proposal to create stronger links between the CPS and the police through the creation of local prosecutors based on the same geographical boundaries as the police areas. That will inevitably lead to more public accountability and stronger links. I also welcome the trend for links at a more local level. For example, there is a regular Friday local CPS surgery at Colindale police station. It is an initiative that was commended to me by a local officer on the beat. I think that the message must be getting through of the need for better relationships across the board.

The magistrates and the probation service also need the new powers and responsibilities that will be given by the Crime and Disorder Bill. Having talked to them both recently, I know that they welcome the Government's approach.

I move on to victims and the work of Victim Support locally, which we all know does an excellent job. As the Minister knows, I have expressed concerns recently that the Metropolitan police have adopted a rather restrictive approach in their interpretation of data protection legislation, which has perhaps led to them not passing on all the details of victims that they should to Victim Support, leading to those victims perhaps not having the support and assistance that they need. I hope that, through the Crime and Disorder Bill, we can tackle this problem very soon.

The Crown court witness service is also working well, but we need to look at providing support at the magistrates court. I know that Victim Support has produced a paper on this subject, which has been submitted to the Home Office. It would be of help if the Minister could outline his views on the Victim Support paper and the initiatives that the Home Office is considering to provide support for witnesses in magistrates courts. The vast bulk of day-to-day crime problems are dealt with in the magistrates court, not in the Crown court. Inevitably, there are far more witnesses to look after in the magistrates court, along with far more victims.

There is also a difficult problem with the victims of mentally disordered offenders, who may be serving time not in prisons but in hospitals. There is a real need—perhaps greater than in any other area—to ensure that the victims of such people are kept fully informed, as they would be if the assailant or perpetrator of the offence were detained in prison. The victims of mentally disordered offenders are not notified, for example, when it is likely that the offender will be released from the mental hospital. That could be extremely distressing for the victims, perhaps even more than in the case of a criminal who has served his time in prison. Will the Minister tell the House whether the Home Office is dealing with that problem?

I know that the Crime and Disorder Bill contains many new ideas, such as reparation orders, to help victims, but there are still important issues to address.

It is important that hon. Members become as involved as they can in the criminal justice system locally, through consultation and discussion with various agencies. Most hon. Members have very good relations with their local police and local authorities in considering crime prevention initiatives and the need for the new joint agency approach. I urge those who have not done so to spend a day sitting in the local juvenile and magistrates courts, and to talk to the magistrates behind the scenes to find out their views. I found that a valuable experience a

[Mr. Andrew Dismore]

few months ago when I visited my local magistrates, shortly before Second Reading of the Crime and Disorder Bill. I plan to pay them another visit next week.

It is important that we talk to the Crown Prosecution Service about its problems. I find it interesting to hear about some of the very innovative initiatives being taken by the Middlesex probation service. It is important that we discuss the implications of the Glidewell report with our local CPS.

It is important that we maintain close working relationships with the police, and see at first hand the problems facing officers on the beat. It is easy for Members to talk to senior officers—as I have said, I have a good relationship with my local police commander—but that is not a substitute for talking to local beat officers whose day-to-day job it is to provide better policing of our area.

Next Friday, I intend to spend a day out on the beat with my local officers, policing a large housing estate, Grahame Park. I intend to spend next Friday evening out on patrol in an area car. We shall be driving around Colindale and Burnt Oak, so that should be a lively and exciting evening, as my hon. Friend the Member for Harrow, East (Mr. McNulty) could probably testify. That will be valuable, because I will be able to talk to officers and experience their problems at first hand.

I therefore urge hon. Members to maintain those close relationships, and I hope that the Minister will respond to the points that I have raised which are of concern to the local police and the community in my constituency.

10.31 am

Mr. Gareth R. Thomas (Harrow, West): I congratulate my hon. Friend the Member for Upminster (Mr. Darvill) on securing this debate, and I join him and my hon. Friends the Members for Regent's Park and Kensington, North (Ms Buck) and for Hendon (Mr. Dismore) in congratulating Sir Paul Condon and the Metropolitan police on the general reduction in crime in London. I pay particular tribute to Superintendent Bob Aitchison and members of the Harrow police force for their excellent work in my constituency and the community initiatives that they are undertaking.

I shall concentrate my remarks on domestic violence, which has not so far been mentioned. I am told by the House of Commons Library that there were 32,110 domestic violence offences in the Metropolitan police district last year. Harrow police have told me that 1,036 domestic violence incidents were reported to them. As I am sure all hon. Members will agree, domestic violence is a scourge on our capital and our country in general, affecting victims physically and mentally. It blights the lives primarily—although, I accept, not only—of women, and of children who live in families scarred by incidents of domestic violence.

This is a serious crime, which too often in the past has not been addressed properly or received the attention that it merits. The police and the judicial process have in the past been slow to respond appropriately to the victims of domestic violence. That is improving, and there is much greater awareness of domestic violence among London's local authorities, the Metropolitan police and the courts system, with many examples of good practice and high levels of commitment to tackling the problem. However, I know that the domestic violence unit in my area is under considerable pressure, which I am sure is mirrored elsewhere in the Metropolitan police district.

I am sure that most hon. Members, certainly those with London constituencies, will agree that much more could be done to tackle domestic violence. Research last year by the university of North London demonstrates that. In the first six months of last year, out of more than 500 domestic violence incidents reported at one London police station, successful prosecutions resulted in only 3 per cent. of cases. In other research, a comparison of cases of domestic and non-domestic violence reported in February this year found that perpetrators of domestic violence were handled more leniently, even when equivalent levels of violence had been used.

I therefore warmly welcome the Government's commitment shortly to introduce a national strategy, which is long overdue, for tackling domestic violence. My hon. Friend the Member for Hendon spoke about statistics, and praised the Metropolitan police for their borough-by-borough breakdown of crime figures. More statistical work is needed on domestic violence, but it is not yet completely clear how that should be measured. If domestic violence is to be given the necessary profile in the general debate about crime and disorder, we must have clarification on those statistics and their use.

Better co-ordination is needed within the police and between police forces, the voluntary sector, local authorities and social services in responding to and preventing incidents of domestic violence. The requirement in the Crime and Disorder Bill to produce a crime prevention strategy, which my hon. Friends have mentioned, will help to improve that co-ordination. I pay particular tribute to Harrow women's centre and Harrow Women's Aid, which have worked very hard over many years to tackle the consequences of domestic violence. I pay tribute also to my local authority, which has developed an effective community safety strategy and is currently reviewing its response to domestic violence.

The hon. Member for Twickenham (Dr. Cable), in an Adjournment debate on domestic violence at a national level, highlighted the confusion about the sources of funding to tackle the problem. I endorse that point, and hope that the national strategy will address it. I stress the importance of the active monitoring of the implementation of that national strategy at local and regional levels.

London needs a much better co-ordinated regional response to domestic violence. The establishment of the Greater London authority will help to scrutinise the response of local authorities and the Metropolitan police, but it will be some years before that authority is established, and I hope that the national strategy will facilitate a strong regional response in London to domestic violence.

10.37 am

Mr. James Clappison (Hertsmere): I join other hon. Members in congratulating the hon. Member for Upminster (Mr. Darvill) on securing this debate on an important subject. Crime in London is significant, not least for the quality of life of those who live and work there.

We have heard good news about a reduction of 5 per cent. in the overall level of crime in London, which will be widely welcomed, as the commissioner rightly said.

However, as the hon. Member for Twickenham (Dr. Cable) said, there is no room for complacency, especially in view of the increase in violent crime. Whatever changes in the reporting, for example, of domestic violence, may play in that overall increase—the hon. Member for Harrow, West (Mr. Thomas) was right to describe domestic violence as a scourge—it must be watched carefully.

It is right to pay tribute to the Metropolitan police for their part in bringing about that reduction in crime. We owe it to them to ensure that they have the necessary funding and resources to do the job that they are very capable of doing. We need to be vigilant about that.

The hon. Member for Upminster and the hon. Member for Regent's Park and Kensington, North (Ms Buck) mentioned the impact of recent changes in funding on the police services in their areas; for example, police stations have been closed. We must observe that the Metropolitan police received what can only be described as a tight settlement this year. With masterly understatement, the Minister of State, Home Office, the hon. Member for Cardiff, South and Penarth (Mr. Michael), described it as "not excessive", but examination of the figures reveals that, in real terms, the Metropolitan police received a funding reduction of some 1.1 per cent.

The hon. Member for Twickenham forecast a decline in the number of police officers in the coming year. Obviously, we must watch that carefully, although I say generally to the hon. Gentleman that one must be very careful when interpreting police numbers.

The hon. Gentleman quoted some figures for the previous Parliament, but when interpreting police numbers one must take into account changes in rank structure that took place over that period. I understand that, during the previous Parliament, more uniformed officers became available for operational duties, which is what members of the public want. However, we need to be vigilant about police numbers, and about the Metropolitan police receiving the resources it deserves. We shall give that matter careful scrutiny.

That is not the main point that I want to make this morning, however. The hon. Member for Upminster spoke about partnerships; I want to speak about two partnerships. If I may say so to Labour Members, it is a little early to revisit the arguments about the Crime and Disorder Bill, which we finished debating only yesterday evening. Hon. Members adverted to the partnerships in the Bill, but I shall leave them alone for once, and speak about other partnerships that are important in the fight against crime. While debating the Bill, we have been talking about partnerships between local authorities and the police and so on, but we should not lose sight of other partnerships which have been playing a vital role.

I shall talk about two partnerships. First, I shall talk about the partnerships that are involved in providing drug treatment services. As the House and the Minister know, drug treatment services depend for their funding on partnerships between local authorities, health authorities and probation services, and central Government and the Home Office play a part. Funding for important drug treatment services in London is drawn together from several sources. We need to look carefully at how that funding is drawn together.

Proper funding of drug treatment services is a key investment in the fight against crime in London, as it is elsewhere. There is a strong link between drug addiction and crime, and every £1 spent on drug misuse treatment gives a cost saving of more than £3 through a lower level of victim costs of crime, especially property crime.

The hon. Member for Regent's Park and Kensington, North rightly highlighted the way in which the general environment in estates was affected by the presence of drug addicts, and how needles, for example, were left around. Even if they commit no crime, drug addicts' presence in estates can do much to lower the tone and cause problems for local residents. We must have the services in place, therefore, to give treatment to those people who unfortunately suffer from drug problems, to help them to combat their drug addiction and drug problems.

Disturbingly, recent research by the London Drug Services Consortium estimates that this year there has been a £1 million cut in the funding of drug services in London. That has had a knock-on effect on drug services, and vital services, such as Lorne house in Hackney—one of the few residential centres for young people in the whole country, let alone in London—has been forced to close. I visited that establishment last week, and it was sad to think that such an establishment, providing rehabilitation for young people in the 15 to 21-year-old age group, many of whom have been referred there by criminal justice agencies, was being forced to close its doors, and could no longer give that form of treatment to the young people who badly need it.

That is a matter of some concern. Lorne house is not the only service in London to close recently. Other services, some of which were provided by charities, have closed. We need to look at the overall picture, to ensure that the drug treatment services that people in trouble need are available.

I make one specific point to the Minister, which I hope that he will address when he replies to the debate. Will he give me an assurance that the Government will look at the overall picture of drug treatment funding? As funding for drug treatment services is drawn from many sources, it is important for Government to look at the overall picture, to ensure that there is no overall loss of those who provide drug treatment services, and that what can only be described as the haemorrhaging of funds for those services comes to an end, and no more important drug treatment providers are closed. I ask the Minister specifically about that, and I ask him to look at the overall picture and get a grip on this serious problem.

The second form of partnership that I had in mind is that on closed circuit television, which several Labour Members mentioned. CCTV is vital in providing assistance to the police and protection and reassurance to the public, perhaps especially the elderly and small businesses. Its extension in the past few years, through Home-Office-supported bidding rounds, has been a source of great reassurance to many local communities. I speak with some feeling on this, because Borehamwood in my constituency, which is just outside London, recently received CCTV funding, and it has been warmly welcomed by the local authority, local residents and businesses, especially pensioners and those representing the elderly.

London has benefited from the extension of closed circuit television, as have many other parts of the country. In the financial year beginning in 1996, £3.9 million was awarded to 44 bids by London boroughs. In 1997–98,

[Mr. James Clappison]

£3.4 million was awarded to 36 bids by London boroughs. So far, I believe, in the current year, the Government have been able to find only £1 million for new schemes nationally, as part of a total of £9 million which includes funding for schemes already in existence.

According to figures that I have obtained from the Library—my maths is not so good, so no doubt the Minister will correct me if I am wrong—only £257,000 has been awarded to London boroughs for CCTV bids in 1998-99. The Minister may put me right on that, but I suggest that the Government need to look carefully at that, to ensure that the Home Office funding is provided to support the partnership bids by London boroughs, by local authorities, and by businesses and other parts of the community, in support of a key element in the fight against crime.

Briefly, I shall mention two matters that have arisen in the debate. The hon. Member for Regent's Park and Kensington, North mentioned prostitutes' cards in television kiosks. The House will have gathered that I strongly agree with her on that point. It is a highly profitable trade, and those who are involved in it display great persistence. The hon. Lady mentioned measures—which I am sure that the Minister will want to refer to—that the Department of Trade and Industry and the telephone companies are taking. As an MP representing Westminster, she is no doubt aware that Westminster was recently involved in a prosecution of those who put telephone cards in telephone kiosks in, I believe, the Edgware road area, and that the prosecution failed because of a technicality in the planning law.

I happen to know, because I drive past every day, that such cards are still being placed in telephone kiosks in the Edgware road. I noticed that last night, because, with today's debate in mind, I made a point of looking. The telephone kiosks in Edgware road are still full of prostitutes' cards, and I am sure that many members of the public in London would like them to be taken out, and kept out. If a change in the law is needed to achieve that, on top of the other measures that have been taken, I invite the Minister to think carefully about it.

The hon. Member for Hendon (Mr. Dismore) mentioned policing in Barnet, which, as he rightly says, involves the policing of Hertsmere, just outside London. I may be straying slightly from the debate on policing in London, but, as the hon. Gentleman said, responsibility for policing in Hertsmere, in Hertfordshire, and in several other areas just outside London, is being taken from the Metropolitan police and given to county police authorities. That is a matter of great interest to me, and I place on the record the fact that I shall take a close interest in it to ensure that the transition is managed smoothly and that there is no diminution in police cover and the number of police officers available in my constituency and others.

However, this has been a debate about policing in London, and some important points have been raised. I stress to the Minister that, for all the Government's good words and good intentions, and all the talk about partnerships, we must ensure that resources are available to assist those on the ground who are carrying out the key elements in the fight against crime, and we must closely scrutinise that.

10.49 am

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): I join my hon. Friends and other hon. Members in congratulating my hon. Friend the Member for Upminster (Mr. Darvill) on securing a debate on such an important issue. He rightly pointed up the substantial increase in crime under the previous Conservative Administration. I agree that their abysmal failure on law and order contributed to their election defeat last year.

The Government came to power determined to reduce the unacceptably high levels of crime and disorder that they inherited. We seek to tackle crime and the causes of crime, and our measures must be considered in combination with initiatives in education, employment and health, which together will contribute to the improvement of people's quality of the life.

My hon. Friend the Member for Upminster rightly drew attention to the need for statutory partnerships. The Crime and Disorder Bill requires the police and the local authority jointly to undertake a crime and disorder audit in their district borough or unitary authority area, in consultation with other agencies and the wider community. They will then have to develop a local strategy to tackle the identified crime and disorder problems in various areas of London.

The work of the partnerships will be to implement those local strategies, which will include clear targets and action at a much more local level in the local authority area. We expect those proposals to be implemented this September, and partners should commence their audits then. That will enable basic strategies to be in place by April 1999, and at three-year intervals after that. The timetable is challenging, but achievable. Our intentions have been well trailed, and many local authorities are already making good progress.

Although the duty is laid on the police and the local authority in the first instance, we expect many other organisations to be involved. The Crime and Disorder Bill specifically includes probation committees, health authorities and police authorities. Others who may be included are the voluntary and business sectors, schools, further education colleges, public transport providers, the Crown Prosecution Service—to which my hon. Friend the Member for Hendon (Mr. Dismore) referred—and many others, depending on local circumstances. The role of the police and the local authorities is to act as a catalyst, causing other bodies to become involved in the process.

The key is tailoring solutions to meet local problems in London. Circumstances vary so much across the country that we do not intend to specify a nationwide strategy for the reduction of crime which must be religiously followed. What is appropriate in rural Suffolk may not be appropriate in Hackney. We want to provide a broad framework within which local partnerships can work, and to be as non-prescriptive as possible, to allow flexibility in designing local solutions. We heard in the debate how problems in various parts of London are often quite different, and we need local solutions.

We recognise that much good work is already being done in London, but it is largely voluntary. Our legislation will make formal arrangements, so that the whole of London benefits from the reductions in crime and disorder that can be realised when agencies work together in such a way. To help those new to this area, the Home Office, with the help of various organisations, is publishing guidelines covering the conduct of a crime and disorder audit, structural issues involved with partnership working, information exchange, and training. An advance draft is available on the internet.

The hon. Member for Hertsmere (Mr. Clappison) mentioned resources. Local authorities and the police need to prioritise their resources to make sure that those Government initiatives succeed. There are never enough resources; it is a matter of determining priorities and making most efficient use of resources. That is true of the Government and of local government. The initiatives are important, and I am sure that local authorities and the police around the country, and certainly in London, want to ensure that they make them work.

Our partnerships will produce long-term savings in crime costs. The arrangements formalise a lot of the good work that is already going on in many London boroughs, without central funding. We believe that multi-agency approaches work, and we shall monitor the results carefully, but we are not convinced that there is a real funding problem. We need to ensure that funding is properly prioritised, and that the partnerships succeed.

Many hon. Members referred to policing in London, and I shall therefore take some time over it. The police service is obviously key to the delivery of safer communities, and the Metropolitan police has operated under considerable pressure in recent years. We recently announced the decision to redraw its boundaries to take account of the Greater London authority, and to simplify liaison arrangements between local authorities, other criminal justice agencies and the police.

The Metropolitan police was awarded a 3.7 per cent. increase in 1997–98, which is in line with the national average for police authorities in England and Wales, and which the Commissioner of Police of the Metropolis described as very fair in the current economic climate. He still expects to deliver the high level of service which produced a 6 per cent. fall in crime in 1997.

The hon. Member for Twickenham (Dr. Cable) pointed out in his helpful contribution that 1,300 officers were lost to London under the previous Administration. It is a tribute to the Metropolitan police and its hard work that it has had so much success in tackling crime. He also helpfully accepted that the Government are committed to ensuring that the police operate properly and are properly resourced. The Commissioner must determine how he deploys his resources. Under the Police and Magistrates' Courts Act 1994, the Government have no power to insist that resources are spent specifically on police numbers.

The operational independence of chief constables and of the Commissioner is quite rightly closely guarded by senior officers. We must recognise that operational independence includes the Commissioner's decisions on where to deploy officers in London. I note the concerns expressed by my hon. Friend the Member for Hendon about whether officers should be deployed in inner or outer London, and I am sure that the Commissioner will read the report of the debate and recognise some of those concerns.

The settlement for the Metropolitan police was 3.7 per cent., or £1,775 million, which represents considerable spending power. Included in the total settlement is a special payment, which was increased by £21 million to £151 million for 1998–99, in recognition of the Met's position in policing the capital city—it has particular national functions. The increase followed a review of the special payment, led by the Home Office and assisted by the Met. The £151 million is paid as a 100 per cent. Home Office grant. The settlement is fair, although not excessive, and in line with the national average.

The Met is committed to delivering value for money. Its five-year corporate strategy, "The London Beat", emphasises the importance of the bobby, and is committed to high-visibility patrolling to strengthen public confidence and trust. It also identifies the need for best use of resources. The Commissioner is confident that he can deliver to Londoners the high level of service that they have come to expect.

We shall do all we can to ensure that the police service has adequate resources to tackle crime and disorder. We are committed, however, to keeping a tight rein on public spending for the remainder of this Parliament. It is vital that resources are used effectively. We need to continue to work to ensure that the police deliver an efficient and effective service at a price that the public can afford. We fully accept that the police need adequate funding, but outputs and outcomes are important, and they are not necessarily directly related to inputs.

In the time available, I shall have difficulty in dealing with a number of issues that have been raised, but I shall mention a few.

My hon. Friend the Member for Hendon and the hon. Member for Hertsmere rightly referred to the change in Metropolitan police boundaries. There are three main reasons for those changes. First, boundaries have remained unchanged, with the exception of minor adjustments in 1946. Secondly, they are not based on the needs of modern policing. Under the current arrangements, local authorities, criminal justice agencies and the county districts of the Met police district often have to work with two different forces. That can lead to duplication and delay, and can seriously affect efficient policing.

The third reason is that we need more democratic accountability. A majority of members of the new Metropolitan police authority will be elected members of the GLA. Residents in those parts of Essex, Hertfordshire and Surrey which are currently policed by the Met will not have a vote in the elections for the mayor and GLA members. Those areas should therefore be policed by county forces whose police authorities already provide local democratic accountability. We need to ensure that all that is done properly, and, with the hon. Member for Hertsmere and others, we shall deal with those matters with great care.

The hon. Member for Twickenham (Dr. Cable) referred to racist incidents. I assure him that we are seeking to tackle those through our Crime and Disorder Bill. Hon. Members raised a number of other issues, but I regret that in the time available I will not be able to deal with them.

[Mr. Mike O'Brien]

The Government are committed to being tough on crime, and tough on the causes of crime. Our Crime and Disorder Bill will deliver our 12 manifesto commitments. It has broad support. After 18 years of inaction in London, we now have a Government who are committed to dealing with the concerns of local people and police officers in tackling crime. It is not enough simply to increase penalties, as the previous Government did; we need new ideas, such as the parenting and anti-social behaviour orders. We need new strategies at a local level, and new partnerships to cut crime. We now have a Government who are tackling crime in London in a serious way. That makes a change, does it not?

Vitamin B6

11 am

Mr. Keith Simpson (Mid-Norfolk): The Select Committee on Agriculture yesterday published a damning report on the Government's intention to limit the level of consumption of vitamin B6 to a daily dose of 10 mg. I want to pay tribute to the members of that Select Committee, which began its work in March and has completed it in a short time. It took a mass of evidence. The Committee was dominated numerically by Labour Members. I recognise that it is often difficult for members of such Committees to resist the temptation to back their own party, but the members of the Agriculture Committee unanimously concluded that the Government were wrong; that they had over-reacted; that they had made a wrong decision; that the scientific evidence on which their decision had been based was unjustified; and that, once informed of the risks, we, the consumers, should be free to take vitamin B6 as we like.

The purpose of the debate is to persuade the Minister to withdraw his draft legislation, to admit that he made a wrong decision, and to consider his ministerial position; after all, the conclusion of the Select Committee report was in effect a total vote of no confidence in him as a Minister.

Members of Parliament are rarely lucky enough for a debate to follow so closely the publication of a Select Committee report dealing with a contemporary issue still open to consultation, and so perhaps to be able to exert real influence on the Government and persuade them to change their mind.

Some 3 million people take regular doses of vitamin B6; 80 per cent. of them are women. They have exercised their choice and they take vitamin B6 in different doses for a variety of reasons. The overwhelming majority of them are convinced that it is of great benefit. Since the Minister first signalled his intention to regulate the consumption of vitamin B6, Members of Parliament have received more than 100,000 letters of complaint, some of which have been passed on to the Minister.

In his evidence to the Select Committee, the Minister pointed out that the letters that we and he had received had come from a variety of sources. With a lightness of touch, he said:

> "I will not even make a joke because I have not counted them but a number of men said taking 100 mg of B6 every day helped them with their PMS and they have signed the letters."

No doubt that witty comment was based on some element of fact; we are all aware that a number of lobby groups write to us on great issues like this. However, most Members can distinguish quickly between a generally signed letter and one that comes from a genuine constituent. One such letter came from Diane Turner, a constituent of mine in my home town of Reepham. She runs Diane's Pantry—a combination of health shop and local store. She has not lobbied on behalf of a health food company; she is a woman of great common sense, as are her customers.

I draw the attention of the House to the origins of the proposed legislation to limit the consumption of vitamin B6. It was largely based on scientific evidence drawn from the 1987 Dalton and Dalton study, which suggested that high doses of vitamin B6, taken over prolonged periods, had been shown to be harmful.

Since the Minister announced his proposal and explained the scientific basis for it, he has been widely criticised by scientific and medical opinion and has provoked disbelief, anger and dismay among millions of consumers. In the damning words of the Select Committee:

"It is our view that the doubts concerning the Dalton and Dalton study are so serious that it is scientifically unjustifiable to use them as the basis for establishing a lowest observed adverse effect level in relation to Vitamin B6 intake."

Everyone agrees that high doses of vitamin B6, of about 2,000 mg a day, can be dangerous and can lead to tingling in the hands and feet, loss of sensation and muscle weakness; I suspect that you and I, Mr. Deputy Speaker, would call it pins and needles. What is disputed is the level of maximum safe dose. As regulators, our American cousins are famously averse to risk, for fear of being sued, and tend to err on the side of caution. Yet, in America, vitamin B6 is a allowed to be sold over the counter in doses of 100 mg—10 times the British limit proposed by the Minister.

We are not talking only about the balance of risk; we are talking about the balance of ministerial judgment. That is something to which the Minister also drew attention in his evidence to the Select Committee. He said:

"It is our job as politicians, as guardians of the public interest in looking at public health, to weigh up and make a judgment. The judgment is not for ever more, it is a judgment based on best evidence we may have available at the time to make it."

Miss Anne McIntosh (Vale of York): Is it not extraordinary that a Government who were elected on a platform of helping women have, in one fell swoop, acted to take away from them the one vitamin that can help them at certain times of their lives and on a monthly basis?

Mr. Simpson: My hon. Friend is correct, and in a few minutes I intend to refer to the Government's hypocrisy over consumer choice.

The hon. Member for Blackpool, South (Mr. Marsden) asked the Minister:

"Have you personally looked at the evidence that COT looked at, in particular Dalton and Dalton and the Phillips study?"

The Minister replied:

"The answer is yes, but it is no good asking me any questions about it. I am a production engineer".

On the surface, that seems very fair, but most Ministers are not experts. Indeed, most politicians, by definition, are not experts. By background, I am a military historian. Other Members have backgrounds as doctors, nurses, teachers and so on. When one becomes a Minister, one has sometimes to make judgments based on contradictory evidence. As I shall show in a few minutes, the Minister's track record in that respect is not good.

Dr. Nick Palmer (Broxtowe): A moment ago the hon. Gentleman agreed with the remarks of the hon. Member for Vale of York (Miss McIntosh). It therefore appears that he believes that vitamin B6, as a food additive, is effective as a treatment for pre-menstrual syndrome. Is that his belief? If it is, it contradicts the findings of the Select Committee and the belief of the vast majority of scientists, who say that the evidence is extremely inconclusive.

Mr. Simpson: I think the hon. Gentleman is wrong in that matter.

In his draft regulatory appraisal, the Minister said that he was faced with five options:

"Option 1—do nothing;

Option 2—address the problem simply by requiring, on a voluntary basis or, if necessary, by legislation, that supplements containing vitamin B6 products include a warning of the risks of prolonged intake of high doses;

Option 3—seek agreement from industry to limit the level of Vitamin B6 in supplements and add warning labels on a voluntary basis;

Option 4—introduce a higher limit than that recommended coupled with warning labels;

Option 5—legislate to implement COT's and FAC's recommendations in full."

The Minister was faced with five options, ranging from do nothing to legislating. He decided to use the legislative sledgehammer—option 5—whereas most reasonable people would have concluded that the evidence pointed to option 2 or 3.

This is not the only case of ministerial misjudgment at the Ministry of Agriculture, Fisheries and Food. The Minister used the legislative sledgehammer some months ago when he decided to ban beef on the bone, to the disbelief of scientists and the majority of consumers. He is rapidly becoming the biggest nanny of them all: to consumers throughout the country, he symbolises the ultimate nanny state.

The Minister has on many occasions, including in his evidence to the Select Committee, talked about the Government putting the consumer first, but he has not done that. He has put bureaucracy and flawed judgment before scientific evidence and common sense, and he has put the consumer last—whether on the issue of beef on the bone or on vitamin B6.

Mr. Austin Mitchell (Great Grimsby): I served on the Committee that conducted the inquiry. The hon. Gentleman is being irresponsible and excessively party political in placing the whole emphasis of his attack on the Minister. The Minister was faced with the report by the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment saying that vitamin B6 could be damaging in doses over a certain limit. What is a responsible Minister to do in that position? Is he supposed to ignore the report and gloss over it, or do what the Minister did and propose a regulation and put it out to consultation? My hon. Friend is now considering the responses to that consultation. That seems to me a very responsible approach.

Mr. Simpson: I accept that the hon. Gentleman was on the Select Committee, but I think that any fair-minded man or woman reading the report would see that what the decision ultimately came down to was a ministerial misjudgment. A range of options were open to the Minister, and he made the wrong choice. This issue has been around the Ministry of Agriculture for some time.

I fear that millions of consumers have lost confidence in the Minister's judgment. There is a real danger that, at some future point, a clear, scientifically based, unequivocal threat to food safety will be ignored by consumers, because they will think that it is another case of beef on the bone or vitamin B6—another Rooker's folly. The Minister should accept the Select Committee's recommendations, withdraw his draft legislation on vitamin B6, and admit that he made a serious error of judgment.

[Mr. Simpson]

11.12 am

Dr. Brian Iddon (Bolton, South-East): I am pleased that we are having a debate on vitamin B6; indeed, I was fairly certain that there would be a debate after the consultation process finished on Friday. I am sorry that it has begun with an attack on the Minister by the Opposition. The Minister is stuck between a rock and a hard place. I would not like to be in his shoes and have to make a decision on the matter.

Opinions differ across the political parties. The controversy has generated my largest postbag to date: it is even larger than that generated by fox hunting or by my controversial views on the misuse of illicit substances. Shortly after the general election, letters from my constituents started to arrive which first alerted me to the Government's proposal on vitamin B6. Being a chemist, I was attracted to the topic, and I soon found that a factory in my constituency employing 150 people manufactures high-dose dietary supplements of the vitamin.

I want to highlight a major difficulty. The Government's proposal has been made under food law—we should not lose sight of that fact. However, hundreds of thousands of people—mainly women suffering from premenstrual stress—take these high-dose dietary supplements of vitamin B6 daily because they believe that it helps to alleviate a medical condition. We need more research to substantiate the medical claims made for vitamin B6. I hope that that research will be carried out in the not too distant future.

The major difficulty is that dietary supplements fall into a regulatory no man's land between foodstuffs and medicines. Medicines are closely regulated—as they should be—whereas food law expressly forbids medical claims to be made for foodstuffs. Unfortunately, vitamins fall between medicines on the one hand and foodstuffs on the other.

The Government propose to restrict the recommended daily intake of the vitamin to 10 mg under food law. I am sure that the Minister will stress that tablets containing 11 mg to 49 mg will still be available over the counter in pharmacies, and that general practitioners will be able to prescribe tablets containing more than 50 mg.

Mr. John Hayes (South Holland and The Deepings): With the greatest respect to the hon. Gentleman, I must correct him. There was no previous definition of this substance in European Union or United Kingdom law. In their draft regulations, the Government have defined vitamin B6 as a "food supplement." Those are their words.

Dr. Iddon: I do not necessarily agree with the Government's definition. I stick to my point that vitamins and other substances that we take orally fall between foodstuffs and medicines. There are no proper Government regulations to control such substances. That is the point I am trying to make.

The higher-dose tablets will cost much more from pharmacists and doctors—especially if they are on prescription—than they cost in health food shops at present. GPs' surgeries will be a little fuller than at present, and I am against that. Alternatively, a consumer could buy the 10 mg tablets and take 10 in one day, which would make a mockery of any regulation that the Government propose.

Following complaints from the Consumers Association, the Ministry referred vitamin B6 to the Food Advisory Committee, which in turn asked the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment to look into the problem. In 1996, back went the advice to the Minister of the day under the previous Administration. He was not convinced by the evidence at that time, so COT and FAC were asked to re-run their inquiries. On 4 July 1997, the current Minister made a recommendation to the House. I stress again that that was under food law.

Nutritionists complain that they were not directly involved in the decision-making process. They probably have a point, because nutrition is now a highly respected subject. We must ask ourselves whether the Government have in place the right mechanisms for making such decisions. Paragraph 2.7 on page 6 of the recent White Paper "The Food Standards Agency" states:

> "Where there are uncertainties about the scientific evidence, an element of political judgement is inevitably involved in reaching decisions on the best course of action."

Let us briefly examine the scientific evidence.

Rev. Martin Smyth (Belfast, South): Does the hon. Gentleman accept that there was a degree of concern and fear in the Department because of the BSE outbreak, so people there were bending over backwards to keep things straight, and in the process were coming to wrong judgments?

Dr. Iddon: My hon. Friend the Minister will have to answer that question. I do not know what goes on in the Ministry. However, there have been a number of food scares, not just that relating to BSE, as a result of which the decision was taken to set up the Food Standards Agency—which I strongly support—with all that that involves. I am fully behind that. We must also bear in mind the precautionary principle, of which I am sure the Minister will also remind us. In his own way, he is taking into account consumers' best interests.

Although COT claims to have reviewed more than 100 scientific papers, two appear to have caught its eye and most influenced its conclusions. The hon. Member for Mid-Norfolk (Mr. Simpson) referred to the Dalton and Dalton work, published in 1986 and 1987, based on human toxicity studies. They claim to have observed peripheral sensory neuropathy in women using vitamin B6 to treat PMS with daily intakes as low as 50 mg over prolonged periods of 35 months.

COT stated that the work had "some methodological deficiencies", but that the study could not be ignored. The problem is that no one has managed to repeat the Dalton and Dalton work. The most comprehensive review of the safety of vitamin B6 was carried out last year by Cantox Inc. in the United States. Its report, published last year, concludes:

> "The deficiencies of the Dalton and Dalton study of 1987 are so great that they prohibit the use of the findings in making a decision to the long-term safe upper intake of pyridoxine."

Pyridoxine is another name for vitamin B6.

The deficiencies cited by the report were: a potential bias in describing the symptoms experienced and the lack of objective neurological assessment; the lack of

information related to concomitant medications or concurrent medical conditions; and possible inaccuracies in reporting the actual doses of vitamin B6 taken and the duration of the treatment. There was no control group in the Dalton and Dalton study, and it relied almost completely on observation, with little accurate scientific support. For example, no neurologist was involved in the study.

Recently, at a meeting in the other place, I asked Katrina Dalton to defend those criticisms. She responded by throwing down the paper, claiming that vitamin B6 had potential teratogenic effects. There is little scientific evidence for that claim either.

On 13 February 1997, I received a letter from Damien Downing, the senior editor of the *Journal of Nutritional and Environmental Medicine*. He enclosed a letter from Professor Alan Gaby, which has now been published. Professor Gaby, working in the United States, has attempted to repeat the Dalton work which was carried out here in London. He has concluded:

"Dalton's claim that these symptoms were caused by B6 is highly questionable".

Professor Gaby found that the same symptoms occurred among the control group of women who were suffering from PMS and depression but who were not being treated with vitamin B6 as among the group of women who were being treated with vitamin B6.

The lowest adverse effect level reported in animals is 50 mg per kg of body weight; that was in beagles, after administration for approximately 16 weeks. That was the work of Phillips and Munro in 1978 in Canada.

COT, in its report to the Ministry, stated:

"With a safety factor of 300 and assuming that an individual weighs 60 kilograms, extrapolation from the lowest observed adverse effect level in dogs would give a maximum daily safe dose for humans of 10 mg."

That is where that figure of 10 mg comes from.

That safety factor of 300 used by COT is only ever applied to extremely dangerous substances such as the organophosphate insecticides. Such a high safety figure has never been applied to anything that is taken orally and described as a foodstuff. For example, if it applied to beer, we would be recommended to take only one teaspoonful a day. That is ridiculous. [HON. MEMBERS: "Hear, hear."] Well, it is for me. A more reasonable safety factor of 30 would lead to an upper daily dose of 100 mg, the higher dose level with which the industry would be happy and which all the scientific evidence suggests is acceptable.

Early-day motion 209 carried 111 signatures by 3 June, while early-day motion 1303 carried 93 signatures by 10 June. The signatories reflect the extreme concern across all the political parties represented in the House about the Ministry's proposal.

What worries me most about the proposal is the way in which the scientific evidence has been used to make the recommendation to the Minister. I must question whether the right machinery is in place for scientific evidence to be used to advise the Government. I have written to the Chairman of the Select Committee on Science and Technology, which is about to conduct an inquiry into the use of scientific evidence by the Government decision-making machinery, giving evidence on that point.

Mr. Owen Paterson (North Shropshire): In a letter to me dated 28 July 1997, Professor Gaby was emphatic in dismissing the Dalton and Dalton report. He said:

"The report by Dalton and Dalton alleging toxicity at 50 mg per day was so replete with flaws and questionable interpretations that it cannot be taken seriously by objective scientists."

Dr. Iddon: I have seen that letter, as, I know, has the Minister, who will make his own observations on it.

Last year, a conference was held here in London on the safety of vitamin B6. It presented ample evidence to show that the 10 mg proposal was over the top. All the specialists present, and many others who have published articles and scientific papers since then, have agreed on that conclusion.

On 7 April, just a few weeks ago, the American Academy of Sciences institute of medicine published a voluminous paper on dietary reference intakes. That paper is now the most extensive and authoritative review on the safety of vitamin B6 published anywhere in the world. Its conclusion is that intake levels of 200 mg per day or less produce no adverse effects, but it recommends a tolerable upper intake level of 100 mg per day, based on human studies—the figure to which I just referred.

The question is whether all those opinions should outweigh those of a small group of people—I think three—from COT, which made the 10 mg a day proposal to the Ministry. That is the big question that the Minister will have to weigh carefully before he makes his final decision.

Dr. Nick Palmer (Broxtowe): Will my hon. Friend give way?

Dr. Iddon: I should like to conclude.

Yesterday, another important document was published, to which reference has already been made—the report of the Agriculture Committee on vitamin B6, which concludes what many of us believe, that we should not adopt the 10 mg recommendation, even under food law, until more research is available to prove that it is necessary.

When a small group of us met the Minister before Christmas to discuss the proposal, he seemed to have a genuinely open mind on the subject. I hope that he still has, and that he will keep an open mind until the consultation period concludes on Friday. Stuck as he is between a rock and a hard place, I hope that he will weigh the evidence carefully and use his best political judgment.

In conclusion, I recognise that some hon. Members have opinions different from mine on this subject. I do not see this as a political issue. I am glad that we are debating it, but I repeat that we should debate it as a matter of scientific study rather than as a way of attacking the Minister.

11.38 am

Mr. David Tredinnick (Bosworth): I am very grateful to you, Mr. Deputy Speaker, for giving me the opportunity to participate in this debate. I have long taken a very keen

[Mr. David Tredinnick]

interest in the matter. I must declare, first, that I have been an officer of the all-party alternative and complementary medicine group for the past 10 years. Secondly, I have long taken an interest specifically in diet and allergies, and went round a clinic for the first time in 1981. Thirdly, I practise what I preach—I take vitamin B6 supplements and other supplements. I was advised to take 100 mg of B6, which I think has helped me in my work and also to sleep—*[Interruption.]* I see one of the doctors laughing, but 3 million or more people cannot be wrong.

Dr. Nick Palmer (Broxtowe): Three million people voted Tory.

Mr. Tredinnick: We shall be pressed for time if we engage in such banter. The hon. Member for Bolton, South-East (Dr. Iddon) has just mentioned the fact that vitamin B6 is a cross-party issue. The signatures on the three early-day motions that he mentioned—one of which I initiated, and which received almost 100 signatures—show that hon. Members on both sides of the House agree on the issue.

I have consistently warned that the problem would not go away. The Minister has been guilty of tunnel vision. To use the old—some might say quite hackneyed—phrase, the light at the end of the tunnel has turned out to be the headlight of an express train, which has now raced out of the tunnel. Its passengers are not only the 3 million people who have already been mentioned—ladies with pre-menstrual tension—but elderly people with Alzheimer's disease and people with skin conditions. All sorts of deficiencies are put right by the use of vitamin supplements. Very often, doctors refer to vitamin specialists the patients they cannot cure—which is another reason why the issue must be handled so sensitively. Not only consumers but scientists are passengers on the train. As has already been said in the debate, many scientists disputed the Dalton report.

Nevertheless—a point that I shall develop in more detail later in my speech—the Minister is lucky. At the back of the train that has raced out of the tunnel and is heading for him is a Pullman coach, in the shape of the United States national academy of science and its report, which he will be able to use if he wants to.

I first raised the vitamin B6 issue on 19 February 1997, and opened my speech by quoting a letter from the British Society for Allergy, Environmental and Nutritional Medicine. It was one of the many persuasive letters that I, like other hon. Members, have received on the matter. It stated:

"Your ministry is planning steps which may lead to the deaths of thousands of people in the UK, and to substantial avoidable suffering for many others."

There is tremendous fear in the nation on the issue, which has generated the level of concern that we are witnessing. Very many people believe that their lives literally depend on vitamin supplements. The broader issue is that, in recent weeks, already 400 supplements or herbal medicines have been taken off the shelves.

The B6 issue is seen as a test. If B6 goes, so will vitamin C. Then another vitamin will go. There is constant pressure, all the way down the line, on alternative and complementary treatment. I believe that the situation is quite mad. Demand for such supplements, herbal medicine, homeopathy and other alternative treatments is exponential, and the Department is completely out of line with public opinion.

On 30 July 1997, in an Adjournment debate, I raised the issue with the Minister. I told him that if MAFF wanted its post room to be full, he should do nothing about the issue. Although he wrote to me after the debate—for which I am grateful—I think that he completely misunderstood what I had been saying. He stated that clogging up hon. Members' postbags was a stupid thing to do. However, that is not what I had said—I had no intention of orchestrating a campaign. I was saying that concern among the public on the issue was so great that he could not expect the situation to disappear. It will not go away.

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Jeff Rooker): Letters to the Ministry are welcomed openly. Thousands of letters—no problem—are welcome. The point that I was making to the hon. Gentleman is that thousands of letters to my constituency secretary, who has to sort them out, clog up the process of dealing with my constituency work. That is the point that I was trying to make to the hon. Gentleman.

Mr. Tredinnick: We had better not get stuck in the post room. However, I think that the points have been made.

Let us put the debate on vitamin B6 in context. The hon. Member for Bolton, South-East has already described the beer situation. However, how many hon. Members had coffee this morning? How toxic is a large quantity of coffee? What about tobacco? Figures from the Library show that, last year, 120,000 people died from smoking-related diseases. Aspirin can now be bought over the counter in any supermarket. Last year, there were 37 deaths—31 from poisoning, and six from adverse effects—in England and Wales from aspirin and related compounds.

How many deaths have been caused by vitamin B6? I tabled a parliamentary question on the matter, which was answered by the Office for National Statistics. It revealed that, since July 1997, no one has died from vitamin B6. I tabled another question, asking the number of people who had died from vitamin B6 in total—over 20, 30 and 40 years. Unfortunately, the statistics go back only to 1993. The matter cannot be researched further back without—what is the phrase?—incurring unnecessary costs. However, the answers that I received show that no one—not a single person, despite the publicity—has died from vitamin B6. I wonder how many people have died of caffeine poisoning or of having too much tea—*[Interruption.]* We had better not pursue that line.

I once spoke in the Chamber for three hours, and nothing would give me more pleasure than talking for three hours on vitamin B6. However, my hon. Friends will be wilting if we pursue that route. I shall therefore restrict my remarks. I can see that the Minister would not be keen on hearing a three-hour speech—perhaps that applies to all hon. Members. I assure you, Mr. Deputy Speaker, that I do not intend to filibuster, particularly on a subject of such gravity.

I am surprised that the Labour party has got itself into such a mess. One of the points stressed in the White Paper "Our Healthier Nation" is that Labour wants not only to

lengthen life, but to increase the quality of life. Labour wants to ensure that people have more quality years before they die. One of the ways in which the Government can accomplish that goal at very little cost is by encouraging vitamin supplements. The Government can go through a range of supplements on the shelves. All the statistics on people with diseases of the mind and the body point to alternative treatment as one of the great freedoms of the modern age, and one of the ways in which to rectify the problems that are caused in an increasingly polluted environment. It is a way in which to overcome those problems.

I cannot imagine how the Government could be so foolish as to miss that trick. I do not think that the Minister is foolish, and I hope that he will not miss the trick later on. If he comes into line with public opinion and now science, he will be richly rewarded—*[Interruption.]* I must have said something wrong—*[Interruption.]* I do not know whether you, Mr. Deputy Speaker, are going to call the House to order. I shall continue.

An examination of the membership of the Committee on the Toxicity of Chemicals in Food, Consumer Products and the Environment reveals that 15 of the 19 members have a declared financial interest in pharmaceutical companies. I must seriously ask the Minister whether he thinks that those minds will be independent if 15 out of 19 members—if not in the pocket of pharmaceutical companies, which have a vested interest in suppressing other remedies—have such an interest.

Mr. Hayes: I wonder whether my hon. Friend will be mindful of the contribution in the Select Committee of the hon. Member for Great Grimsby (Mr. Mitchell) on precisely that point? He said to the Minister:

"It shifts the whole basis of supply from health shops to pharmacies, from one set of manufacturers to another".

That is the point that my hon. Friend is making, which has not been satisfactorily answered by the Minister, either in his evidence to the Select Committee or since.

Mr. Tredinnick: I am grateful to my hon. Friend who brings me to my next point. Consumer surveys show that, if the products were moved from health food shops to chemists, the market would be destroyed. It would not move, as many people resist going to chemists. A related issue concerns doctors, such as the hon. Member for Kirkcaldy (Dr. Moonie). How will he feel when his surgery is clogged up with people asking for prescriptions for vitamin supplements? Doctors' surgeries are overflowing in any case. That is a problem for doctors and for the Secretary of State.

Reference has been made to Dr. Dalton's report; some time ago, I attended a committee meeting on the subject. Dr. Dalton was in the audience and the focus shifted to her. Under pressure, she got up and asked why the Department had not consulted her before using her report. It was an amazing allegation to make. Dr. Dalton told the meeting—basically people who did not agree with her—that the Department had not consulted her or asked her before using her report. Is it any wonder that the Secretary of State has got himself into such a tangle?

I conclude by referring to the report by the United States national academy of science, which is very thorough and is the most recent report available. The Minister is jolly lucky because he does not have to put his hands up and say, "I made a mistake. I am going to change." He can say, "I accepted the science that was available at the time. It has now been superseded and I am going with the American science." So with one simple trick, he can get himself out of gaol and make everyone happy.

11.40 am

Dr. Lewis Moonie (Kirkcaldy): I shall not detain the House for long, but I am grateful for the chance to make a few remarks on the subject. I have the misfortune to be the closest thing in the House to an expert on the safety of substances that we take, being medically qualified and having worked in the pharmaceutical industry for a few years, with responsibility for submissions to the Committee on Safety of Medicines and others, and an intimate knowledge of drug toxicity studies.

Unlike the hon. Member for Bosworth (Mr. Tredinnick), I do not take vitamin supplements. I suspect that my general dietary intake is quite adequate for all my nutritional requirements. However, I shall try to be as objective as I can on a subject on which there are one or two accepted facts and a great deal of opinion.

First, pyridoxine, or vitamin B6, is an essential dietary constituent; the recommended daily intake is approximately 1.2 mg. Secondly, in very high doses, pyridoxine is a poison which causes serious neurological symptoms. It is therefore quite right that the Government should decide what the safe recommended level for public sales should be.

I disagree with Opposition Members who have spoken so far. When we are considering pyridoxine as a dietary substance, it is quite proper for it to be on general sale and for people to be entitled to make up their own minds as to whether or not they take it. When it is used as a medicine, however, it enters a quite different world, and in those circumstances, it behoves us to regard it with much greater care.

The proposed limit of 10 mg a day, or 10 times the recommended daily intake, is perfectly adequate for all conceivable dietary needs.

Mr. Hayes: The Government themselves, in their draft regulations on the subject, define the product as a food supplement. To talk about it as a medicine would be like talking about orange juice enriched with vitamin C as a medicine. Of course medical claims may be made for it, but it is not a medicine. By the Government's own definition, it is a food supplement.

Dr. Moonie: At present, the Government are using accepted practice in their definition of the subject. That is why a Minister from the Ministry of Agriculture, Fisheries and Food is replying to the debate rather than a Minister from the Department of Health. The Government are obliged to follow established practice until that practice is changed. It may well be that the Food Standards Agency, if it is given some say over such matters, will recommend different practice in future.

To return to the subject, 10 mg of pyridoxine is perfectly adequate to cover all dietary needs. When we start talking about the medical uses of the substance—we should not call it a drug, but we are effectively using it as one—and start indulging in self-medication, we are

[Dr. Moonie]

obliged to pay careful attention to the potential ill effects of the substance, particularly when its effects are ill defined.

The hon. Member who opened the debate—I am sorry, but I have forgotten his constituency—

Mr. Keith Simpson: It is Mid-Norfolk.

Dr. Moonie: I knew that it was somewhere in Norfolk. I am glad that the Conservatives still have at least one seat there.

Mr. Simpson: We have four, actually.

Dr. Moonie: Good gracious! I am sure that that will not last for long.

Let me draw the hon. Gentleman's attention to the penultimate paragraph of the Agriculture Committee report:

"The evidence on the efficacy of vitamin B6 is inconclusive, and many consumers may experience a placebo effect rather than any actual health benefit."

The hon. Gentleman denied that the Committee said that, but he must accept it as the Committee's opinion.

Dr. Iddon: Is not my hon. Friend's point about vitamin B6 being used in a medical sense also true of hundreds of substances sold in health food shops? What would he say about that?

Dr. Moonie: I regret to say that the hon. Member for Bosworth was quite right. A great many preparations taken as so-called dietary supplements are being used as medicines and, if they are found to be toxic, they should be subjected to exactly the same standards as any other allopathic medication. This is the first of many instances in which we shall look a bit more closely at so-called folk remedies, and discover that they are much more toxic that we thought and should be subjected to the same standards. So 10 mg of vitamin B6 is safe, or 50 mg for prescription by a pharmacist, is a reasonable limit. Above that, the substance should be controlled. In my opinion, those are reasonable precautions for the Government to take.

Opposition Members made great play of beef on the bone as another example of the Government acting unwisely. As the matter has been raised by the hon. Member for Mid–Norfolk (Mr. Simpson), and it is an important analogy, let me digress for a moment.

The Government are in possession of evidence in respect of the potential effect on the human diet of consuming BSE-infected material. We are not at present able to identify with certainty what the risks are. The Government have a study that says that the upper limit for cases of CJD as a result of consuming BSE-infected material is 8 million. I do not for a moment believe that there will be that many deaths, but given that the Government have such a paper before them, they have to be careful how they behave.

In the case of pyridoxine, excessive use has been shown to be harmful and the basic dietary needs are very low, so again the Government are obliged to be extremely careful about the action that they recommend. Let us make no mistake about it, if the study on BSE is proved right and if evidence eventually proves that pyridoxine is harmful, Opposition Members will be demanding the head of the Minister for exactly the opposite reason to the one for which they are demanding it today.

11.47 am

Dr. Evan Harris (Oxford, West and Abingdon): The subject of today's debate has attracted a great deal of attention from hon. Members of all parties. My hon. Friend the Member for North Cornwall (Mr. Tyler), the Liberal Democrat spokesman on food safety, who unfortunately cannot be here this morning, and my hon. Friends the Members for Taunton (Jackie Ballard) and for Weston–super–Mare (Mr. Cotter) have taken an interest in the subject from the beginning. Some of the key questions in the debate are the balance between safety and liberty, between safety and the commercial aims of those who manufacture the medicines, and between safety and the efficacy of any substance that is ingested or applied, whether for a nutritional purpose or for a purported medicinal purpose.

However, it is inappropriate to weigh safety against political considerations. Ministers acting on scientific advice should not make political decisions to win votes, but rather political judgments based on scientific evidence. For the same reason, the hon. Member for Mid-Norfolk (Mr. Simpson) was unwise to call for ministerial resignations. It is inappropriate to try to make the issue a party political one. We heard much of control groups for comparison in the debate so far, but the only control group for the Minister to base his decision about his future is the record of the Conservatives, in which case he can feel confident about his decision. It is unwise for hon. Members on either side to engage in such a debate. The hon. Member for Bolton, South-East (Dr. Iddon) adopted a more measured, persuasive and well-thought-out approach. I would correct the hon. Member on one point, however.

The Dalton and Dalton study did have a control group, but it was the wrong control group. The study suffered from being retrospective, with a control group that was not untreated and therefore not a pure control. Most scientists who write papers on such issues recognise the difficulty of obtaining good control groups. Hearing the criticism that the Dalton study has received, many will think, "There but for the grace of God go I," because of the great cost, time and practical difficulties of getting such studies perfect.

Dr. Moonie: I accept that retrospective studies are generally flawed. When some evidence has been produced to suggest that the drug is harmful, should not a prospective study be carried out with proper controls?

Dr. Harris: Absolutely. I was going to come to that. A great deal of parliamentary time and parliamentary Clerks' time has been expended on this controversial issue, where a line has to be drawn. Government money might be made available through existing research budgets, if not new ones, for a proper study, not just to remove difficulties in this case, but as an example of how a good study can be conducted into food supplements.

It is very difficult to conduct good research, which is so important, into medicines. I hope that the Minister will make representations to the Secretary of State for Health about the underfunding of research into many treatments. The NHS research and development budget has shrunk in the past two years, when issues of quality, as we have seen from tragic events in Bristol, and the proposal for a national institute for clinical excellence have pressed on the health service the need for good evidence for existing and proposed treatments. There but for the grace of God go all those who practise medicine. Again, that is open to criticism. Many medical treatments might not stand up to such scrutiny.

Mr. Hayes: The hon. Gentleman talks about taking further evidence. That option was available to the Minister and to COT. They chose not to commission further investigation or study, but to act on the existing study, which, as the hon. Gentleman has acknowledged, was limited. I am disappointed that he has not picked up on that, and that his hon. Friends who he claims feel so strongly about the issue have not bothered to come today.

Dr. Harris: There has been a succession of Liberal Democrat Members on the Benches throughout the debate. They signed the early-day motions early, before others who felt that they ought to sign because of weight of numbers.

I do not know whether COT has the right or the funds to commission further research. I should be interested in the Minister's reply on that. The consultation phase might be extended to give time for a prospective study, which would not have the problems of the published studies.

It is difficult for a scientist such as Dr. Katharina Dalton to complain that her study is being looked at and ask to be consulted beforehand. Anyone who publishes in a scientific journal accepts, by virtue of their submission and peer review, that anyone can refer to it, as long as they do so fairly and accurately. It would not be right if people had to overcome the further hurdle of seeking permission before quoting such work.

The balance between safety and liberty is important. An assessment of the safety issues has to be made. This case is rather different from BSE, because here any adverse effects are recognised as reversible, certainly in terms of peripheral neuropathy. There would be time to reassess the issue later without inadvertently exposing fellow citizens to the risk of permanent damage from using a substance—I do not suggest that any Minister would do so deliberately. There would be time for further representations if reversible symptoms were found.

The difficulty of assessing the balance between safety and efficacy taxes the pharmaceutical industry every day. One reason why the price of many drugs is so high is that so much research has to be done to show efficacy because of the hurdles put in the way of marketing a drug for medical reasons rather than as a food additive. It is incumbent on those who make medical claims for what are currently recognised as food additives to ensure that there is evidence on safety. If I was a manufacturer of a food additive, I would be reluctant to make medical claims, because I might then have to provide research data, including possible animal studies and safety and efficacy studies—which are prospective and have to be controlled—as the pharmaceutical industry has to do.

I did not sign early-day motion 209 in the name of the hon. Member for Congleton (Mrs. Winterton), because it makes claims that cannot be substantiated. It says that vitamin B6 supplements

"are widely believed to be efficacious in a wide range of conditions"—

believed to be, but not proven to be, which is correct—

"including, according to the Royal College of Obstetricians and Gynaecologists, helping with the effects of pre-menstrual tension".

I was interested in that, because I had never heard of it as a treatment for pre-menstrual syndrome in my clinical years.

I wrote to the Royal College of Obstetricians and Gynaecologists, which found no policy supporting the claim. It sent me a copy of a letter from the college to Mr. Masterson-Smith, the chairman of Consumers for Health Choice, which said:

"You state in a letter dated 17 July 1997 to a Member of Parliament"—

that is me—

"that 'The Royal College of Obstetricians and Gynaecologists says that B6 supplements can help with conditions like pre-menstrual tension'."

The RCOG has never said that. The college supposed that the claim referred to a publication, "The Wellbeing of Women" by WellBeing, a charity that raises money for research into obstetrics and gynaecology. Even that publication, in a section entitled "What you can do to help yourself", said only:

"Try a vitamin B6 supplement".

Those who make medical claims must take care, or those claims will be judged against medical criteria of safety and efficacy.

What lessons does the Minister feel should be learned? I was interested to hear from the hon. Member for Bolton, South–East that a Select Committee will consider how the Government take scientific advice. I myself have learnt lessons. My instinct as a clinician was not to sign any early-day motion that made claims on medical grounds and showed scepticism about scientific advice. Having read the report of the Agriculture Committee, I do now think that the wrong decision was made in the initial consultation. I believe that the majority of Liberal Democrat Members join me in hoping that the Government will change their opinion, taking into account the criticisms that have been made.

I want to deal with one or two of the comments made by the hon. Member for Bosworth (Mr. Tredinnick), because many of them were spurious. One cannot use an analogy with tobacco. If that was a new substance coming into use, it would be banned in any quantity. We want to see greater efforts directed towards preventing new users of the substance. Representations are being made by all parties to the Secretary of State for Health on that matter.

Aspirin is a different issue also because it is a medicine and there are clear warnings about its use. There have been deaths from aspirin and it is a serious issue. The problem of iatrogenic illnesses and deaths from drug treatments is serious and has been raised on the Floor of the House during other debates. It does not help to draw spurious analogies with non-supplements.

It is not valid to claim that high-dose food supplements help the NHS by reducing the use of GPs so that they can be reserved for people with serious medical syndromes or

[Dr. Harris]

symptoms, or serious medical concerns. I believe that the role of members of the medical profession is to treat whatever comes before them and to reassure where necessary. There is a role for alternative treatments, if only as a placebo effect. That should not be denigrated, because it is a critical and helpful effect in medication. However, it should not be advertised as anything other than something that can help and can make people feel better without treating the cause.

I hope that the Minister will pay attention to the level of safety and risk versus people's right and freedom to make informed choices—all Liberal Democrats feel strongly about that. I hope that the Minister will bear in mind the fact that any Government announcement will have an impact on small businesses, which must be weighed in the balance. Also weighed in the balance must be the efficacy versus the likely risk. Party political considerations should not arise in the decision. I look forward to the Minister's reply.

12.1 pm

Dr. Nick Palmer (Broxtowe): I should begin by making a general declaration of interest. I advise Novartis UK, which sells pharmaceutical products. However, as far as I am aware, it has no corporate position on vitamin B6.

It is clear from the Library briefing—which is as helpful as always—and from the Consumers Association survey that the overwhelming majority of consumers of vitamin B6 as a food supplement have been encouraged to believe that the product is helpful in dealing with pre-menstrual syndrome and some other problems.

The difficulty faced by the manufacturers and vendors of vitamin B6 is that repeated attempts by clinical trials to prove those effects have failed. Therefore, they are not able to market the substance with the claim that it is effective against PMS. However, they are dependent on the belief that it works to reach the level of sales that they do.

On the face of it, people suffering from PMS would do just as well by eating the Select Committee report. There is no clear evidence that vitamin B6 helps PMS at all. If that is true—it is accepted by the Select Committee—vitamin B6 should not be sold as a food additive if there is any significant risk of side effects. Since the Committee on the Toxicity of Chemicals in Food, Consumer Products and the Environment has advised the Minister that that is the case at dosages above 50 mg, he would have been failing in his duty if he had allowed such dosages to be freely available. The criticisms made by Opposition Members, who are seeking to make a party political point, are entirely misplaced.

The lobby to counter that straightforward argument has deployed a barrage of specious arguments, some of which have, unfortunately, persuaded the Select Committee to launch an attack on Government scientists. The Chairman of the Select Committee broadened that last night on BBC television into an attack on the judgment of all scientists. Perhaps we shall have the pleasure of seeing the Chairman on the "X-Files" in the near future.

Mr. Hayes: I am sure that the hon. Gentleman is aware that I am the only member of the Select Committee in the Chamber. Other members would have liked to be here, but they are taking part in an investigation today. The Select Committee took a balanced view and produced a unanimous report. There was none of the extremism that he suggests and there was no party political malice because the majority of the Select Committee were Government Members.

Dr. Palmer: I accept entirely that that is true of the Select Committee report. However, the hon. Gentleman might agree that that has not characterised the speeches that we have heard today.

What claims has the lobby been making to make up for the lack of efficacy in dealing with PMS? First, the lobby said that many consumers say that the pills make them feel good. Well, whenever I hear a speech from my hon. Friend the Member for Bolton, South-East (Dr. Iddon), I always feel good. The lucidity and logic of his arguments always makes me feel that life is worth living, even when he may be mistaken on a particular point. However, that does not mean that he should be taken in unlimited doses. We cannot base licensing policy on subjective impressions or anecdotal evidence. Any serious people working in this area accept that.

The lobby argues that, in a free society, consumers should be able to buy any product if the warnings are adequate. That belief is pushed by libertarian groups, which are widespread in the United States. They argue that even heroin or cocaine should be freely available as long as there is a clear warning. That belief is not accepted in that extreme form by hon. Members in the House of Commons, with the possible exception of the junior Opposition health spokesman, the hon. Member for Rutland and Melton (Mr. Duncan). Most hon. Members accept that we have to weigh up the ratio of efficacy to risk. In this case, there is no proven efficacy. The ratio of efficacy to risk is zero.

If we are fair, we have to say that the evidence on both efficacy and risk is open to dispute. That is probably the fairest way of summarising the evidence so far. The most reasonable policy is to suspend judgment until we have further evidence. For as long as we have no evidence that it works and there is suspicion that it does not work, the balance of the judgment must go against licensing.

The lobby's third line of attack has been to abuse members of COT and the Food Advisory Committee. We have all had letters attacking individual members of those committees—they have great difficulty in answering back—merely because, at some stage in their career, they have advised some company or group with which the letter writer did not agree. That is a weak point. The lobby needs to address the arguments, not individuals.

We have also seen the manipulation of public opinion. I have a copy of yesterday's *Evening Standard*. Paragraph two of its front page story says that the Government have proposed to ban the sale of vitamin B6 over 10 mg and that Members of Parliament have received 110,000 letters on the subject in recent months.

As we know, the Government are not planning to ban the sale of vitamin B6, but are planning to put dosages over 10 mg on prescription. Previous speakers have mentioned the 110,000 letters. I wonder who counted those letters. Does the post office steam open letters in the hope of finding a reference to vitamin B6? Are we seeing a count of constituents' letters coming in spontaneously? I cannot speak for other hon. Members,

but I have received just two letters from constituents—rather than those written by others—on this subject. What we are really seeing is the lobby's count based on the form letters that it has been pushing through health food shops. I concede that I have had such a package. I received 60 in one envelope—some were unsigned, some illegibly signed, some addressed to the wrong Member of Parliament, some to no Member at all and some were entirely blank, presumably just to make up the numbers. It is easy to reach 110,000 or 150,000 letters when one prints them all oneself and pushes them on customers.

In summary, we are talking about a food additive which has no proven worth for the uses to which it is being put, is dangerous at high doses and controversial at medium doses. The Government should confirm the scientific recommendations and reject the unscrupulous campaign, not only because of the dangers of vitamin B6 but because of the precedent. We must not create a grey area of risky and useless quasi-medicines sold as food additives. If a food additive does any good, let its manufacturers do what the manufacturers of vitamin B6 have signally failed to do—prove it.

12.10 pm

Mrs. Angela Browning (Tiverton and Honiton): A few months before the Minister of State, the hon. Member for Birmingham, Perry Barr (Mr. Rooker), took responsibility for this matter, it was my responsibility as the Minister at the time. A few months before the general election, officials at the Ministry of Agriculture, Fisheries and Food together with officials at the Department of Health suggested to me and my colleague the then Minister of State at the Department of Health that we should take the action that the Minister announced in his draft regulations. We rejected the advice. It was a matter for ministerial judgment, and we did so because exactly the same science was put in front of us as has been put in front of him.

We instructed officials to ask COT to do further work and seek more up-to-date information, because there was clear evidence in the scientific community—evidence of which we were aware even as laymen, not as Ministers—that for such action to be taken it would require a lot more than the Dalton and Dalton research of 1987. We studied the papers and the advice.

I cannot help but think that, when the Minister sat down at his ministerial desk on 2 May, that issue was at the top of his heap of papers to be dealt with. I see that he smiles—he acknowledges it. I can tell him in all sympathy that, for ages, officials, particularly those in the Department of Health and not those in his Department—the Department of Health, where we find the last vestiges of the politically correct official—have been trying desperately to get Ministers to accept that package. I have some sympathy with him because, frankly, he was set up—I am sure of it. It was early days for him in a Ministry, and by 4 July he had issued his ministerial press release saying that he intended to take the official advice.

Although time is limited, I thought it important to put on the record the fact that that set of Ministers, presented with the same information as another set, took a different decision from that which the present Minister has taken. It is a matter of political judgment. Where there is conflicting scientific evidence I know only too well that it is difficult, but that is the job of a Minister—to sort out and to take professional advice. When we were Ministers, we rightly demanded that further investigations be undertaken and further scientific evidence produced to support the case.

Interestingly, the report published yesterday by the Select Committee on Agriculture makes it clear that officials did not carry out the instructions of the former Administration. Written in the report for all to see, the paper identifies that COT did not query the result of Dr. Dalton's research, but used the exact same multiplier and formula that the hon. Member for Bolton, South-East (Dr. Iddon) so expertly described as flawed. They challenged and questioned nothing. With an election coming and the slight possibility of a Labour Government, they knew that, if they sat it out, they could present a new Minister with the same proposal and he would accept it.

The Minister is carrying out a consultation. Never mind COT and the officials at the Department of Health, as an Agriculture Minister he must by now have had the opportunity to study the scientific evidence available to him. A full page editorial in *The Lancet* on the subject stigmatises COT's 10 mg recommendation as seeming to be based on the slimmest of evidence. Dr. Virginia Murray at the national poisons unit, who recently conducted a large study on the toxicity of vitamin supplements, said that it had not had a single report of side effects from vitamin B6, and that if there was a problem the unit would have expected to hear about it. When such people make open scientific statements, the Minister—COT or no COT—has a duty to call for more science before he takes a decision.

As has already been pointed out in the debate, if the Minister merely accepts without challenge or query what his officials or those at the Department of Health in particular put in front of him to sign, as has happened in this case, he will undermine public confidence in Government decision making. As a former Minister who sat at that desk for three years, I can tell him that he has until Friday for the end of his consultation to take place, and although he may not want to make that statement at the Dispatch Box this morning—I would be delighted if he did—I hope that he will use this as a valuable lesson in his early days as a Minister not merely to accept what is put at the top of his pile by officials who for years have been desperate to persuade Ministers to do something that is patently flawed as far as the science is concerned.

12.15 pm

Mr. James Paice (South-East Cambridgeshire): First, I must congratulate my hon. Friend the Member for Mid-Norfolk (Mr. Simpson) on his good fortune in securing this debate, and the even greater fortune that it happened to follow the publication of the Agriculture Select Committee report.

This debate is about not merely science or the alleged benefits of vitamin B6—I do not know whether it works and, for the purposes of this debate, I do not really care—but about the role of Government in decision making, and particularly about this Minister. It has been suggested that we are using it as a party political issue, but it is not that; it is an issue of ministerial judgment. Of course, the Minister will say in his reply that he cannot allow unsafe foods on the market, yet he allows salt, peanuts and many other foods that are well known to cause negative reactions in some people.

We are discussing a vitamin supplement that has been taken regularly by, it is believed, up to 3 million people for many years, none of whom have died. There is ample

[Mr. James Paice]

scientific evidence that significant levels of B6 can be taken, and, apart from one study, there is a consensus that up to 200 mg a day causes no harm—indeed, some people say up to 500 mg. Even if there is a reaction, as my hon. Friend the Member for Mid-Norfolk reported, it is what most of us would describe as pins and needles. More importantly, the reaction is totally reversible if the individual stops taking the tablets. Generally it seems that it requires a daily intake in the order of 2,000 mg before the symptoms become irreversible, so we are not considering an item with major health risks or one that could cause death.

The assessment of risk is critical. As we have discussed before in the Chamber, we all take risks. We get up, cross the road, and eat a wide range of foods. That is a part of life. We know that there is a possibility of injury or disease, but as individuals we judge whether it is an acceptable risk compared with the perceived benefits. The Government think otherwise. They seem to know best and people are not to be trusted with their own lives—we should rely on the nanny state to decide for us.

Why did the Government ignore the barrage of conflicting evidence, such as that from Professor André McLean, a former member of COT and former chairman of the British Toxicological Society? He said in his evidence:

"COT have raised issues of toxicity which seem to me to be entirely spurious."

Instead, they have relied on this 11-year-old study, which by their own admission uses flawed methodology and imposes a limit of 10 mg on foodstuffs. Apparently, they did not consider merely providing information about possible side effects. Indeed, the Minister had to write to the Committee and apologise for saying that the voluntary scheme had been rejected by the industry.

If the Government believed in choice, they could have opted for a compulsory labelling scheme, but they obviously do not. Perhaps the Minister will tell us why not. Will he also tell us what is to stop people taking two or more 10 mg tablets, which means it will be an unenforceable law, and that is bad law?

Mr. Hayes: Will my hon. Friend give way?

Mr. Paice: If my hon. Friend will forgive me, I shall not, as we are pushed for time.

The Minister has refused time and again—in written answers and, on 18 November, in response to my formal request on behalf of the Opposition—to ask for a further review of the issue. That obstinacy would be excusable if he had taken the trouble to obtain further advice or had reviewed the evidence himself, but he did not. Indeed, he told the Select Committee that he was a production engineer. He went on to say:

"What I did read was the document assembled by the COT secretariat on the evidence".

He said that he was asked

"if I had read any of the hundred papers that COT had looked at. The answer to that is yes I had read more than two or three, but no more than . . . six."

That is a clear example of the Minister saying, "Don't confuse me with the facts—I have made up my mind on this subject."

In a letter to hon. Members on 21 August 1997, the Minister prayed in aid the fact that he had received support from an organisation called PMS Help, but he ignored the fact that the organisation is run by the daughter of Dr. Dalton, and that Dr. Dalton is, I understand, its patron. Worse still, he said:

"The Committee reviewed over 100 publications from the scientific literature . . . The Government has every confidence in the rigour with which COT reviewed the data".

However, Professor Woods told the Committee, in his reply to the hon. Member for Great Grimsby (Mr. Mitchell), who is no longer in the Chamber:

"what we looked upon as being the two key studies in this regard and that is the Dalton and Dalton paper . . . and also the dog study that Phillips and colleagues undertook."

When the hon. Member for Braintree (Mr. Hurst) put to him that

"Your committee says the only human evidence that was relied upon was that contained in the Dalton and Dalton study",

Professor Woods answered,

"Yes."

I submit that the Minister is, at the very least, confused. It is clear that the Dalton and Dalton study was the only human study to be taken into account. He will say that he must follow scientific advice—so he should. However, when he hears a barrage of criticism from many scientists, both in the United Kingdom and America, about the advice, I submit that it was his duty to question that advice, not only by asking COT to look again at the matter—which he refused to do—but by seeking a second opinion of the evidence. Instead, he displayed a cavalier attitude towards the facts.

The Minister must now reply. He stands damned by the Select Committee, which is, of course, dominated by Labour Members. Will he now withdraw the draft regulations? Will he invite Professor Woods, who also stands severely criticised by the Select Committee, to consider his position as chairman not only of COT, but of the newly appointed expert group on minerals and vitamins? In the light of the Minister's total failure to understand the depth of concern about his decision, does he realise that what is at stake is not only his integrity and reputation, but the reputation of the whole Government? Will he now consider his position?

12.22 pm

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Jeff Rooker): Notwithstanding the criticisms that hon. Members have felt it legitimate to make, no one has yet questioned my personal integrity on this matter, and I reject that allegation absolutely and without qualification.

This has been an interesting debate, and I was pleased to curtail my remarks to allow the hon. Member for Tiverton and Honiton (Mrs. Browning) a few minutes in which to speak. As one of my predecessors, she was right to point to the interesting background to the case. That background was glossed over by the hon. Member for Bosworth (Mr. Tredinnick), who quoted from a letter dated February 1997 about what the Government was allegedly doing to the health food industry without mentioning that that Government were the previous one.

Miss McIntosh: Will the Minister give way?

Mr. Rooker: No, I shall not give way, as I do not have enough time.

The issue has been around for a long time. The hon. Member for Tiverton and Honiton rightly said that it was not a top-of-the-tray issue, and that remains the case. The consultation process will continue until Friday. I told the Select Committee that I had an open mind, but not an empty mind, on the issue—that, too, remains the case. If I had to put food safety and public health issues as they are currently considered by the Ministry of Agriculture, Fisheries and Food on a scale of one to 10, I would put bovine tuberculosis—the most serious animal health issue after BSE—at 10, and this issue at one.

COT did more work at the request of the hon. Member for Tiverton and Honiton, although she could, of course, have killed the matter stone dead and not resubmitted it to COT. It was then reconsidered by the Food Advisory Committee, and has since been considered by the Committee on Safety of Medicines. As I understand it, the Committee on Safety of Medicines has never agreed 100 per cent. with COT on any issue—indeed, even on issues of substance, it has taken a wholly different view; it is not a rubber-stamping body.

In this case, the Committee on Safety of Medicines went through a consultation process, as the draft regulations are proposed jointly by MAFF and the Department of Health. Products sold over the chemist's counter at dosages of more than 10 mg and up to 49 mg, such as my hay fever tablets, are perfectly okay but nevertheless have to be reclassified; at higher dosages, they have to be obtained through a doctor's prescription. I was interested that, in the story in yesterday's *Evening Standard*, a lady was quoted as saying that she wanted to be told what to take by her doctor, not by a bureaucrat. I think that she is absolutely right—as she has a health need, she needs to be dealing with her doctor.

As has been said, we are talking about food law, not medicine law. I freely admit that there is a gap in the regulatory system—food and diet supplements fall between the two stools—which is one reason why we set up the new expert group. The group will not rush to judgment—as we said when we set it up, we do not expect it to report for between 18 months and two years.

Mr. Hayes: Will the Minister give way?

Mr. Rooker: No, I do not have time to give way.

There is an interesting cocktail of interests. As I told the Chairman of the Select Committee, Madam Speaker and the Leader of the House last Tuesday morning, I received a draft press release for issue yesterday from our American cousins in the dietary supplement industry—going under the name the Council for Responsible Nutrition—the day after the Committee finished its work but before its report was published. In other words, the Committee's conclusions had travelled across the Atlantic and back again before the report was printed; embargoed like everyone else, MAFF saw the report only on Monday.

The cocktail of vested interests includes manufacturers and US scientists, and everyone seems to be citing those American scientists—no one has referred to the European Union scientists. In fact, we are being told by three of our European partners that our proposal for 10 mg is too liberal; they believe that we have the most liberal regime in Europe with the exception of the Netherlands. There are different scientific views within this country and between Europe and America. The Select Committee report comes down on one side of the argument—I do not say that as a criticism or that the report is one-sided.

As I said, there is a cocktail of interests and views, and our scientists are being abused left, right and centre—their integrity has been questioned again in this debate. As I said to the Select Committee, some of the scientists involved in the American work would not have been allowed in the room during the COT or Food Advisory Committee discussions, as their interests were so clear and specific that they could not have been party to the discussion.

In that context, I defend our regulatory system. Our use of scientific advice in policy making has been considered and okayed. Notwithstanding that fact, I still say, as I did to the Select Committee, that its report is a valuable contribution to proceedings. It is a useful report after a long inquiry; although the inquiry lasted only one day, much of that day was obviously spent on this matter, and I would not be so churlish as to say that only one day was spent in thinking about it.

Other reports may yet become available. On the last day of the Ministry of Agriculture's last big consultation, the number of doubled. I am not inviting the same on Friday, but we do not know whether that will happen. It would be churlish to make the announcement that hon. Members have invited me to make. That would go against all that I said to the Select Committee when I was asked what we would do at the end of consultation. I know that it is difficult for Ministers to be believed when they say that consultation on draft regulations is genuine, but it is the reality. Our consultation is genuine, and I cannot tell the House how we will proceed when it ends. We will deal with the cocktail of interests that has been assembled, and we will make our decision and announce it to the House as quickly as possible.

Rotherham and Mexborough

12.30 pm

Mr. John Healey (Wentworth): I am glad to have the chance to debate a decision by the Office for National Statistics to abolish the Rotherham and Mexborough travel-to-work area, a decision confirmed last month. I hope to raise concerns about the statistical reliability of that decision, and to highlight its potential economic consequences. I hope to persuade my hon. Friend the Economic Secretary to the Treasury that the ONS needs to do further work to overcome deficiencies in the data on which its decision was based so that a reliable review can be conducted later this year.

If the loss of our TTWA is confirmed, the area with the highest jobless rate in Yorkshire and Humberside, and with one of the highest rates in the United Kingdom, will be abolished at a statistical stroke. Unemployment stands at 10.2 per cent. in the Rotherham and Mexborough TTWA, and that will be hidden in the new Sheffield and Rotherham area, where the jobless rate is 7.5 per cent. Most seriously, the capacity for Rotherham and the Dearne to win badly needed UK and European funds for economic regeneration will be put in jeopardy.

The move is opposed by Rotherham council, by Rotherham chamber of commerce training and enterprise council, by Rotherham business link and by labour market analysts at Sheffield Hallam university and the university of Sheffield. In short, it is opposed by anyone who knows anything about historical and current labour market patterns in South Yorkshire. The move has no support from neighbouring local authorities, TECs or other agencies.

The ONS report on new TTWAs explains that the areas are important because they

"link workplace with residence",

and they

"enable users to gain a better understanding of how their area operates as a labour market"

They are also

"often used to monitor labour market programmes from both a national and local perspective".

In other words, TTWAs are the principal unit for monitoring labour markets, and the most authoritative unit for measuring unemployment.

Regional selective assistance, the key Government fund for inward investment and local business growth, is based on TTWA jobless figures. Single regeneration budget 1, 2 and 3, rural development area status, rural challenge funds, city challenge funds and enterprise zone status are all UK regeneration programmes for which eligibility is heavily dependent on unemployment. Funds have been won from each of them in the Rotherham area over the past five years. European funding gives similar priorities to areas with jobless problems. Over the past 10 years, objective 2 funding, RECHAR and RESIDER have all provided funds for Rotherham that might not have been won without an accurate local unemployment measure.

I calculate that we have had around £100 million for regeneration from UK and EU grant programmes in recent years. We might not have won that money without our TTWA. I understand and accept that there must be statistical criteria to define travel-to-work areas. I understand and accept the two "self-containment" criteria used to define them. However, I should remind the Minister and the officials of the ONS that a travel-to-work area is a means, not an end. The huge new Sheffield TTWA covers more than 750,000 people, four local authorities, two standard Government regions and a range of diverse communities. As such, it will be of limited use for policy analysis or formulation, and it will mask substantial variations in unemployment.

For those reasons, the new TTWA received strong criticism during the review of the TTWAs. The review was based on the 1991 census, as updated by annual census of employment figures. Rotherham and Mexborough TTWA comfortably met the demand side containment criteria of having 70 per cent. of jobs in the area filled by residents of the area. However, the ONS calculated that our supply side containment—the percentage of all employed residents of the TTWA who work in the TTWA—fell below the 70 per cent. threshold, at 66.4 per cent.

My hon. Friend the Economic Secretary kindly agreed to meet me in March to discuss my concerns. I was grateful for the opportunity to put to her two separate arguments. The first was technical: the figures on which the decision was based were outdated, incomplete and distorted by heavy job losses in coal mining and steel immediately after the 1991 census was completed. The second was economic: the decision will put at risk efforts to regenerate our area after the heavy loss of coal and steel jobs. My hon. Friend stressed her own and the Government's determination to make the ONS more independent of the political process, with the aim of restoring the credibility of Government statistics after years of their being devalued by misuse by the Conservative party. She invited me to deal directly with the ONS, and to develop a statistical and technical case.

I accepted that challenge, with the help of Chris Mallender, the assistant chief executive of Rotherham council, and Glyn Jones, director of Sheffield Hallam business school. I believe that that challenge was met. We had a series of detailed discussions with Steve Hickman, the senior ONS officer in charge of TTWA review, and we reached agreement on several significant adjustments to key data sets, and to the self-containment calculations.

We agreed that the census of employment figures was incorrect for five of the six major industrial sectors; employment in our TTWA had not reduced in the years following the 1991 census; and the closure of 10 local pits since 1991, and large job losses in the steel industry, significantly reduced out-commuting levels, thereby increasing our supply side containment ratio. More recent figures for business start-ups, job creation and inward investment show strong growth in the Rotherham and Dearne economy, which reinforces the trends that began to be established soon after the 1991 census.

Throughout our dealings with the ONS, and in the supplementary data that I have prepared, I have been very conscious of the ONS's concern that any case for the retention of our travel-to-work area will be closely and publicly scrutinised by others. At no stage, therefore, have we exaggerated our case or inflated any of the statistics. Based on that agreement, Mr. Hickman, in a fax dated 5 May, stated:

"From these calculations, taking best estimates, the self-containment of the 1994 Rotherham and Mexborough area reaches 69.2 per cent."

That is less than 1 per cent. variation from the threshold and a level at which the discretion that Mr. Hickman had already made it clear the ONS could use should properly have been exercised. However, he continued:

"This should ideally be 70 per cent. and I do not propose that the former Rotherham TTWA is reinstated."

Mr. Denis MacShane (Rotherham): I took this matter up under the previous Government. My hon. Friend has put forward much more convincing arguments in a statistical demolition of the Whitehall position, but it appears that no amount of facts will allow Whitehall to change its mind. As the Member for central Rotherham, I know that the borough of Rotherham, with its 250,000 people, is quite different economically and culturally from Sheffield. No other unit of 250,000 people in Europe would be merged with a wholly different giant city conurbation. I know that it is difficult for the Minister when she has to present her Department's line, but I ask her to reconsider and send some of the statisticians up to Rotherham to see for themselves. One good visit in situ is worth a thousand econometric and statistical analyses. This unacceptable decision will outrage everyone in the borough of Rotherham.

Mr. Healey: My hon. Friend makes important points about the local identity of Rotherham and resistance to its being subsumed within a Greater Sheffield TTWA.

I was disappointed, dismayed and puzzled by the conclusions that the ONS drew, and by the decision to press ahead with the abolition of our TTWA, especially as there remain a number of unresolved data questions. First, there is the level of self-employment growth and the fact that no adjustment for commuting into the TTWA has been made. Secondly, there is the degree of growth in local jobs; further corrections of the census of employment data are required. Thirdly, new jobs created in our area have mainly gone to part-time women workers. The ONS confirms that such workers

"tend to have shorter commuter distances".

Fourthly, there is the negligible impact of developments in the lower Don valley, particularly Meadowhall, which opened in September 1990 with a full complement of stores before the 1991 census was conducted. Fifthly, increasing local jobs growth and decreasing out-commuting are trends that have strengthened since the mid-1990s snapshot which we developed jointly with the ONS.

I have two fears if the abolition of our TTWA is confirmed. Technically, I fear that the ONS is committing itself to boundaries that relate to an historic labour market that was radically changed after the 1991 census by a profound one-off collapse of mining and steel. Economically, my fear is more serious. Rotherham's recent success in winning the lion's share of regional selective assistance, attracting large inward investors such as Ventura, with 1,750 new jobs promised for the Dearne, and in generating a rate of VAT registrations and business start-ups well above the national average, could be choked off. The technical exercise of redrawing travel-to-work area boundaries could have profound economic consequences for Rotherham and the Dearne.

Mr. Kevin Barron (Rother Valley): I represent a seat wholly inside the borough of Rotherham. My hon. Friend knows that much of my area is not covered by the Rotherham TTWA, while some parts are covered by the current Sheffield TTWA. I have evidence over many years of the disadvantage that I have had. The idea that the closed coal mining communities that I represent in the southern part of my constituency have anything to do with the economics of Sheffield city centre is farcical. It seems that the north of my constituency is to be as disadvantaged as the south has been for many years.

Mr. Healey: As ever, my hon. Friend makes a powerful point.

Will the Minister confirm what her senior official, Mr. Steve Hickman, at the ONS promised my colleague Chris Mallender: that the ONS will keep our TTWA under review for the next six months and will discuss with us further the deficiencies in the data? That is a constructive way forward and a proper approach if we are concerned both with the statistical integrity of our travel-to-work areas and with the economic purposes to which they are put. I hope that she will endorse that in her response.

12.45 pm

The Economic Secretary to the Treasury (Mrs. Helen Liddell): I congratulate my hon. Friend the Member for Wentworth (Mr. Healey) on securing this debate on an issue that he has pursued with great vigour, and on his generosity in allowing the involvement of fellow local Members.

My hon. Friend made the case for reinstating the Rotherham travel-to-work area clearly. I am happy to agree with his final point that there should be further contact between the Office for National Statistics and him in further evaluation of the statistics. I shall deal with that in more detail later.

As the Minister responsible for the Office for National Statistics, I am glad to have an opportunity to explain the new travel-to-work area map and why it does not contain a separate Rotherham TTWA. I will also explain how the ONS intends to consult users about future statistical needs, and what statistics will be available for the Rotherham and Mexborough area.

I recognise that the closure of the coal mines and steelworks in the early 1990s in the Rotherham area will have affected commuting patterns and, potentially, the shape of the TTWA map. I say that with feeling, because my constituency is similar in its history of iron, steel and coal mining.

As my hon. Friend knows, TTWAs are designed to approximate to self-contained labour markets—areas where people not only live but work. As he said, the previous TTWA map was based on commuting patterns that were measured by the 1981 census of population. In 1981, Rotherham was sufficiently self-contained to be a TTWA in its own right. However, when commuting flows from the 1991 census were analysed, Rotherham was no longer sufficiently self-contained to meet the TTWA criteria, and formed a much larger TTWA with Sheffield.

That was true not only for Rotherham and Mexborough but for several 1981 travel-to-work areas. That reflected a general trend towards increased commuting and fewer TTWAs. To put the problem into context, TTWAs used to be the smallest areas for which the ONS published unemployment rates. That was because TTWAs were sufficiently self-contained to be regarded as local

[Mrs. Helen Liddell]

labour markets. However, the ONS now publishes unemployment rates for areas that are much smaller than TTWAs, such as districts. That is in line with the new ONS approach to local labour market statistics, which consists of publishing information down to the lowest reliable level. The ONS is also investigating the feasibility of producing unemployment statistics that go right down to ward level, which will enable users to identify areas of high unemployment far more clearly.

That answers the point made by my hon. Friend the Member for Wentworth about the unemployment in his area being subsumed in a more positive figure for the new overall TTWA. It is important to have accurate statistics at local level, which will enable my hon. Friend and the colleagues with whom he has worked so hard on this issue to make the case for economic development in the area. It might help to reassure my hon. Friend if I make it clear that labour market statistics for the 1981 TTWAs will continue to be made available for at least the next two years.

As my hon. Friend knows, when we jointly met the TTWA review leader from the ONS, we had a full and detailed discussion—indeed, my hon. Friend earned great respect for the reasoned way in which he argued his case. He argued that Rotherham was borderline, because the closure since the census of the steelworks and the coal mines outside the Rotherham boundary had affected commuting flows, and the self-containment criteria could now be met. We agreed that the case required further examination and that the ONS would work with Rotherham metropolitan borough council to evaluate whether the Rotherham and Mexborough area was now sufficiently self-contained to meet the TTWA criteria.

I understand that my hon. Friend and the assistant chief executive of the borough council subsequently met ONS officials and supplied further information, and I am informed that the ONS examined it in some detail. However, the ONS had to conclude that there was still insufficient evidence to demonstrate that commuting flows had changed significantly enough for Rotherham to meet the self-containment criteria. That is why Rotherham and Mexborough could not feature as a separate TTWA on the recently published map.

I know that my hon. Friend is concerned about his area. Every Member of Parliament has a particular responsibility to his or her constituency, but I am sure that he will recognise the importance of the ONS maintaining a consistent approach and treating all users equally. For that reason, any change to the draft boundaries that did not comply with the ONS decision criteria—however marginal the deviation might be—would need to be supported by clear and incontrovertible statistical evidence to maintain the integrity of the map. In the case of Rotherham and Mexborough, the ONS had to conclude that the statistical evidence did not meet the criteria to which it works.

That is not the end of the process. I assure my hon. Friend and the House that the ONS is continuing to listen to the views of users on the new TTWAs and the need for local area statistics. I know that the ONS and Rotherham metropolitan borough council are continuing to investigate data on current commuting flows. The ONS is also working on providing a wider range of data, including unemployment rates, for local authorities and for even smaller areas, possibly even wards. It is intended that, over the next few months, the ONS will listen to user reaction to the new map and work with users to address their statistical needs. Any proposal for changes to the map has to be considered in the context of what positive and negative feedback on the boundaries is received, what other statistical information becomes available and how users' needs develop.

I am happy to give my hon. Friend an undertaking that the ONS will again meet my hon. Friend, once a further six months of statistics have been collected, to allow further evaluation. I hope that that answers his point about outdated statistics. I can tell my hon. Friend the Member for Rotherham (Mr. MacShane) that there is at least one meeting in the diary for next week to allow my hon. Friend the Member for Wentworth to meet officials of the ONS. I am sure that the ONS would be happy to arrange as many meetings as necessary. The geographical location of those meetings is up to the officials and to the hon. Members involved.

I hope that my hon. Friend will accept that offer. I commend him for his diligence and expertise in respect of this matter and congratulate him again on securing the debate. The diligence with which he, his local authority and Sheffield university have pursued the case, and the rigour with which they have argued it, do great credit to all of them. I hope that my colleagues in the ONS will be able to meet them and allay their fears.

Parachute Regiment

12.55 pm

Mr. Gerald Howarth (Aldershot): I thank the Economic Secretary to the Treasury for concluding her remarks so swiftly, thereby enabling me to have a little more time.

I am grateful to have the opportunity to raise the issue of the Parachute Regiment, which is based at Aldershot. I am delighted to see my hon. Friend the Member for Mid-Norfolk (Mr. Simpson) sitting on the Opposition Front Bench. I believe that it will be in order for my hon. Friend the Member for Canterbury (Mr. Brazier) to catch your eye later in the debate, Mr. Deputy Speaker, as the Minister is perfectly happy for him to do so. I should also mention that the hon. Member for Torridge and West Devon (Mr. Burnett), a former marine commando, is greatly concerned about the issues I am about to raise, although he is unable to be in the Chamber at the moment.

Last Friday, His Royal Highness the Prince of Wales presented new colours to the Parachute Regiment on the green open space of the Queen's Parade at Aldershot. It was a truly memorable event, as a glorious English summer's day combined with a splendid military pageant, which itself bore a spiritual dimension. The Paras were indeed

"Furnish'd and burnish'd by Aldershot sun",

as John Betjeman might have put it, but there was one cloud casting its shadow over those marvellous proceedings. If rumours now rife in the camp are true, last Friday's could turn out to be the last parade of the Parachute Regiment in Aldershot. Those rumours have it that, under proposals in the strategic defence review, the regiment, which has been based in Aldershot for most of its 56-year history, will move to Colchester.

I shall address two issues: first, the role of the Parachute Regiment and, secondly, its location. In discussing the first, let me make it absolutely clear that I do not seek to be the mouthpiece for the regiment; that would be to claim an authority that I neither possess nor seek. However, I do speak for the town of Aldershot and its citizens, who include both regular and territorial soldiers.

The Paras are an unashamedly elite regiment. Like their counterparts elsewhere, in the words of Max Hastings and Simon Jenkins:

"They possess a glamour, an aggressive self-confidence and toughness that earn some suspicion and jealousy from other units."

In the British Army, the Parachute Regiment has never been universally popular, but it carries before it an awesome reputation. As Hastings and Jenkins continue:

"Even in peacetime soldiering, most senior officers are conscious of the value of a unit which, when it is needed, is needed very badly indeed: to attempt the impossible."

Nowhere was that more dramatically and heroically demonstrated than in the Falkland Islands, where the Paras walked across inhospitable terrain to attack the enemy from behind, which had never been expected by the enemy and which no one thought ordinary soldiers could do. The Parachute Regiment did it.

The Parachute Regiment forms the key element in 5 Airborne Brigade, one of the two core brigades of the United Kingdom's joint rapid reaction force, which was established just two years ago. Along with their support units, which include 7 Parachute Regiment Royal Horse Artillery, 9 Parachute Squadron Royal Engineers, the Parachute Logistics Battalion and the Parachute Field Ambulance, the Paras provide the main element in a light brigade that is maintained at a high state of readiness and able to move at 24 hours' notice.

Although all three battalions are trained to drop by parachute, that training merely provides one option for delivering the force, as they demonstrated at Goose Green and Mount Longden. The fitness of the Paras and the culture of the regiment combine to make them a fearsome force, regardless of the means by which they arrive at the battle zone. Those attributes apply not only to the infantry, but, in equal measure, to the airborne support units that keep the regiment going.

The rumours suggest that the Government want to amalgamate 5 Airborne Brigade and 24 Air Mobile Brigade, with the new brigade to be based at Colchester where 24 Air Mobile is currently located. I see that the hon. Member for Colchester (Mr. Russell) is now in his place.

The rationale, as I understand it, for consolidation at Colchester is that the troops need to be located close to their new attack helicopter, which I understand is intended to be based at Royal Air Force Wattisham. There can be no doubt that the introduction of the Apache attack helicopter, with its unique Longbow radar, will constitute a formidable addition to our armoury and a significant boost to our rapid reaction force, providing that the Royal Air Force has the heavy lift capability to move it into theatre.

The amalgamation of the two existing brigades must not be undertaken as a cost-cutting measure if it means that existing capability is in any way to be impaired. It will not be enough for the new formation to have one battalion group with parachute capability. It must continue to have a full, rounded capability, including its airborne headquarters and its current joint capability to direct the force and to operate fully integrated with the Royal Air Force. It must also be assured of the endless practice that makes for its immediate deployability. One of the things that make the Parachute Regiment and the airborne forces so important to the Government is that they can rely on them because they are such a highly trained organisation. They have plenty of time to ensure that they are up to speed and ready to move at a moment's notice.

Critics of the Parachute Regiment argue that, because the last time it dropped into a battle zone was at Suez in 1956, parachuting into battle is somehow out of date. It was that scepticism which led to the disbanding of the 16 Independent Parachute Brigade in 1977. The following year, the French sought our support for the deployment of a parachute force in the Kolwezi operation in the Congo. To Britain's embarrassment, we were unable to deliver. As a result, the policy was reversed and the United Kingdom's parachute force was reinstated.

The new parachute enables troops to be dropped from as low as 250 ft. We are not talking about exposing troops necessarily to the risk of dropping from 1,000 or 1,500 ft. We have the technology to deliver them from a height of 250 ft.

Many other nations have parachute regiments, but only a handful—the United Kingdom, the United States of America, France and Israel in the west—have a genuine airborne capability. For example, the United States

[Mr. Gerald Howarth]

employed its parachute regiment in Grenada and Panama. It is vital that we should not make the same mistake as was made by a previous Labour Government in 1977.

It is because airborne forces attract the adventurous and the determined that they, together with their brothers in the Royal Marines 3 Commando Brigade, are elite forces. Their availability for rapid deployment provides the Government of the day with a powerful weapon. As they are a force to be feared, even the threat of their deployment can enable the Government to make a tough political statement.

Currently, there are two parachute battalions in role. My understanding is that they will be reduced to one battalion. More seriously, I understand that the Government plan to axe the airborne support capability—the ability to launch an airborne force, whether delivered by parachute or by tactical air-land out of the back of a C130 Hercules, comprising not only infantry but the other airborne units that I have mentioned, such as medical, logistics and artillery support, which make up 5 Airborne Brigade. I hope that the Minister will be able to assure me that the rumour is unfounded.

Can the Minister assure the House that, in reducing from two brigades to one, the new brigade will be properly resourced to enable it to do the same job as is currently undertaken by the two existing brigades? Can the Minister also assure me that the close integration with the RAF will continue? At present, three RAF officers are committed to 5 Airborne Brigade, demonstrating effective use of "jointery"—an extremely ugly word but one which the Minister has come to understand, as we all have.

Can the Minister also assure the House that airborne forces will retain a strong Territorial Army element? For example, are the TA Parachute Battalion, which is part of the Regular 7 Parachute Battalion Royal Horse Artillery, and the Parachute Medical Squadron, which is part of the Regular Parachute Field Ambulance, to be retained? The House will know that 4 and 10 TA Battalions are able to reinforce the regulars in time of need. I understand that 40 TA Paras are currently on operational service and that, in the past year alone, 25 have joined the regulars. The TA airborne forces are providing a tremendous resource for the Government in the reinforcement of the regulars and providing a source for new recruits for the Regular Army. I understand that the regular force could not operate without TA surgeons and anaesthetists.

I turn to the location of the new formation. As the Member for Aldershot, I wish on behalf of the town to protect its reputation as the home of the British Army. Those who have travelled in the area will know that one cannot approach the town without seeing signs that proclaim the identity of the town and its proud heritage as the home of the British Army.

I entirely acknowledge that those who join Her Majesty's forces accept that they are likely to be moved around. However, as I am sure the Minister will accept, because the Parachute Regiment and airborne forces have been located at Aldershot for many years, many soldiers have settled in and around the town, which has become the home base for the Paras. The town and the garrison have worked together to achieve a harmonious relationship. Indeed, I can give the hon. Member for Colchester some advice should disgraceful rumours become fact. I can tell the hon. Gentleman that the publicans of Aldershot have developed a fine art in servicing the needs of the Paras without putting the civilian population at risk. I am not sure what training the publicans of Colchester might need to achieve the same success.

As the *Aldershot News* has declared, Aldershot is the spiritual home of the Paras. They have become an integral part of the local military and civilian scene. I know that the Minister will understand that, because I know that he has good connections with some of my colleagues, although not of my political persuasion, in the town. I think that the Minister knows also that, in speaking for the town, I not only speak for the Conservative interest but represent those of other political persuasions who share my concerns.

If I am to make a case for the Parachute Regiment and the airborne forces maintaining their presence and their base in Aldershot, it is incumbent on me to advance reasons. Clearly, I am not a military man; I am a politician. However, I believe that there are some clear practical issues that militate in favour of retaining the presence in Aldershot. I shall list my reasons for the Minister.

First and foremost, we have a long tradition and history of the Parachute Regiment being based in Aldershot. Although it is true that the accommodation for 2 Para has been condemned by health and safety and other authorities, and ought to be removed at the earliest possible opportunity, we have the facilities to contain a light brigade at Aldershot. With all the work that is being done to invest in new facilities in the military town, there is no good reason why the infantry should be moved out of Aldershot.

Secondly, we have close at hand—within a mile of the town—7,500 ft of first-class, usable runway at Farnborough aerodrome. Although the operation of the aerodrome has been handed over to TAG, that facility would be available in a national emergency. That is an important and valuable facility to have located so close to the troops.

Thirdly, moving a few miles west from Farnborough, the support helicopters are based at Odiham. The Chinooks could be used for carrying the troops into theatre. That would be a splendid place for attack helicopters to be located. If there is no room at Odiham, a few miles further north there is Royal Air Force Benson in Oxfordshire, which could be available for the same facility.

Moving west again, the fourth reason is that all the helicopter training of the Army Air Corps is based at Middle Wallop. That is another facility which fits into the integrated package of a new kind of air cavalry that the Government want to create and to which my hon. Friends and I have no objection in principle. That facility is within close striking distance of Aldershot.

Fifthly, as we move further across the map, Boscombe Down has a huge runway and airfield facility which could be available in time of need. Currently, the Empire test pilots training school is there, and much flying evaluation is carried out. Moving west, we also have RAF Lyneham and Brize Norton, which are the trooping stations for deploying our troops out of the United Kingdom to the theatre of operation. Yet further west lies Salisbury plain, with all its extensive training facilities.

I understand that the present arrangements are that the airborne forces assemble at the South Cerney mounting base in Gloucestershire before deploying from Lyneham in Wiltshire. If they were to be located in East Anglia, that would greatly increase the journey time west to the mounting base at South Cerney and thence to the airfield at RAF Lyneham. As the Minister will know, it would mean negotiating the M25, so I hope that the deployment would not take place in rush hour, because our intervention force might be delayed outside the 24 hours in which it claims to be able to respond.

That is a practical consideration which needs to be taken into account. In that connection, I suggest to the Government that, as they retain some ownership of land at the Farnborough site, they should organise a mounting base there, perhaps by means of a private finance initiative proposal to build a facility there, close to the Aldershot base.

As we know, the Government's policy is to reorganise Britain's defence forces at no extra cost, although none of us knows when the review will see the light of day—not even, I suspect, the Minister, although he may enlighten us today. By moving 5 Airborne Brigade from Aldershot, the Government will incur substantial additional costs. I have advanced clear operational grounds for retaining the new formation west of London.

If Ministers can advance incontrovertible reasons for basing our airborne forces elsewhere, the people of Aldershot will want to know what alternative proposals Ministers have to ensure the continued role of the garrison town. Rumour has it that an armament brigade is to move to Aldershot. That would present certain problems that I shall not go into today. However, I say to the Minister that, if another brigade is to replace 5 Airborne, it will, of course, receive a warm welcome. My case today has been to advance the cause of retaining 5 Airborne and our airborne forces in Aldershot.

I am immensely proud to be associated with Britain's airborne forces. They are among the very best in the world. They are truly elite forces, excelling at what they do best. They do so because they are driven not by the commercial ethos of an ICI, but by loyalty to the Crown and a commitment to defend our country and our interests world wide and, ultimately, they are prepared to lay down their lives for those causes. The fact that they provide half the recruits to the SAS is testimony to what the Prince of Wales described last Friday as

"the professionalism, toughness and courage"

of the men of the Parachute Regiment. In their short history, they have brought enormous credit to our country. They represent a powerful weapon on which any Government can rely. I should like them to remain in Aldershot.

1.15 pm

Mr. Julian Brazier (Canterbury): I congratulate my hon. Friend the Member for Aldershot (Mr. Howarth) on his excellent speech. I have an interest to declare as a former airborne soldier whose father jumped at Suez.

We all recognise that there is merit in bringing together the airborne ethos with the striking power of the Apache helicopter. The challenge will be to maintain the ability to strike anywhere in the world in a matter of days. In 1978, not only did the French Paras jump into Kolwezi, as my hon. Friend said, but Israeli Paras struck at Entebbe by air landing. Both were highly successful, lightning operations. Retaining that strategic speed will be a considerable challenge, because transporting the logistic tail of the Apache is a colossal undertaking.

There are three tests for a successful marriage. First, will the new headquarters be based around 5 Brigade, the hard-won centre of excellence, with its ability to mount air moves by a variety of means in a matter of days? In the Gulf war, within only a week, the 81st US Airborne had established a substantial footprint in Saudi Arabia. Our own much-vaunted 24 Air Mobile Brigade took several months just to get to Bosnia. This is not an issue about the tactical use of parachutes versus helicopters; it is about the incredible complexity of planning and executing rapid strategic air moves, which only 5 Brigade can do.

Secondly, will the new brigade include the excellent supporting units that my hon. Friend mentioned—the 9 Parachute Squadron Royal Engineers, the 7 Parachute Regiment Royal Horse Artillery and the Parachute Logistics Battalion, in which every soldier is hardened by P Company training? It is a measure of their excellence that one brigade should provide half the successful applicants to the 22 SAS Regiment.

Finally, to maintain enough RAF Hercules crews in trim to move a battalion group, it is necessary to have three or four times as many soldiers who parachute regularly. Will the final order of battle of airborne units, both Regular and TA, be sufficiently large to guarantee the regular practice needed to maintain the RAF's very complicated formation air-dropping skill? That lapsed in the 1970s, when, to our shame, Britain was unable to strike at Kolwezi with the French and Belgians. I am sure that no British Government want to see that again.

1.17 pm

The Parliamentary Under-Secretary of State for Defence (Mr. John Spellar): I congratulate the hon. Member for Aldershot (Mr. Howarth) on securing this debate, and on his thoughtful and wide-ranging speech. It is always good to hear that an ardent Thatcherite recognises the ethos of public service in comparison with a solely commercial ethos. I congratulate the hon. Member for Canterbury (Mr. Brazier) on his brief, but equally well-thought-out, speech. It is good to hear how much the regiments of the British Army are valued by the communities in which they reside.

I hope, in the time available, to respond to most of the points that were made, but I will be pleased to write to the hon. Members to deal with any remaining points.

I partly congratulate the hon. Member for Aldershot on his timing. The Minister for the Armed Forces, who could not be present today, attended last week's presentation of new colours to the regiment—which the hon. Gentleman rightly drew attention to—and, with them, its most recent battle honours; in that sense, it is appropriate that we debate the regiment's future.

As the hon. Member said, the battalions of the Parachute Regiment are famous for their commitment, their skills and their high training standards. The regiment is among the youngest regiments of the British Army, but, if its history is short by the standards of other regiments, its battle record certainly stands comparison with any. Its history is very much a history of our times, especially the desperate nature of many of the actions in which the regiment has been involved—a feature, perhaps, of parachute operations, to which I shall return.

[Mr. John Spellar]

However, it is also relevant and of interest that the regiment was born as the result of a political initiative—a direct instruction from Winston Churchill in June 1940, which gave life to War Office plans which were, at best, in embryo. We are often told that politicians should not interfere in matters that are best left to generals, but the success of the regiment over the years shows that that is not necessarily so. Perhaps we may take that as a good omen for the defence review.

I began by partly congratulating the hon. Member on his timing. However, if his timing had been slightly better, I might have been able to say more than I can today. The future of the Parachute Regiment, as of all the armed forces, has been examined in the strategic defence review. I emphasise, as we have done many times from the Dispatch Box, that, in the review, we have gone back to the very basics. With very few exceptions, declared at the outset, we have taken no aspect of our force structure for granted. We started from scratch. Our conclusions on the full range of defence issues have been submitted by the Secretary of State to the Prime Minister and Cabinet for collective decisions, which we expect very soon.

I am sure that the House recognises, therefore, that, at this stage, it is very difficult for me to go into great detail on the future of any elements of Britain's defence capability. I can say that the defence review has recognised the importance of mobility and of our ability to deploy forces rapidly to areas of crisis, and that we have thought carefully about how we might tackle situations in which no friendly port or airfield is immediately available. In fact, few areas in the defence review have received closer study.

The ability to deploy force quickly in the early stages of an international crisis can be crucial. Such forces can have a military and political impact well beyond the size of the units deployed. There is no faster way of deploying units to a combat zone than by air—especially if there are long distances to travel. In such circumstances, where there is no suitable airfield in friendly hands, the best way to land may be by parachute. Obviously, therefore, we need to retain a parachute capability. The question that confronts us, which the hon. Member for Aldershot rightly identified, is how big that capability should be.

By definition, airborne forces must be lightly equipped. Lightly equipped means potentially vulnerable. History is full of examples of airborne forces suffering heavy casualties in the face of determined opposition. Therefore, the circumstances in which we would be prepared to risk deploying forces by parachute will inevitably be constrained.

Aircraft are an expensive way of moving troops, and even light troops demand a lot of aircraft. Whatever strategic-lift assets we have will be in heavy demand at the outset of a major operation. To dedicate enough resources to allow an airborne landing for a full brigade would almost certainly have significant penalties for our military capability elsewhere.

However, the picture that I am painting is not a bleak one for the Parachute Regiment. Undoubtedly, as we all recognise, warfare and circumstances are changing, and our forces must change with them. New equipment offers new opportunities, and could profoundly affect our tactics and battle plan. For example, as the hon. Member said, the attack helicopter is due to enter service in 2003, promising to bring unparalleled flexibility and firepower to the battlefield. It is a formidable enhancement of power and the ability to project that power.

I mentioned the vulnerability of light forces. Two ways of reducing that vulnerability are to increase their mobility and to increase firepower. That is one reason why we have been developing the concept of a formation that combines the advantages of our airborne forces—which were rightly identified by hon. Members—and the attack helicopter. Such a formation could be a key part of our plans for rapid but effective deployment of force in future. It would offer an exciting, challenging role at the cutting edge of military technology. It would demand all the very best qualities of the best of our forces.

I cannot yet say that we shall do that, but I can say that, if we were to take that route, the Parachute Regiment could play a major role, drawing on its historic strengths and ethos. Whatever the outcome of the review, it is clear that the requirements for rapidly deployable air-minded forces will continue.

The second question that the hon. Member rightly raised was whether the parachute battalions based in Aldershot could be located elsewhere as a result of the review. Obviously, that is a matter of keen and legitimate interest for him and for the town—as it is for us—because it touches on the relationship between his constituency and the Regular Army. It is Aldershot's proud boast to be the home of the British Army. The hon. Gentleman was right to point out that I have also received representations from the Labour group on Rushmoor borough council; I congratulate the hon. Gentleman and the group on working together to advance the interests of their constituency.

I hope that the hon. Member will understand, once again, that I cannot give a full answer to his question. There is a limit to what I can say at this stage about the detailed consequences for the location of individual units. The review has been primarily about the size and shape of the armed forces in all services. On that, as I have said, we hope to announce soon the decisions that have been taken.

Even if those decisions affect the Parachute Regiment, it will be some time before we can say with certainty whether the two battalions in the hon. Member's constituency will be affected in the way that he describes. I do not expect that we shall be able to take decisions about the possible location of units before the autumn.

However, it is normal practice to ensure that units are located with, or within a reasonable distance of, others with which they are linked for operational purposes. That is especially important for elements of the Army that must be at relatively high readiness. That means, for example, that units within a single deployable brigade will generally be located in the same area. If they are not, it becomes difficult to exercise effective command of the brigade, as I am sure the hon. Member recognises. We try where we can to ensure that units are placed close to where they can train. For those reasons, we would expect those who plan these matters to want to locate the two parachute battalions with, or near to, other units within whichever brigade they are part of after the review.

It is important not to see the issue as one of the Parachute Regiment in isolation. There are likely to be a number of moves as a consequence of the strategic

defence review. I can assure the hon. Member that it is highly unlikely that there will be a significant diminution overall of the Army's presence in Aldershot. Units may come and go, but Aldershot will remain among the most important of the Army's garrisons. The Army will need the infrastructure and access to training areas that the garrison affords. Not least, it will enjoy and value the long-standing good will of the community. I can reassure the House that the relationship between Aldershot and the Regular Army will continue for many, many years—the hon. Gentleman gave many of the reasons why that should be so.

The hon. Member for Canterbury mentioned the Territorial Army parachute battalions. We have great respect for their qualities, but I am sure that the hon. Gentleman realises that it is not possible to make pronouncements about one of the elements of the Territorial Army while the future shape of the Territorial Army as a whole is being considered.

The history of the armed forces is one of evolutionary change while building on the best of our traditions. We no longer deploy the cavalry on horseback, but the ethos and traditions of the cavalry regiments remain. There is no doubt that the Parachute Regiment will remain as a potent element of our armed forces, but to ignore the need to modernise and to adapt to the demands of the battlefield of the next century would be to risk undermining the regiment's effectiveness and, ultimately, its future.

Immigration (Domestic Violence)

1.29 pm

Ms Margaret Moran (Luton, South): I am grateful for the opportunity to raise an issue of long-standing concern: the unique and often terrifying position of women suffering from domestic violence at the hands of their spouses, on whom they are totally dependent for their right to reside in this country. In 1995–96, a survey by Southall Black Sisters found 512 black and migrant women in such a situation. There are no current figures, but evidence from law centres and refuges around the country suggests that, while known numbers are relatively small, for obvious reasons which I shall outline, the problem, sadly, is still with us.

Domestic violence is a crime and an outrage whenever and wherever it occurs, and it cannot be tolerated, but the situation for such women is immeasurably worse. Theirs is truly the silent scream. For them, the choice is stark, and, at its worst, is continuing abuse and violence or deportation. I do not need to remind hon. Members of the horror of domestic violence, or of its effect on women in this country.

I worked for a housing association for more than 13 years, and dealt with women who were fleeing domestic violence. I was also involved in campaigns on the issue for many years before that, and saw far too often the way in which domestic violence affects women and their children. Women experience constant terror of doing something—anything—that might set him off, and do not know when or why that might happen. They fear for their children, for themselves and for their self-worth, and fear that the neighbours or the family will hear what is happening. They experience fear and guilt over and over, until all that remains is a bruised body with the inner self sucked out of it.

It takes courage to run, but there are far too few places to run to, and they are struggling to get by. Where could these women run to? Newly arrived in this country, they may have to cope with a strange language, a strange country, a strange family and strange institutions. In addition to the fear of violence, they are in constant fear of almost certain deportation if they speak out or seek help.

I know that my hon. Friend the Under-Secretary of State for the Home Department has a long-standing interest in this issue, not least because he, too, was impressed by the evidence given by Southall Black Sisters to a Home Office inquiry on domestic violence. Happily, he is now in a position to ameliorate the worst effects for women faced with this dual dilemma, and I am sure that he will want to act to demonstrate the Government's commitment to making zero tolerance of domestic violence a reality.

It would be remiss not to applaud the work that my hon. Friend, his colleagues and the Ministers for women have done in the short time since taking office. I am pleased that my hon. Friend the Under-Secretary of State for Women is on the Front Bench today. As the Minister of State, Home Office, my hon. Friend the Member for Gateshead, East and Washington, West (Ms Quin), said in a recent speech, action to tackle domestic violence that has been taken so far includes a commitment to core funding to the Women's Aid Federation and to women's refuge spaces, money for training, facilities in refuges, and an extra £31 million for Victim Support. I welcome the forthcoming strategy to tackle violence against women being developed by the Ministers for women.

The Government have shown, in contrast to their predecessors—none of whom, sadly, is in the Chamber to hear this—that they consider domestic violence to be a widespread problem which needs to be tackled swiftly. We urgently need to improve the scant and uneven resources and remedies available to abused women. When 25 per cent. of violent crime is by men against their women partners, and 48 per cent. of murders of women are by current or former partners, no one should underestimate the extent of the task we all face, but many of the sources of advice and help available to women are effectively denied to women with immigration problems.

Many such women cannot turn to state agencies, because of language difficulties or because they fear the agencies' role in relation to immigration rules and that their spouse may threaten to get them deported. The one-year rule places them in an invidious position. A woman arriving in the United Kingdom as a spouse will be given temporary right to remain, which remains temporary for 12 months, when she is required to apply for indefinite leave to remain. If the marriage breaks down within that period, she is required to leave. If she does not, she faces deportation.

These women face a stark choice. Luton law centre, which should be commended for its professional approach to dealing with legal problems in my constituency, has informed me that clients often stay in appallingly violent relationships rather than risk deportation. That cannot be right, but there is no doubt that that rule creates a power imbalance which violent men clearly exploit.

Women become reluctant even to report the violence, for fear of deportation. Luton law centre has told me of a current case in which a Bangladeshi woman will not report her husband's violence or even seek medical help for her injuries because she is so afraid of the effect on her immigration status. That is compounded when women and their children are terrified to return to their countries of origin, where they may face discrimination or even persecution from their families and communities—sometimes, sadly, with state support.

Divorced or separated women may be considered to have "defiled" the honour of their families, and may face destitution or worse. No wonder that Luton Women's Aid has been contacted by three women in such a situation in the past six months, all of whom have either stayed in this country or returned to violent relationships. Their temporary status does not allow them to have recourse to public funds, and inability to afford a refuge place can compound that decision, although refuges such as Luton Women's Aid work hard to raise funds to assist women in such circumstances.

We also have evidence that women are kept in ignorance of their legal rights and the need to apply for indefinite leave. Hon. Members should consider the situation of a women in my constituency, who married and moved to this country, only to discover her husband's progressive violence—including, on occasion, violence against the children. Eventually, the abuser was arrested and charged with common assault. He was bailed, but so terrified was my constituent that she fled with her children, and little else, to a refuge. Her family in her

country of origin has ostracised her, and she fears to return. Her children have been traumatised—the more so now that she has been told that she may be deported.

What is my constituent to do? What is to become of her children? The options are losing them to care, or returning to fear and the involuntary deportation for her youngest, British-born child. She has no source of income, and relies on help from the refuge and emergency social services payments. The sad fact is that our immigration rules say that she must go if her marriage had broken down before an application for right to remain had been made. She can appeal to my right hon. Friend the Secretary of State to use his discretion outside of the immigration rules, but Luton law centre has told me that, in its experience, not a single approval to remain has been allowed since September 1995.

The chances for such people are slim, because the rules do not allow the reasons for the ending of the relationship to be taken into account. Although there are limited rights of appeal, that process can consider only whether the Home Office followed immigration law. If it decides to deport such a women, as in my constituent's case, there is no meaningful right of appeal unless she had been in this country for seven years.

Our system takes no account whatever of the fact that a woman may have fled violence and abuse, for her own sake and that of her children. We cannot be telling such women that they have no right to security against domestic violence in this country—that surely cannot be the message we are sending them. In a civilised society, are we really telling women that they have no right to protection against violence?

I have outlined in some detail the dilemma which women in this situation face, because I believe that to understand their problems and fears will help us to formulate the good policy needed to end the sad, stark choices those women face.

What are the options? Southall Black Sisters are to be commended for their work in respect of proposals for changes to the one-year rule and levels of evidence required in such cases. I hope that the Secretary of State will fully recognise the difficulties that these women have in seeking recourse against violent men in the courts. It is a difficult decision for any woman to go to law, but more so for women in this situation. Requirements for evidence in these cases, which risk exacerbating a violent situation, could be counter-productive. I know that some solicitors advise women, in good faith, not to pursue civil proceedings, in order to avoid worsening an abusive domestic situation.

As the Select Committee on Home Affairs, in its 1993 report on domestic violence, said:

> "Neither the criminal nor the judicial statistics will ever prove a full picture of the incidence of domestic violence since many victims will neither report the violence to the police nor take action in the civil courts."

How true, and how much more so in the case of women who fear that the repercussions will be further abuse and threat of deportation.

I hope we will hear from the Minister a commitment to make the urgent changes which are so desperately needed for these women. I hope, too, that his conclusions will lead him to the view that the standards of proof needed in such cases must be set at a realistic and workable level. We need changes that are transparent and accountable, and which allow a right of appeal based on the evidence of domestic violence.

The Southall Black Sisters report, which my hon. Friend has seen, offers many solutions to the problem. He and his colleagues have said that they seek a fair and firm immigration policy. Currently, the immigration rules for these women do not provide that. They entail several useless appeals that clog the system, none of which take into account the real reason for the breakdown of the relationship and the horror of domestic violence.

Southall Black Sisters have recommended the ending of the one-year rule. However, I appreciate that it may not be appropriate to do that immediately, in the context of a full review of immigration rules. However, regulations may be amended to enable the Secretary of State to take into account domestic violence, the effect on children and the fear of being returned to the home land.

Other options that have been suggested include a change in the benefit rules, under which women currently have no recourse to any means of support. Women need to have some independence. The benefit rules currently exist to give temporary assistance to certain persons from abroad who are awaiting a decision on their immigration status. A relatively minor change could be made to include women fleeing domestic violence. I hope that the Secretary of State and my hon. Friend the Minister will look sympathetically on some of those proposals.

Domestic violence is a cowardly crime. It cannot be right that our immigration system implicitly condones, or at least does nothing to prevent, that crime. That is why I and the Southall Black Sisters, to whom I pay a whole-hearted tribute for the dedication and detail with which they have pursued this issue, believe that my hon. Friend must act to give some hope to the women who endure this tragic choice. For the sake of my constituent and all women in this position, we ask my hon. Friend to act soon.

1.43 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): I am most grateful to my hon. Friend the Member for Luton, South (Ms Moran) for bringing this matter to the attention of the House today. As she is aware, I was a member of the Home Affairs Select Committee which investigated and reported on this very issue. I am therefore deeply aware of the misery and anguish that can arise from the feeling of being trapped in a violent situation. I shall refer further to that report in a moment.

I shall begin by explaining the rationale behind the policy on the admission of spouses. The immigration rules provide for an overseas spouse to join a person settled here, as a way of enabling the continuation or formation of family life. As admission in that capacity leads to settlement, it is a category which has attractions for those intent on abusing the provisions of immigration control. In an attempt to minimise the scope for such abuse, the immigration rules require a number of other criteria to be met before entry clearance can be granted to someone as the overseas spouse of a person present and settled in the United Kingdom. They include the couple's ability to maintain and accommodate themselves and an intention to live together permanently as husband and wife.

Once entry has been gained in that capacity, a further measure against abuse is applied. That is the arrangement whereby the person admitted is given leave to enter for

[Mr. Mike O'Brien]

12 months in the first instance. At the end of that period, the overseas spouse may apply for indefinite leave to remain, or for settlement. If checks at that stage show that the marriage is subsisting and the other requirements of the immigration rules continue to be met, settlement is granted. If, for whatever reason, the marriage has broken down during the probationary year, settlement is normally refused. That is because the fundamental reason for the person's admission in the first place—to continue or commence a stable family life—no longer exists.

I hope that the House will agree that, in the generality of cases, that is the only sensible way to operate a firm but fair immigration control. I do, of course, accept that the policy relating to the probationary year—commonly referred to as the one-year rule—has its critics, including Southall Black Sisters. I would only say at this stage that the United Kingdom is not alone in operating such a policy in relation to the admission of spouses. Indeed, a number of our European Union partners impose a considerably longer probationary period before permanent residence is granted. Because of its importance to the integrity of immigration control, the Government do not intend to abandon the one-year rule.

However, as we have heard today, what may be entirely defensible for the generality of cases can also place a relatively small minority of individuals in a particularly distressing dilemma. When the overseas spouse becomes the victim of domestic violence during her first year here, she faces the prospect either of staying within that violent relationship or of being refused settlement if she escapes from it, because the marriage would then be no longer subsisting.

Like my hon. Friend, I pay tribute to the work of Southall Black Sisters, who brought this matter to the attention of Ministers and the House. My hon. Friend has already referred to the fact that I was a member of the Home Affairs Select Committee when it looked into issues surrounding domestic violence. Its third report in the last Parliament dealt with domestic violence. It drew attention to a number of sensitive issues relating to black and ethnic minority victims.

The evidence given by Southall Black Sisters was described by the then Minister—I endorse the description—as moving and poignant. They warned, rightly, against creating any stereotype of Asian cultures and life styles. However, they said that it was important to deal with some special problems within the Asian community. They identified three main problems: first, the lack of confidence in the police and the criminal justice system; secondly, that the police tended to be reluctant to intervene in Asian communities because of their perception that they had their own internal mechanisms of policing; and thirdly, the grave pressure felt by Asian women about not breaking the norms and values of their religion and culture, and bringing dishonour and shame upon their families by reporting domestic violence.

We need to overcome some of those problems. Since that report, the police have begun to take domestic violence seriously, both generally and in ethnic minority communities. We also need to encourage ethnic minority communities to feel that, when women are victims of domestic violence, it is right either that they should report it to the police, who must ensure that the criminal procedure is operated, if that is appropriate, or civil orders are put in place. That is one of the conclusions that I have come to from looking again at the evidence from Southall Black Sisters.

Paragraph 35 of the Select Committee report sets out the problem graphically. It says:

> "Some black and ethnic minority women may be particularly inhibited from reporting domestic violence because of the provisions of immigration legislation. In essence, a spouse of a person who is present and settled in the United Kingdom is admitted to this country for an initial period of 12 months. During that period, she or he may not have any recourse to public funds, and, if the marriage breaks down, is liable to deportation. If a woman with this immigration status is the victim of domestic violence, as the Southall Black Sisters told us, she is likely to be fearful of using either the criminal or civil justice system because she realises that she is at risk of being required to leave the country, and believes that the authorities will take action against her. Consequently, her choice is stark—she must risk her physical safety or risk deportation, and she will not even have the opportunity to use the social security system if she needs refuge accommodation. According to the Southall Black Sisters, some men and their families exploit this position of power over their spouses so that women fear that even if the police do not denounce them to the Immigration Nationality Department . . . their husbands will."

The report went on to conclude:

> "We recommend that the Home Office inquire further into the scale of the problem, and consider what changes in IND practice might be appropriate to accommodate cases of genuine hardship whilst avoiding any collusion or deception intended to circumvent the Immigration Rules."

I was a Back-Bench member of the Select Committee that inquired into the issue and heard that evidence, and now that I am a Minister, I have worked closely with Southall Black Sisters to see how we can change the law. We want to ensure that we comply with the Select Committee's recommendation. We need to consider the nature of the problem, which involves a relatively small number of women. We must create mechanisms that prevent the exploitation of any gap in the immigration rules, and, at the same time, deal with the problem of domestic violence.

My right hon. Friend the Home Secretary and I have given much thought to what, if anything, could be done to help those who are in the invidious position described in the report. In doing so, we found it helpful to discuss these issues with Southall Black Sisters. I pay tribute to them for putting their case with lucid and reasoned argument.

In areas such as this, where the need for flexibility on humanitarian grounds is recognised, it is incumbent on us to ensure that, in addressing the issue at hand, we do not at the same time run the risk of opening doors to new ways of defeating the proper requirements of immigration control. The recommendation of the Select Committee on Home Affairs recognised that risk.

It is also important to look at the evidence that an applicant may be asked to produce to show that he or she has been the victim of domestic violence. Victims of domestic violence are usually women, but we must recognise that men are also sometimes the subject of such violence. When I was a practising lawyer, one of my first such cases involved a man who was the victim of severe domestic violence. However, most cases involve women victims of appalling domestic violence. We want to tackle that problem, not only in our broad policy agenda but in the particular area of immigration control.

We should examine the evidence that the person produces and see whether the applications can be dealt with swiftly—which is very important—and with fairness and consistency. Above all, there must be objective criteria. Anything less would place on officials the impossible and inappropriate burden of making judgments about the quality of a relationship, and apportioning blame for the breakdown of the marriage.

We cannot agree to all that Southall Black Sisters have sought. Our task is to balance the need for firm immigration controls with the need for compassion. Such a balance is difficult to achieve, but the case for some change is well made. We shall have to see whether the changes we make work, or need to be further refined in the years to come.

I have considered whether we should make a change by way of concession or by way of rules. Initially, it would be appropriate to make any change by concession, and to see how that works before considering whether a rule change is required. A rule change is a bigger step, and we must ensure that we get it entirely right. A period of concession would enable us to refine the operation of any possible rules before we put them into the rule book.

We are trying to balance control and compassion. That raises difficult issues, but they are not insurmountable. I have listened carefully to the points made by my hon. Friend the Member for Luton, South, and to those made by Southall Black Sisters. My right hon. Friend the Home Secretary and I will take account of all that has been said, and I should be able to announce our conclusions shortly. I hope that any measures we take will be seen as a step in the right direction. No one can guarantee that they will be an endgame or a panacea, but I hope that in due course we shall be able to take that step.

It being before Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Sitting suspended pursuant to Standing Order No. 10 (Wednesday sittings), till half-past Two o'clock.

Oral Answers to Questions

WALES

The Secretary of State was asked—

Agriculture

1. **Mr. David Hanson** (Delyn): If he will make a statement on discussions relating to agriculture during the recent visit to Wales of the President of the European Union Commission. [45897]

The Secretary of State for Wales (Mr. Ron Davies): I discussed a number of issues with President Santer on the occasion of his visit to Wales on 29 May, particularly the lifting of the ban on the export of beef. The Commission's proposal for a UK date-based export scheme is a key step towards lifting the export ban throughout the UK. The Government are working hard for an effective scheme which allows exports to resume.

Mr. Hanson: My right hon. Friend will be aware that, at its last meeting, the Standing Veterinary Committee of the European Commission yet again deferred—until July—a decision on the date-based export scheme. Can my right hon. Friend assure the House that the Government will do all that they can, from the Welsh Office and the Ministry of Agriculture, Fisheries and Food, to ensure that the Commission reaches a decision early so that Welsh beef can be exported again, and so that the success of Welsh farmers can be improved?

Mr. Davies: I can most certainly give my hon. Friend that assurance. I agree with his comments about the desirability of raising the export ban. He will be interested to know that the matter comes back to the Standing Veterinary Committee on 7 July. Between now and then, the British Government will seek to maximise co-operation with our European colleagues so that we are successful on that date.

Seeing the hon. Member for Woodside—

Dr. Liam Fox (Woodspring): Woodspring, please.

Mr. Ron Davies: Seeing the hon. Member for Woodspring (Dr. Fox) on the Opposition Front Bench reminds me that, during his days as a Foreign Office Minister, he displayed a poster saying "Stuff the EU". I should like the House to contrast the mindless confrontation of the previous Government, which got us nowhere, with this Government's positive attitude. We are actively seeking co-operation which, after many years of chaos, at last brings the hope of some lifting of the dreadful curse on the British farming industry.

Mr. Richard Livsey (Brecon and Radnorshire): I am interested in what the Secretary of State said about the lifting of the beef ban, and I hope that that will happen this calendar year. Did the right hon. Gentleman also discuss the retirement scheme, and whether it was possible to change the rules so that Welsh family farms do not have to be amalgamated in order to qualify, and to give young farmers a chance to get on to the bottom rung of the farming ladder?

Mr. Davies: As the hon. Gentleman knows, I was in his constituency last Friday, when I discussed with young farmers, from his constituency and throughout Wales, the particular problems of the European regulation as it relates to the restructuring that we currently want. He will know that, at the moment, there has to be some amalgamation of farms under that regulation, which will result in the loss of farming opportunities. That is a matter of concern which the Government will look at closely as we seek to restructure the industry so that it can more effectively meet the challenges of the future.

Mr. Ted Rowlands (Merthyr Tydfil and Rhymney): When the President of the Commission visited my right hon. Friend's constituency and mine, did he fully appreciate the needs and wishes of our communities—particularly the fact that their gross domestic product per capita is 62 per cent. of the European average? Did we manage to get across the powerful message that we deserve objective 1 status, and did the President approve that idea?

Mr. Davies: I can certainly confirm that the President travelled with me through my hon. Friend's constituency, and it is fair to say that he was very impressed with the case that was made. My hon. Friend's constituency has reservoirs of poverty and unemployment as bad as those anywhere in the United Kingdom. The British Government's case has been submitted to Eurostat by the British Government's own statistical service. During my discussions with the President, I certainly impressed on him the need for maximum support for the case that we have submitted on granting Wales objective 1 status. I think he fully accepts the justice of our case, which was based on low GDP levels throughout the west of Wales and the valleys.

Mr. Nigel Evans (Ribble Valley): It is clear that some of our European politicians are as out of touch as the Government with the plight of farmers. It is quite unbelievable that Members of the European Parliament are contemplating doubling their salaries at a time when farmers' incomes have been halved. Today—after his discussions with the President of the European Commission—what fresh measures can the Secretary of State announce to help the farmers and other people who, just a few days ago, marched through Cardiff in protest at the fact that their plight is falling on deaf ears among the Government? Does he realise that there will be fresh job losses throughout the rural economy if there is no fresh help for our farmers?

Mr. Davies: The message that farmers gave me on Sunday was not about their plight falling on deaf ears. I invited them into the Welsh Office, where I had a very courteous, civilised and helpful discussion with them. They of course told me about the difficulties that agriculture faces, but also stressed that a backlog of difficulties has developed in the red meat industry over the past 10 years—during which the industry has declined because of the previous Government's failure to establish a proper marketing policy for Welsh products,

and because of the problems with BSE, which were a direct consequence of that Government's inactivity. As I told my hon. Friend the Member for Delyn (Mr. Hanson), on 7 July, the Standing Veterinary Committee will again consider the export ban. I hope that the Opposition will now join the Government in trying to put right that wrong, which has existed for a very long time.

Gwent Tertiary College

2. **Mr. Llew Smith** (Blaenau Gwent): Pursuant to his Department's letter of 1 June, when he expects to have completed the collation of data relating to European moneys allocated to Gwent tertiary college for each individual project. [45898]

The Parliamentary Under-Secretary of State for Wales (Mr. Peter Hain): I shall continue to give my hon. Friend all the information that I can. I strongly support the chairman and new principal of the college in today calling in the fraud investigation and inspection unit to investigate, in liaison with police, the receipt and allocation of European social funds by the college in 1995 and 1996. I expect a thorough inquiry to be conducted, with robust and vigorous action taken against anyone found responsible for any wrongdoing. From the time when I was informed of the history of serious mismanagement of the college, I have been determined to ensure that the college is re-established on a basis of high educational standards, sound finance and good management.

Mr. Smith: The Minister will be aware that, for many months now, I have been requesting information on the European funds that have gone to Gwent tertiary college and on the individual amounts of European money—which should have been matched by the college—that have gone to individual projects across Gwent. He will be aware also that I have requested information on correspondence that went to the corporation, in June 1997, warning it that use of the European funds would not stand up to serious audit, and requesting information on what action had been taken.

Until now, the Minister has failed or refused to provide me with that information. When will I receive that information, which is being demanded not only by me and other hon. Members but by the college's staff and students, the general public and those who are involved in the projects? The demand is justified—especially given that the Labour Government are quite rightly committed to a freedom of information Act.

Mr. Hain: I remind my hon. Friend that I have repeatedly invited him to come to the Department and discuss and clarify with me, and officials from my Department and from the Department for Education and Employment, exactly what information he requires. There is now a serious fraud investigation at Gwent college. I hope my hon. Friend will join me in ensuring that the investigation is conducted speedily, and that its outcome re-establishes the college, so that it has the local community's full confidence in providing education services, as it should be doing.

National Assembly

3. **Mrs. Teresa Gorman** (Billericay): If he will make a statement on the impact on staff levels in the Welsh Office of the creation of a Welsh assembly. [45899]

The Secretary of State for Wales (Mr. Ron Davies): Our best estimate of the impact on staff levels was set out in the White Paper published in June which was endorsed in the referendum last September. It was included in the explanatory and financial memorandum to the Government of Wales Bill, approved by the House with a majority of 231 on Second Reading. Since then, no decisions have been taken which would alter that estimate.

Mrs. Gorman: I thank the right hon. Gentleman for that answer. Can he possibly be happy that the Government are spending so much money on setting up new institutions at a time when there is a shortage of teachers and class sizes are growing, and when there is a shortage of nurses, and hospital waiting lists are growing? Should not the Government be spending the taxpayers' money on front-line services instead of the frills and furbelows of new administrations?

Mr. Davies: Of course I am happy with the plans, because they are my plans. They are the basis on which my colleagues and I were elected at the general election last May which removed the last Conservative Member from Wales, and were endorsed in the referendum last September. So, in direct answer to the hon. Lady's question, yes, I am satisfied with the plans. I am rather surprised that the hon. Lady should profess such great concern for the financial health of Wales, because, when he was Secretary of State the right hon. Member for Wokingham (Mr. Redwood), whom she would regard as a particularly close soulmate, was responsible for taking £110 million from the Welsh block to return it to the Treasury.

Ms Jackie Lawrence (Preseli Pembrokeshire): Will my right hon. Friend also confirm that the Welsh assembly has a major remit to deal with quangos in Wales, which mushroomed under the previous Government? Between 1994 and 1996, funding for the top 10 of those quangos doubled from £26 million a year to £51 million a year, at a time when the retail prices index went up by 6.1 per cent.

Mr. Davies: Yes. My hon. Friend is absolutely correct. I remind her that the case that the Government put forward during the referendum was that there would be a substantial restructuring of the quango state. We have already started that process. We have done away with a large number of quangos, producing savings to the Welsh block. There will be further savings to come as we deal with the remainder of the quango state. The whole purpose of the assembly is to make sure that public money which is available in Wales goes directly to providing services that the people want.

Mr. Dafydd Wigley (Caernarfon): Should not the Secretary of State be unsurprised by the comments of the hon. Member for Billericay (Mrs. Gorman), given that she, her hon. Friends and Conservative candidates for the national assembly are doing nothing but trying to

undermine the credibility of the national assembly, despite what was said by the Leader of the Opposition at Llangollen recently? Will the right hon. Gentleman comment on the intentions of the Welsh Office in reviewing the staff structure for the assembly unit dealing with the European Union? In view of the difficulties that have been experienced over objective 1 status, and the problems faced by Denbighshire county council over grants from Europe, is there not a need to look at the European section in some depth?

Mr. Davies: Yes, there is. How we restructure the Welsh Office in the run-up to the creation of the assembly next year is a difficult issue. I very much welcome the constructive approach of the right hon. Member for Caernarfon (Mr. Wigley). During the coming months, it is my intention to invite the right hon. Gentleman and his colleagues, and those representing other parties in the House, to join me in discussing where we can reach agreement before next May so that the institutional changes that are necessary reflect the broad consensus. I hope that all parties present will accept that invitation.

However, I am not much struck by the ability of the Conservative party to offer advice on these matters, as I note from the front page of *The Times* today that the Conservative party has an income of £600,000 a year and expenditure of £3 million a year, and that the first casualty of the imposed planning cuts is the Conservative party office in Wales, which is to close.

Mr. Donald Anderson (Swansea, East): Will my right hon. Friend confirm that that is a good example of the actions of those who know the price of everything and the value of nothing, and that there is a big contrast between Conservatives in Essex and elsewhere and Conservatives in Wales, who are falling over themselves to stand for the assembly?

Mr. Davies: Yes.

Dr. Liam Fox (Woodspring): In view of the Secretary of State's plans to spend £113,000 or more on a chief legal officer, will he tell us the numbers, salaries and civil service grades of the support staff required for the chief legal officer?

Mr. Davies: One of the principal duties of the chief legal officer will be to advise me on such matters. That is the sensible way to proceed. The appointment is being made on the normal civil service terms for an appointment of such seniority and importance. I hope that the hon. Gentleman is not seriously suggesting that the assembly should have a second-class lawyer and poorer legal services than any of the Whitehall Departments with which it has to deal.

I should like to take this opportunity to congratulate the hon. Gentleman on his elevation to the shadow Cabinet. We can hope that he is better informed than any of his predecessors, because I am told that, unlike them, on a clear day he can see Wales.

Dr. Fox: The Secretary of State failed to get even the name of my constituency right at the outset. His lack of preparation seems to be matched only by his lack of knowledge of detail on this issue. As someone who seeks to hold the offices of Secretary of State and First Secretary in Wales, how does he square the conflict of representing an assembly independently with collective Cabinet responsibility?

Mr. Davies: The composition of the British Cabinet is for the Prime Minister to decide, and who is First Secretary of the Welsh assembly will be for the Welsh assembly to decide. I know that the Tory party in Wales is in great difficulty, but I hope that the hon. Gentleman will be more positive and come up with some constructive proposals. With the referendum behind us, it is time to stop all the negative, carping criticism that we have heard over the past 12 months. The hon. Gentleman should realise that some people in his party in Wales are seeking to drag Wales down; they are happy to gain cheap publicity for the Tory party, even though they know that it means bad news for the people of Wales.

Mr. Rhodri Morgan (Cardiff, West): I thank the Secretary of State for confirming, in answer to the main question, that there is provision for 100 additional staff. Does he agree that those 100 additional staff are the equivalent of the Clerks, the Library staff and the others who serve this House? With a Cabinet model in the assembly, with Front Benchers and Back Benchers, the purpose of those 100 additional staff should be to give independent advice to the Back Benchers in the Welsh assembly. They should be responsible to the equivalent of the Speaker, and independent of the civil service.

Mr. Davies: My hon. Friend is partly right, but drawing a parallel with this House does not take him along the right lines. There will not be Back Benchers as there are in this House, because the Committee system will ensure that all Members of the Assembly have a constructive role in framing policy, so there will not be Ministers and an Opposition. I hope that an Opposition mindset does not develop in the assembly. However, my hon. Friend is partly right to say that there will be a need to set up a Department that is broadly equivalent to the Department that you head, Madam Speaker. Members of the Assembly will need access to a unit that is slightly set apart from the mainstream civil service, which will be responsible for answering to the Secretaries who take the executive decisions in the new assembly.

Celtic Heritage

4. **Mr. Andrew George** (St. Ives): If he will introduce measures to develop cultural links relating to Celtic heritage with *(a)* Scotland, *(b)* Cornwall, *(c)* Isle of Man, *(d)* Ireland and *(e)* Brittany. [45900]

The Secretary of State for Wales (Mr. Ron Davies): Cultural links with other Celtic communities have already been developed by the Welsh Language Board, the National Eisteddfod of Wales, and the Arts Council of Wales. Wales takes part in the annual Celtic film festival, which I understand was held in Cornwall in 1997. Groups and artistes from Wales regularly attend a wide range of events in other Celtic countries.

Mr. George: I thank the Secretary of State for that answer. Does he agree that the British people support the setting up of the Scottish Parliament and the Welsh assembly because they recognise that the celebration of

the diversity of cultures, languages, religious groups, ethnicities and nations in the UK makes a positive contribution to the life and economy of these islands and is not a sinister move? Will the right hon. Gentleman seize this moment to act, and to advise his colleagues in the Cabinet that his Celtic cousins in Cornwall would very much appreciate collaboration—*[Interruption.]*

Madam Speaker: Order. This is a very long question. If the hon. Gentleman wants an Adjournment debate on this issue at some time, he has only to look my way. This is Question Time and we are only on question 4. Will the hon. Gentleman now put his final point to the Secretary of State? What is he asking him to do?

Mr. George: Will the Secretary of State collaborate with and support the distinct region of Cornwall?

Mr. Davies: It is obvious who speaks for Cornwall in this House.

Only a couple of weeks ago, I attended a conference in Cardiff with representatives of European minority languages. I will do all that I can to encourage the links to which the hon. Gentleman refers. I happen to believe that, if we are confident in our own identity in Wales, Scotland, Ireland and the other regions of Europe, we will be more at ease with other people's identity.

Class Sizes

5. **Mr. Andrew Robathan** (Blaby): What representations he has received about primary school class sizes in Wales; and if he will make a statement. [45903]

The Parliamentary Under-Secretary of State for Wales (Mr. Peter Hain): Hon. Members, school governors, head teachers, class teachers, parents and local authorities have all written supporting the policy to reduce infant classes to a maximum of 30 pupils, but not at the expense of larger junior-age classes.

Mr. Robathan: Can the Minister confirm that, far from going down, some class sizes are going up? Would the hon. Gentleman care to comment on the card I have which says:

"Keep this card and see that we keep our promises."

It says that new Labour's early pledges include cutting class sizes to 30 or under for five, six and seven-year-olds. The national assembly is wanted by only one in four Welsh people. Would it not be better to spend the money intended for the national assembly and associated events on cutting class sizes in Wales?

Mr. Hain: I admire the hon. Gentleman's cheek. The Government whom he supported before 1 May last year presided over record class sizes and left us with a legacy, with which we are having to grapple, whereby there are now 35,000 infants in classes of more than 30. There are 1,000 classes in Wales and 35,000 pupils. We are reducing class sizes by abolishing the assisted places scheme which funded a privileged education for a tiny minority of pupils—only 1,000—at the expense of everybody else.

Mr. Huw Edwards (Monmouth): Does my hon. Friend agree that this Government at least have a pledge to reduce class sizes, whereas the Conservative party has no such commitment, and went into the election without one? May I draw my right hon. Friend's attention to the problems of Ponthir school in my constituency, which is bursting at the seams because of a housing development approved by the Welsh Office before the last election? Will my right hon. Friend give serious consideration to the staffing and physical conditions of that school?

Mr. Hain: This is not only a pledge on which we were elected but a pledge on which we intend to deliver. We intend to deliver class sizes of under 30 for five, six and seven-year-olds [HON. MEMBERS: "When?"] I will tell hon. Members when. It will be by the next election. By that time, we will have eradicated the dreadful legacy of 35,000 infants in Wales in large classes. My hon. Friend asked about his local school, and I will, of course, look into the matter.

Hospital Waiting Lists

6. **Mr. Philip Hammond** (Runnymede and Weybridge): When he expects hospital waiting lists in Wales to start falling; and when he expects them to fall to the level of 1 May 1997. [45904]

The Parliamentary Under-Secretary of State for Wales (Mr. Win Griffiths): Wales's share of the additional money for the NHS announced in the Budget is £25 million. A total of £20 million of that money will be used to target the growth in in-patient and day-case waiting lists and enable the service to reduce lists to below the level at which they stood when the Government took office, by the end of this financial year. That supports the Government's commitment to reduce waiting lists over the lifetime of this Parliament by 100,000.

Mr. Hammond: That would be fine if the Government's early pledge had been only to allow waiting lists to continue to rise for two years. However, I accept what the Minister tells us, and I am grateful for it. If he fails to deliver on the pledge to reduce waiting lists to the May 1997 level by the end of April 1999, who will be responsible? Will he follow the lead of his right hon. Friend the Secretary of State for Health and blame health service managers, or will he accept responsibility and resign?

Mr. Griffiths: I am confident that the plans that health authorities in Wales have drawn up, and the additional support that we will get from experts in the health service, including Professor Brian Edwards, will enable us to achieve our targets, and that, unlike the previous Conservative Government—the waiting lists for in-patient day cases in Wales rose by 8 per cent. in their last two years—we will have levelled off and achieved our target by the end of this financial year.

Mr. Barry Jones (Alyn and Deeside): Will my hon. Friend pledge to tackle urgently the serious waiting list problem for cataract operations in north Wales,

particularly at the district hospital in Wrexham? Does he agree that a pensioner waiting for a cataract operation suffers a serious blight on his or her life? May I also thank my hon. Friend for receiving my deputation from the Royal National Institute for the Blind so courteously recently?

Mr. Griffiths: Yes, I can assure my hon. Friend that I am well aware of the long waiting list for cataract operations at the Wrexham Maelor hospital and am anticipating that the North Wales health authority will produce proposals to reduce it. It is unacceptable that old people should have to wait for operations that can be so important for the retention or regaining of their eyesight.

Environment

7. **Mr. John Randall** (Uxbridge): What representations he has received concerning the Government's policy on the environment in Wales. [45905]

The Parliamentary Under-Secretary of State for Wales (Mr. Win Griffiths): My right hon. Friend and I have received many representations on a wide range of environmental policies and issues in Wales.

Mr. Randall: Will the forthcoming consultation paper tackle the serious problem of giving effective protection to Welsh marine wildlife?

Mr. Griffiths: I can assure the hon. Gentleman that that will certainly be one of the issues that we want to target. We want to ensure not only that land sites in Wales are safe, but that marine sites are, too. Soon after we came into government, I set up a coastal forum for that purpose—something that the Conservative Government refused to do.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): The Minister will be aware of the positive response of Welsh farmers to the proposed all-Wales agri-environmental scheme. In those circumstances, will he confirm that all the necessary paperwork has already been submitted to Brussels?

Mr. Griffiths: We are discussing those issues with Brussels at this moment. We certainly hope to be able to make an announcement in the near future.

Beef Export Ban

8. **Mr. Ieuan Wyn Jones** (Ynys Môn): What discussions he has had with the European Commission concerning lifting the ban on the export of beef. [45906]

The Parliamentary Under-Secretary of State for Wales (Mr. Win Griffiths): I refer the hon. Gentleman to the reply that my right hon. Friend the Secretary of State gave earlier to my hon. Friend the Member for Delyn (Mr. Hanson).

Mr. Jones: The Minister will be aware that the Standing Veterinary Committee of the European Commission will be considering the date-based scheme on 9 July. What actions are Welsh Office Ministers taking to ensure that we will not this time have the sort of problems that we had over the lifting of the export ban for Northern Ireland, and that the committee will consider the case on its merits, not according to the political considerations of other member states?

Mr. Griffiths: We are doing everything possible in the Welsh Office—with Ministers in the Ministry of Agriculture, Fisheries and Food—to ensure that, when the committee considers those proposals in July, it will accept them. That is what we have been wanting to achieve, to get rid of the damning and damaging legacy of the previous Government.

Mr. Owen Paterson (North Shropshire): The European beef ban has provoked an unprecedented and hideous crisis in the Welsh livestock industry. The Welsh Affairs Committee reported a month ago, in May. When will the Government take action on the recommendations in its report?

Mr. Griffiths: Given that the Conservative Government studiously refused to take action on the crisis over 10 years, it is a bit rich for the hon. Gentleman to complain about the fact that we in the Welsh Office are carefully considering the Select Committee's recommendations, so that, when we respond, we shall have a positive message to put across to farmers in Wales—farmers will welcome that, as they did not have it for a decade or more from the Conservative Government.

Agriculture

9. **Mr. Graham Brady** (Altrincham and Sale, West): What representations he has received concerning the Government's policy on agriculture in Wales. [45907]

The Parliamentary Under-Secretary of State for Wales (Mr. Win Griffiths): My right hon. Friend and I have received considerable numbers of representations, both written and oral, on the Government's policy on Welsh agriculture since the start of the crisis, and we continue to receive them.

Mr. Brady: Is the Minister aware that many thousands of hard-pressed farmers in Wales—and their bank managers—will be following these exchanges? What hope can he give them that their financial position will improve, and when?

Mr. Griffiths: The hope that we can give them is that, as a Government, we have done everything possible in co-operating positively with Brussels to remove the beef export ban. Moreover, the Welsh Office is working to produce a positive food strategy in Wales, so that farmers can see that they will be able to sell their products at a reasonable price in the market. In that way, we will generally give them the hope that was destroyed over a decade by the Conservative Government.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1.[45927] **Dr. George Turner** (North-West Norfolk): If he will list his official engagements for Wednesday 24 June.

The Prime Minister (Mr. Tony Blair): This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

Dr. Turner: Is the Prime Minister willing to share with the House his reaction to the front page of today's edition of *The Sun*, which called him

"the most dangerous man in Britain"?

Was he shocked, amused or flattered? More seriously, will he confirm that any proposal to join the European single currency will be based solely and completely on the national economic interest? Will he guarantee that the final word will be given by the British people through the ballot box, and not by *The Sun*?

The Prime Minister: As the House may know, my admirably objective press secretary simply gives me a digest of the newspaper headlines every day. All that it contained about *The Sun* was that I was described on the front page as having

"the potential to be a truly great Prime Minister".

I cannot think why that did not make it into the headline. I can assure my hon. Friend that we will refuse—and have refused—to rule out joining a single currency as a matter of principle. The decision has to be based on our national economic interest. The position set out by the Chancellor last October continues to be the Government's position and will remain the Government's position. As my hon. Friend says, the final decision will be for the British people. Newspapers are entitled to their view, but we govern in the national interest.

Mr. Peter Lilley (Hitchin and Harpenden): During the general election, the right hon. Gentleman made his top manifesto pledge the reduction of welfare bills. A year later, will he say how much the measures that he has announced will reduce spending on welfare?

The Prime Minister: Yes, I am delighted to do so. Since we took power last year, an extra 400,000 jobs have been created, unemployment has been reduced by 300,000 or more, and 30,000 young people have got jobs as a result of the new deal, which the Conservative party opposed. That, for the information of Conservative Members, reduces welfare bills by cutting unemployment, not by increasing poverty, which was the Tory way.

Mr. Lilley: I know that the Prime Minister is not good at the detail on this, but he has got the figures absolutely diametrically wrong. All his major reforms will increase welfare bills, not cut them. Welfare to work will cost an extra £3.5 billion on top of any savings. Reforms to family credit will cost £1.2 billion a year after any savings. The child support package will cost an extra £1.2 billion a year. Those are not my figures; they are the Chancellor's. The Prime Minister seems to dispute them. We know that he thinks that his Chancellor is psychologically flawed, but is he saying that he is arithmetically flawed as well? Labour promised to cut welfare, but that is another broken pledge.

The Prime Minister: First, the right hon. Gentleman is wrong for the simple reason that the 30,000 young people who have come off the dole as a result of the new deal are 30,000 youngsters who are getting not benefit, but the jobs denied them by the Tory Government. Secondly, his suggestion was very interesting. It seems he is opposed to the working families tax credit, a measure that will mean that no one who is in a job and who has children will earn less than £180 a week. He is opposed to our proposal that no one should pay tax before earning £220 a week. He is opposed to measures to reform the Child Support Agency. All that is very interesting, but it is not a manifesto that will win the right hon. Gentleman an election.

Mr. Lilley: The Prime Minister is tacitly admitting that he is going to break his pledge. He said that he wanted to cut welfare bills and encourage personal provision. Instead, he is taxing people's pensions to pay for his failure to cut welfare bills. Should not he stop relying on roadshows and reviews, get to grips with the details of his programme, and come up with some concrete savings instead of empty rhetoric?

The Prime Minister: The right hon. Gentleman can always put his notes on the Dispatch Box and read them from there if he wants.

The new deal is a series of very detailed measures. They are in operation, and they are opposed by the right hon. Gentleman's party. They take people off benefit and into work. That is part of welfare reform, and very sensible, too. It allows young people who previously had no hope of a job to get one. It also means that, because of the measures that the Chancellor has announced on tax and benefit reform, people have an incentive to work. For the first time for them, work pays. The right hon. Gentleman's party also opposes the minimum wage. All those measures mean that, for the first time, young people or those who are long-term unemployed have the chance to work and to earn a decent living wage. That is the Labour way. We saw the Tory way for 18 years; it was rejected by the country, and it will be again.

Mr. Jeff Ennis (Barnsley, East and Mexborough): Is my right hon. Friend the Prime Minister aware of the excellent document, "Making the difference: a new start for England's coalfield communities", produced by the coalfields task force and launched successfully at the Acorn centre, Grimethorpe, last week? Does he agree that our Government must seriously consider many, if not all, the recommendations contained in that document if we are to succeed in regenerating our coalfield areas, which were so badly neglected by the previous Tory Administration?

The Prime Minister: I pay tribute to my hon. Friend's work on regeneration of the coalfield areas, both in his present position, and previously as the leader of his local

authority. We believe that the report offers a valuable way forward. As structural change hits the coalfield communities, we are able to help people back to work or to start small businesses. We are able to bring inward investment from outside those regions. Those are the right ways for Government to act. After years of hearing a Government say that they had no responsibility for regenerating those areas, we accept our responsibility, and we are discharging it.

Mr. A. J. Beith (Berwick-upon-Tweed): May I join the hon. Member for Barnsley, East and Mexborough (Mr. Ennis) in welcoming the coalfield communities report? I urge the Prime Minister to respond positively to it.

Bearing in mind what the Prime Minister said earlier, if No. 10 receives another call asking him to intercede on Rupert Murdoch's behalf with some foreign Government, does the switchboard have instructions not to put the call through?

The Prime Minister: No. As I have said to the right hon. Gentleman on many occasions, what newspapers do, and their positions and their policy, are up to them. The Government set out a firm policy last October, which will be maintained. That policy is in the national interest. It refuses to rule out a single currency in principle, and it says that the test is what is good for British jobs, industry and investment. If we hold to that test, the United Kingdom will gain. To go down the Conservatives' route of saying that the single currency should be ruled out for ever, and that they would never join it under any circumstances, would go wholly against our country's interests, and I shall not support that.

Mr. Beith: Is not it important that, on this matter and many others, a diversity of opinion should be represented in the press? Does the Prime Minister recognise, after reflecting on the matter today, that he should take a bit more notice of the calls from many in the House and outside for some control of monopoly ownership in the media and for measures to deal with predatory pricing?

The Prime Minister: The one thing that, I think would be totally unjustified is that, just because a newspaper expresses a view on a single currency, we start legislating on it. There will be a variety of views on this in all quarters—in newspapers, in political parties and throughout the entirety of the political spectrum. That is perfectly natural. The important thing is for the Government to have a clear position and to carry it through in the national interest. People will have very strong views about this, but I am quite clear in my own mind that we have the right policy for the country, and I think it is my duty to put it forward. Conservative Members may disagree with it. That is their prerogative, but we have the policy and we will maintain it.

Fiona Mactaggart (Slough): Is the Prime Minister aware of the concern among businesses and individuals about today's 7.5 per cent. interest rates and the 4.2 per cent. retail price index figure? However, does he recall that 10 years ago, under the Conservative party, we had exactly the same level of interest rates, exactly the same RPI level and twice as many unemployed people? *[Interruption.]* Will he assure me and the people of Britain that he will not repeat the stop-go policies that the Conservatives instituted which, within one year of the date that I am talking about, had doubled interest rates, increased inflation and still had unemployment higher than today? *[Interruption.]*

The Prime Minister: It is no surprise that Conservative Members want to bawl my hon. Friend down because they want people to forget that that is precisely what happened under Conservative policies. Under the policies pursued by the Conservative party, as the report of the Organisation for Economic Co-operation and Development makes very clear, we ended up with interest rates at 15 per cent. for a year, record borrowing, record repossessions and the worst recession since the war. That was because that Government in 1988 failed to take the measures necessary to produce economic stability. Those days of boom and bust are over. They are what the Conservative party gave us and this Government are not going to repeat their mistakes.

Q2.[45928] **Dr. Vincent Cable** (Twickenham): Does the Prime Minister accept that, after this morning, the sun has set on his strategy of deferring a referendum on economic and monetary union until after the next general election, that he has no political reason for further delay, and that it is in the national interest that he should stand up and lead from the front in countering the negative, nationalist propaganda emerging from some sections of the popular press?

Mr. Dennis Skinner (Bolsover): He's as barmy as that lot.

The Prime Minister: I think I go along with that. There is a job there as an official spokesman.

There are two absurd policies on the euro. One is to say, as does the Conservative party, that we are against it and will never join it no matter what the economic circumstances are. The second is the position of the Liberal Democrats, which is to say that we must join irrespective of the economic circumstances— *[Interruption.]* Well, the position that I believe to be sensible is that we say that we will not rule out joining it in principle and that we hope for it to succeed, but whether we join depends on whether it satisfies the test of our national economic interest. I believe that that is the sensible policy and I also believe that it is the policy that, the vast majority of people in the country will follow.

Mr. Gordon Marsden (Blackpool, South): Will the Prime Minister confirm that he intends to continue the robust stance that he has adopted towards Serbia and President Milosevic over Kosovo, which has been much welcomed by both sides of the House? Will he impress on the Foreign Secretary the need to bring our American allies more strongly on board in this matter? The situation in Kosovo is grave and getting worse.

The Prime Minister: I would say that our American allies are on all fours with us on this policy. The reason why there has been discussion in the past few days about whether the NATO military option has gone back a little is not that we have changed our position in any shape or form at all. It remains the position that we are making certain demands of President Milosevic. If he does not

obey those demands—ceasing the internal aggression in Kosovo and withdrawing his special units from it—that military option remains very much on the table. I hope that, as a result of the talks that he has had with both President Yeltsin and Mr. Holbrooke, the American representative, he takes the measures necessary to calm the situation down; but, if he does not, let me state unequivocally that the NATO military option remains.

Q3.[45929] **Mr. David Amess** (Southend, West): Given that the leader of the Labour party has taken to blaming Conservatives in Essex for all problems, even though they have been in power for only a few weeks, will the right hon. Gentleman kindly apply those same rigorous standards to himself and the Government he leads, and tell the House and the country who is responsible for growing hospital waiting lists; who is responsible for increasing class sizes; who is responsible for growing inflation; who is responsible for rising interest rates; who is responsible for enlarging balance of payments deficits; who is responsible for increasing strikes; and who is responsible for our poor sporting performances? Will he not answer by repeating a rendition of last year's victory anthem, "Things Can Only Get Better"?

The Prime Minister: I take full responsibility for meeting every one of the pledges that we set out at the last election, and we will do so, which is why I am delighted that the Conservative party has made that the test of the success or otherwise of the Government. Let me point out that it is the Labour party that is putting extra money into the national health service, opposed by the Conservative party; it is the Labour party, after 10 years of rising class sizes under the Conservatives, that has got through the measures to reduce class sizes, opposed by the Conservative party; it is the Labour party that has introduced the new deal for young people, opposed by the Conservative party; and it is the Labour party that is introducing the measures to squeeze inflation out of the system, opposed by the Conservative party. Every single measure that we have taken has been opposed by the hon. Gentleman's party, and I hope that, when we come back and all those pledges are met, he will be the first to stand up and congratulate us.

Mr. Geraint Davies (Croydon, Central): Is my right hon. Friend aware that the successful New Addington, Croydon education action zone bid was supported by Midland bank, Virgin Atlantic Airways, Abbey National, Marks and Spencer, British Telecom, Lloyds bank, Smiths Industries, Direct Line, Commercial Union and many other industries and companies? We need no lectures from the Opposition, who failed to form such partnerships to support education in their 18 long years of misrule.

The Prime Minister: Yes. I am astonished that the Conservative party should oppose those reforms, which are very important. They will allow a lot of experimentation within local education authorities, and they are going to improve standards in our schools. They are part of a programme that is to get extra investment into our schools—far more than the Conservatives were promising—and, at the same time, to introduce reforms that mean that that money is spent wisely. I believe that we shall see the results of those reforms shortly.

Q4.[45930] **Mr. Andrew Robathan** (Blaby): Will the Prime Minister set up an independent inquiry into the very serious allegations surrounding the accounts of the Kettering centre for the unemployed; and will he publish the report of the internal Labour national executive committee inquiry into those allegations?

The Prime Minister: I do not know about the particular inquiry to which the hon. Gentleman refers, but I shall certainly make inquiries about it and write to him on it.

Ms Oona King (Bethnal Green and Bow): Is my right hon. Friend aware that members of the Ku Klux Klan are currently operating in my constituency? In light of this week's 50th anniversary of the Windrush—the first boat bringing Afro-Caribbeans to this country—will he urge the country to recognise that ethnic minorities do not represent a threat, but that we represent an opportunity? While this country has no need of pointed white hats, in this Chamber in particular we could perhaps do with a bit more colour.

The Prime Minister: I was delighted to be part of the Windrush celebrations. I agree entirely with what my hon. Friend says about the nature of our society and the desire to see it as a multicultural, multiracial society. She will know that in the Crime and Disorder Bill which is presently before the House, there are new measures to deal with violence that is racially motivated and aggravated by that reason. We will certainly apply both that law and the existing provisions under the law to make sure that we root out any racism and any violence wherever we can.

I think that this country is proud of the changes that we have made over the past number of years, actually under both Governments, to bring about a society where people are valued irrespective of their ethnic background. That is the type of country I wish to bring my children up in. I think that it is the type of country that the vast majority of British people believe in.

Mr. Peter Lilley (Hitchin and Harpenden): After last night's vote in the other place, does the Prime Minister still defend making students at Scottish universities pay more in tuition fees than students in the rest of the United Kingdom? UK students at Scottish universities will pay more in tuition fees than those from the rest of Europe.

The Prime Minister: No. The reason for this is perfectly simple. It would be wrong to have a situation in which English students came to Scotland and got the full benefit of the Scottish provisions. In respect-- *[Interruption.]* That is because of the different courses that there are in Scotland. I do not think that it has been clearly understood—but I am delighted to say this—that students from other parts of the European Union are not entitled to the same benefits in terms of maintenance loans and the other support that is given. That is the reason for the change, and it is a perfectly sensible one.

Mr. Lilley: This is not about maintenance; it is about tuition and about fairness. It is patently unfair that an English student at a Scottish university should pay £1,000 more in tuition than a French student, and that a student from Northern Ireland should pay more than a student from Southern Ireland. The other place has twice

asked the Government to think again. Is the Prime Minister too arrogant to admit that he has made a mistake, or will he simply now accept the Lords amendment?

The Prime Minister: No, because I do not accept that it is a mistake. Let me point out two things to the right hon. Gentleman. First, the number of English students applying to Scottish universities is up, not down. It is actually 33,000. Secondly, of course all those English students who come are able to get maintenance loans and other matters that support them in their university education. If we were to go down the course that the right hon. Gentleman has indicated, we would end up absolving from tuition fees all students in their fourth year at all universities in the United Kingdom. We obviously could not do it simply for Scotland. We would have to do it for all fourth-year students wherever they were in the United Kingdom. That would take out of some £27 million the higher education budget, and would not be a sensible use of money.

Mr. Lilley: After challenging his Chancellor's figures, the Prime Minister is now challenging his Minister for Education and Industry, Scottish Office, who yesterday said that there had been a decline in applications north of the border.

The Prime Minister has an opportunity to rise above the mess that his Ministers have created, to rise above party argument and to rise above his hostility to the House of Lords. Why does the right hon. Gentleman not correct an injustice and accept the Lords amendment?

The Prime Minister: Because I do not accept that it is an injustice; I think that it is a sensible provision. As I pointed out to the right hon. Gentleman, the provisions in Scotland are different from those in England. If we applied them in the way that the right hon. Gentleman wants, we would have to apply them, as I have said, to all fourth-year students in the whole of the United Kingdom. That would add another £27 million to the education bill. It would not be a sensible use of money. English students are, of course, available for the full range of help, which other European Union applicants are not. That is why it is not an unfair or mistaken measure. It is the right measure, and it is fair.

Mrs. Linda Gilroy (Plymouth, Sutton): My right hon. Friend will know that my constituency includes the poorest ward in England. As education is a key pathway out of poverty, does my right hon. Friend join me in welcoming the announcement of education zone status made yesterday, and congratulating the Plymouth team which made the successful bid?

The Prime Minister: Yes, and I am sure that the innovations that have been introduced in Plymouth will have a great impact on the educational welfare of its children. The greater flexibility within the education system provided by the education action zones will be one of the great pioneering acts of this Government, and it is extremely important that we give it every support. We are delighted that local education authorities are now working with local groups, businesses, parents and schools to provide the best possible education for their children.

Q5.[45931] **Mr. Christopher Fraser** (Mid-Dorset and North Poole): Will the Prime Minister tell the House why his promised annual report to the nation has been delayed by two months? Is it due to administrative incompetence or is he embarrassed by all his broken promises?

The Prime Minister: Neither. It will be produced in due course and the hon. Gentleman will see that it is extremely good.

Q6.[45932] **Mr. Dennis Canavan** (Falkirk, West): Although it may not be possible in the Scottish Parliament, is it all right, Madam Speaker, if I ask an awkward question, even if it might cause embarrassment to the Government or the party? On the question asked by the deputy Leader of the Opposition, the right hon. Member for Hitchin and Harpenden (Mr. Lilley), why on earth should students from England, Wales and Northern Ireland who are doing a four-year honours course at a Scottish university have to pay up to £1,000 more than students from any other country in the European Union?

Even in the House of Lords last night, when this matter was debated, the Government were gubbed by an even greater margin than Scotland was gubbed by Morocco. When we get a replay of the debate in this House, can we have a free vote, in view of the fact that applications to Scottish universities have gone down by 4.5 per cent. and that the Prime Minister said during the election campaign that Labour had no plans to introduce tuition fees?

The Prime Minister: My hon. Friend is perfectly entitled to ask an awkward question; indeed, why change the habits of a lifetime? I see before me an interesting alliance.

For the reasons that I have given, we have made the right decision. As for tuition fees, my hon. Friend should not forget that under our proposals, not those of the Conservatives, a third of the poorest students will be absolved from tuition fees altogether and the next third will have them reduced as a result of parental income. We are able to do that, lift the numbers going to university and put more money into the front line of universities precisely because we have had the courage to reform. The Conservatives may be against reform, and so may my hon. Friend, but reform is right and will be carried through, not on a free vote, but on a whipped vote, because it is Government policy.

Q7.[45933] **Mrs. Teresa Gorman** (Billericay): Will the Prime Minister clarify what appears to be some schizophrenia in his party's education policy? He said a moment ago that he supports education action zones to bring the worst schools up to the standard of the best and, no doubt, make them centres of excellence. How does he square that with the governors of the London Oratory school, who are on record as saying that Labour policies are trying to destroy schools like theirs by forbidding them to interview parents and pupils and to select from the whole of London, and by forcing them to take in an unspecified number of what are euphemistically called "challenging pupils"? We all know what that means. That will, to use the same word as the London Oratory, "destroy" the excellent basis of those schools.

The Prime Minister: First, the story is nonsense because the Government paper makes it clear that Church schools will continue to be able to interview pupils. The basis of the story is therefore wrong, and always was wrong.

In relation to the rest of the question, I believe that our educational policies are supported by the vast majority of schools, teachers and parents, who want to see the right mixture of pressure and support—pressure to do well, but support and investment in the education system. For years under the Conservative Government, during which time the hon. Lady was a Member of Parliament, support declined as a proportion of our national income. This Government will increase support, as we promised to do.

Q8.[45934] **Ms Jean Corston** (Bristol, East): Is my right hon. Friend aware that six senior consultants at Bristol royal infirmary have said that they tried to warn local trust managers, the Royal College of Surgeons and the Department of Health that death rates among cardiac child patients at the hospital were too high, but to no avail? Does not that mean that we need not only a health service that is not open and transparent, but one in which staff can raise legitimate concerns without fear of being ostracised by colleagues or reprimanded by superiors?

The Prime Minister: Yes. I recognise the genuine concern that my hon. Friend has about these issues; indeed, I pay tribute to her work in this area. It is because of those concerns that we are setting up a wide-ranging public inquiry, chaired by Professor Ian Kennedy, to get to the bottom of what went wrong in Bristol and ensure that it does not happen again. We also want greater openness in the national health service. We have said that so-called gagging clauses should be removed from employment contracts. We are opening up trust boards to make them more accountable, and we shall be publishing clinical performance information. I think these are all changes that augur well for the future of the national health service.

Sale of Alcohol to Young Persons (Prohibition)

3.30 pm

Mr. Paul Truswell (Pudsey): I beg to move,

That leave be given to bring in a Bill to prohibit the sale of alcoholic beverages to a person under the age of 18 by any person on licensed premises; and for connected purposes.

There is—*[Interruption.]*

Madam Speaker: Order. Members are very noisy in leaving. I cannot hear the hon. Gentleman who has the Floor. It is rather unfair. Please leave quietly.

Mr. Truswell: There is a broad consensus that the licensing laws of this country are outdated, inadequate and in radical need of reform, but I believe that there remains general recognition that the sale of alcohol to young people under the age of 18 should be an offence. Indeed, most people believe that it is an offence, subject to certain established defences. I regret to say that that is not the case. I regret even more deeply that it took the tragic death of my 14-year-old constituent, David Knowles, to show that, in many instances, selling alcohol to young people is not a prosecutable action.

I should like to take a few minutes to relate the circumstances surrounding David's untimely death—circumstances which, I believe, forcefully demonstrate the need to amend the legislation on the sale of alcohol to young people.

David was 14 years old. He attended Priesthorpe school in my constituency. He was not an academic high flier, but he had ambitions to be a bank manager. He came from a supportive middle-class family. Those who knew him described him as "a normally serious boy."

On the fateful evening of 21 March 1997, David had been watching friends play football at school. On the way home, they decided to call off in the centre of Pudsey. His friends, who were still in football gear, asked David to fetch them some alcopops. David agreed, and went to a nearby Thresher off-licence, where he was sold the alcopops that he requested.

A few minutes after returning to his friends, David decided that he wanted some alcohol of his own. He returned to the same Thresher off-licence, and this time was sold four cans of lager. He returned to his friends and they made their way home. In due course, they reached the embankment overlooking the Stanningley bypass in Pudsey. The Stanningley bypass is an extremely busy dual carriageway, which forms part of the Leeds ring road.

At this point, David, who by that time had drunk three and a half cans of lager, suddenly shouted, "Let's run." He charged down the embankment, across the first part of the dual carriageway, over the central reservation and into the Leeds-bound carriageway. There he was struck by a car, and died shortly afterwards from the massive injuries that he sustained.

The police quickly attended the scene. They then went to the Thresher off-licence and seized security videos, which clearly showed David being sold alcohol on two occasions. On the basis of police reports, the Crown Prosecution Service mounted a prosecution against the two members of staff who had sold the alcohol to David, but it ran into the massive legal black hole which my Bill would close.

The CPS discovered that a prosecution could succeed only against a licence holder or against someone directly employed by him—in the legal term, the servant of the licence holder, who is directly employed by the person whose name appears on the licence. In David's case, the staff who sold him the alcohol were employed by Thresher, a national company, not by the person whose name appeared on the licence. They were thus totally immune from prosecution. It is not necessary to draw the attention of the House to the enormous implications of that loophole.

The definition of the crucial word "servant" was reinforced as recently as December 1996, in the case of Russell *v.* Director of Public Prosecutions. The Court of Appeal quashed Russell's conviction on the basis that he was employed by a national company, not by the licence holder. Surprisingly, the loophole has been known for several years. In 1968, a pub landlord named Poole left his wife in charge of the bar while he went off to a football match. She sold alcohol to two under-age drinkers, and was prosecuted and convicted, but the conviction was overturned on appeal because the court held that she was not her husband's servant.

Like most people, I was astonished to learn of the loophole. David's distraught father, John Knowles, came to my surgery to bring it to my attention, and I gave him a pledge that I would do everything in my power as a Member of Parliament, and as a parent of young children, to get the loophole closed. Introducing my Bill is one way of fulfilling that pledge. I hope that every hon. Member recognises the need to close that loophole in the law.

My previous private Member's Bill on the matter would have provided a much neater way of closing the loophole. It would simply have amended section 169(1) of the Licensing Act 1964 to include the word "agent", which is much broader than the narrow term "servant", and would have enabled the prosecution of anyone, servant or not, for selling alcohol to a child or young person on licensed premises.

Unfortunately, my Bill, although not opposed by the Government or their business managers, fell to an objection by a Conservative Member. I have yet to receive an explanation of why that happened. I am not casting aspersions on Conservative Members in general, because a number have signed my early-day motion on the issue. What has happened is not a party political matter, but crass behaviour by an individual. This Bill would replace rather than amend section 169(1) of the 1964 Act. Again, the key is the introduction of the word "agent".

The House has enormous powers, but it cannot bring David Knowles back to life. It can, however, recognise and act on the lessons to be learned from his death. It can act to close this huge, gaping chasm in that law—a law which was always intended to protect young people. In doing so, the House would send a signal that it will take all reasonable steps to protect the young.

Question put and agreed to.

Bill ordered to be brought in by Mr. Paul Truswell, Mr. Harold Best, Mr. Colin Burgon, Mr. Fabian Hamilton and Mr. John Gunnell.

SALE OF ALCOHOL TO YOUNG PERSONS (PROHIBITION)

Mr. Paul Truswell accordingly presented a Bill to prohibit the sale of alcoholic beverages to a person under the age of 18 by any person on licensed premises; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 3 July, and to be printed [Bill 211].

HUMAN RIGHTS BILL [*LORDS*] (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No. 82 (Business Committee),

That the Report [23rd June] from the Business Committee be now considered.—[*Mr. Jon Owen Jones.*]

Question agreed to.

Report considered accordingly.

Resolved,

That this House doth agree with the Committee in its resolution.—[*Mr. Jon Owen Jones.*]

Following is the report of the Business Committee [23 June]:

That the allotted sittings at which under the Order [1st June] as amended [17th June] remaining proceedings in Committee of the Whole House are to be completed shall be allotted in the manner shown in the Table set out below:—

TABLE

Sitting day	*Proceedings*
Third day	Clauses 7 to 22
Fourth day	Remaining proceedings

Orders of the Day

Human Rights Bill *[Lords]*

(Progress reported 17th June)

Considered in Committee [3rd allotted day].

[MR. MICHAEL J. MARTIN *in the Chair*]

Clause 7

PROCEEDINGS

3.40 pm

Mr. Edward Garnier (Harborough): I beg to move amendment No. 47, in page 4, line 39, leave out 'or tribunal'.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): With this it will be convenient to discuss the following amendments: No. 48, in page 5, line 2, leave out 'or tribunal' and insert 'sitting with a jury'.

No. 49, in page 5, line 13, leave out 'or tribunal'.

No. 60, in page 5, line 13, at end insert

'and (c) any criminal proceedings'.

Mr. Garnier: I have a suspicion that this will be a longish evening. It my well be that the Under-Secretary and I will have a great deal to say to each other. I trust that we can remain polite and courteous, because, although the issues that he and I will be discussing are complex and deserve full consideration by the House, there will be times when we will become fed up with the sound of our own voices, let alone each other's. I hope that he will be patient with me, and I will endeavour to be courteous and patient with him. I am sure that the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan), who leads for the Liberal Democrats on this aspect of our legislative programme, will listen with his usual care, and will want to contribute at the appropriate point.

I do not want to take up the time of the Committee unduly. I want to concentrate on amendment No. 60, which relates to a matter on which I want clarification from the Government. However, I first remind the House that amendment No. 47 would delete the words "or tribunal" in subsection (1)(a); No. 48 would do the same in subsection (2); and No. 49 would do the same in subsection (5)(b).

Amendment No. 60, which is the more interesting amendment, would add after subsection (5)(b) the words

"and (c) any criminal proceedings".

If one looks at clause 7 to see how the amendments fit in, it is clear that there is at least a doubt, which I hope the Minister will be able to resolve, about the full extent of the definition of "legal proceedings" in subsection (5). That subsection states:

"'legal proceedings' includes—

(a) proceedings brought by or at the instigation of a public authority; and

(b) an appeal against the decision of a court or tribunal."

[Mr. Garnier]

Will the Minister say whether subsections (5)(a) and (b) are merely examples of what constitutes legal proceedings, and are not to be taken as an exhaustive list, or whether I have got it the wrong way round and no other categories of legal proceedings can fully be described as coming within the definition?

Will the Minister also tell us whether the proceedings referred to in subsection 5(a)—proceedings that are brought by or at the instigation of a public authority—could include criminal prosecutions brought by prosecuting authorities or bodies entitled to initiate proceedings other than, for example, the Crown Prosecution Service or Her Majesty's Customs and Excise? They are what I would loosely call—I underline the term "loosely"—Government prosecuting agencies.

Do the proceedings referred to in subsection (5)(a) include, for example, private prosecutions brought by supermarkets against shoplifters? I also have in mind the fact that the Royal Society for the Prevention of Cruelty to Animals has the power to initiate prosecutions in the courts. The Minister will correct me if I am wrong, but I think that the gas, electricity and water supply companies can still, with their privatised status, bring prosecutions independently of the police and the Crown Prosecution Service.

To take the example of the supermarket, would Marks and Spencer, Tesco, Sainsbury or any shopkeeper who wanted to bring a private prosecution for shoplifting be deemed to be a public authority under the definition in clause 6, for the purposes of clause 7(5) and the instigation of proceedings?

I hope that my questions to the Minister have been reasonably clear, and that he has been able to take note of them. In our submission, clause 7(5) needs clarification. Can he give me that clarification now? I will not hold him to it, because he may need to take advice, but I should be grateful if he could give us some indication. If he wants to write to me or to signal the Government's attitude on clause 7(5) in some other acceptable way, I should be happy for him to follow that course. I hope that he will accept these inquiries in the spirit in which they are intended, which is to bring a degree of clarification to this subsection.

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): I shall deal first with all the amendments, and then with some of the more detailed points put before us by the hon. and learned Member for Harborough (Mr. Garnier).

The general intention of amendments Nos. 47, 48 and 49 seems to be to exclude tribunals from taking account of the convention rights. To the limited extent that the amendments would achieve that end, we oppose them.

I remind the Committee that one of the Bill's key principles is that all courts and tribunals should take account of convention rights whenever they are relevant to the case before them. Otherwise, people would have no access to their rights unless they went to the European Court of Human Rights or to the Commission. We shall ensure that individuals can rely on their convention rights and have access to them at the earliest opportunity. We shall also make the convention rights an integral part of our legal system.

One of the many drawbacks of the current arrangements is that the convention rights are cut off from people in the United Kingdom and viewed as something alien to us. In bringing rights home, we want everyone in Britain to view the basic principles set out in the convention as part of their national heritage. We shall not achieve that by practising an internal system of apartheid, keeping the convention rights as the exclusive preserve of the courts. That way, people will continue to see those rights as separate from their daily lives, not as something intrinsic to them.

It is in keeping with that principle that tribunals as well as courts are required by clause 3 to read and give effect to legislation as far as possible in a way that is compatible with the convention rights. It is also in keeping with that principle that tribunals should be able to take account of the convention rights when a person alleges that he or she has been the victim of an unlawful act by a public authority. Against that background, I shall deal with the detail of the amendments.

Amendment No. 49 is concerned with the definition of "legal proceedings" in clause 7(1)(b). It is our expectation that the great majority of cases in which the convention arguments are raised will fall within the scope of such proceedings. That is because, in most cases, it is likely that a victim of an act made unlawful by clause 6(1) will have available to him an existing course of action or other means of legal challenge, such as a judicial review.

Furthermore, in a significant proportion of such cases, a tribunal, not a court, will be the forum in which a case is brought. Social security, employment, housing and immigration are but a few of the many areas where tribunals handle the bulk of cases.

Amendment No. 49 seeks to amend the definition of legal proceedings so as to exclude appeals against the decision of a tribunal. Whether intended or not, the amendment does not preclude tribunals themselves from taking account of convention rights. For reasons that I have already explained, that, in a sense, is a point in its favour.

To prevent individuals from raising convention points in tribunals would cause unnecessary delay, expense and frustration. How would they be expected to raise them on appeal? However, the amendment might prevent a court hearing an appeal from a tribunal from having regard to the convention rights. However, given the inclusive definition of clause 7(5), that is not at all clear.

That may be a non-intended set of outcomes. If one has concerns about the ability of tribunals to deal with convention issues, one should surely wish people to be able to rely on their convention rights when the matter is appealed up to the appropriate court.

Amendments Nos. 47 and 48 relate to cases brought under clause 7(1)(a)—that is, cases brought solely on convention grounds. As I have said, we expect that such cases will be relatively infrequent, but where they do arise, it is likely that a tribunal will sometimes be the most appropriate forum for hearing the case.

If the case concerns a subject which is usually heard, in the first instance, by a tribunal, there is a good prima facie case for assuming that a tribunal will be the correct place in which to hear the convention case. The two amendments will prevent a tribunal from being designated for such a purpose.

Amendment No. 48 goes even further, by requiring that the venue must be a sitting court with a jury. Such a requirement seems so bizarre that I do not think that it is intended to be taken entirely seriously. The hon. and learned Gentleman did not put it strongly, and made it clear that he is merely trying to ascertain some information rather than to press the points. If the Opposition were to press the amendment seriously, I could only imagine that they were trying to make proceedings under clause 7(1)(a) unwieldy, making it a wrecking amendment.

The Government are fully aware that the Human Rights Bill will bring about major changes for the legal professions.

We do not for one moment underestimate the amount of preparatory work that will have to be undertaken to ensure that both courts and tribunals are able to handle the convention issues that will come before them. I assure the Committee that the training issue is being taken very seriously, and that we will not bring the Bill into force until we are confident that the legal system is in a position to cope with the changes.

Amendment No. 60 would amend the definition in clause 7(5) of the term "legal proceedings", as used in clause 7(1)(b), by stating specifically that the term should include "any criminal proceedings". The amendment is unnecessary, because the wording of clause 7(5) already covers such proceedings. It uses the word "includes", and is therefore not—in answer to one of the questions asked by the hon. and learned Member for Harborough—an exhaustive definition. As "includes" is in the clause, we think that the matter is already covered. I hope that that deals with the first of his questions.

The vast majority of criminal proceedings will be caught directly by clause 7(5)(a), as they are

"proceedings brought by or at the instigation of a public authority".

The very few private prosecutions that are undertaken will also be caught by clause 7(5)—as it is an inclusive definition, and such prosecutions would be regarded as legal proceedings. In such cases, the private prosecutor would not be a public authority, although the court, as a public authority, would be required to act not incompatibly with the convention rights. Therefore, Tesco, for example, would not become a public authority. The court itself will be required to take account of the convention rights.

If the hon. and learned Gentleman's concern is whether clause 7 covers criminal proceedings, I can assure him that it does. It will be possible for individuals to rely on their convention rights in criminal proceedings as in other proceedings.

I should make it clear also that the RSPCA—which the hon. and learned Member mentioned—will be performing a public act when that act has a statutory basis. Although it will be a matter for the court to decide whether it is behaving as a public authority, it may be doing so if it is acting on a basis conferred by statute. Tesco, for example, would not be acting as a public authority, although, as I said, the court must take account of the convention in reaching any decision.

In view of those comments, I invite the hon. and learned Gentleman to seek leave to withdraw amendment No. 47.

Mr. Garnier: I thank the Minister for that very helpful response to my inquiries, and I trust that we can proceed throughout today in such a manner. It will be of value to supermarket companies and similar bodies to read his comments on the public authority point. Supermarkets will not be deemed to be public authorities, unlike the court in which they bring private prosecutions.

The Minister correctly assessed my opinion of the amendments by pointing out that I did not spend much time on amendments Nos. 47, 48 and 49, but spent most of it on amendment No. 60.

In view of the Minister's reply, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Garnier: I beg to move amendment No. 50, page 4, line 42, at end insert

'or he can demonstrate that he is acting on behalf of a victim or potential victim of an unlawful act'.

The First Deputy Chairman: With this, it will be convenient to discuss the following amendments: No. 42, page 5, line 4, leave out lines 4 to 6 and insert—

'(3) Nothing in subsection (1) shall prevent an applicant from bringing an application for judicial review provided that the court considers that he has a sufficient interest in the matter to which the application relates.'

No. 52, page 5, line 6, at end insert

'or he can demonstrate that he is acting on behalf of a victim or potential victim of an unlawful act'.

No. 141, page 5, leave out lines 7 to 9 and insert—

'(4) Nothing in subsection (1) shall prevent an applicant from bringing a petition for judicial review in Scotland provided that the court considers that he has a sufficient interest in the matter to which the petition relates.'.

No. 53, page 5, line 9, at end insert

'or he can demonstrate that he is acting on behalf of a victim or potential victim of an unlawful act'.

No. 43, page 5, line 14, leave out 'this section' and insert 'subsection (1)'.

Mr. Garnier: I hope that the Committee is now entering into a discussion that will be of wider interest, not only to the Minister and me but to other members of this very popular Committee. It is perhaps a pity that we are rather thinly attended today, as some of the matters that we will be debating are supremely important to the future of the United Kingdom constitution.

The Minister and I know each other quite well. We have travelled as far as the Falklands together in pursuit of knowledge of military affairs. We almost spent a night together in a tent on Salisbury plain, but that is another story. However, from my time spent with him, both in this Committee and on other occasions, I know that both he and I take the development of our constitution with great seriousness. Although we may differ on the way in which the Government are dealing with the constitution at the moment, we are men of good will and respect each other's views. However, we shall have more between us during the discussion that we are about to begin.

4 pm

I shall speak to amendments Nos. 50, 52 and 53. I shall leave the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) to develop his own arguments in support of amendments Nos. 42, 141 and

[Mr. Garnier]

43, which were tabled by him and his right hon. and hon. Friends. I suspect that he will do it rather better than I could.

The right hon. Member and I share the desire to widen the clause to allow a rather more flexible approach to the question of who may bring proceedings under the Bill. When similar amendments were discussed in another place on 24 November 1997, the lead speech was made by Lord Lester of Herne Hill. Let me place on the record my gratitude for the way in which he expressed these matters in another place. I should also like to place on the record my thanks to Mr. Francis Bennion for the assistance that he has given me, although he may not realise it, and to my right hon. and learned Friend the Member for North–East Bedfordshire (Sir N. Lyell), who unfortunately cannot be here today.

If I should say anything that conflicts with the views of Lord Lester, my noble Friend the shadow Lord Chancellor, Lord Kingsland, my right hon. and learned Friend the Member for North–East Bedfordshire or Mr. Francis Bennion, that is my fault and not theirs. I do not wish anything that I say to be taken as a reflection of their views; none the less, I found all they have said and written in the recent past extremely helpful in developing my arguments in support of the amendments.

Let me briefly outline the amendments of the official Opposition before seeking to develop my submission in support of them. Amendment No. 50 invites the Committee to amend clause 7 by inserting at the end the words:

"or he can demonstrate that he is acting on behalf of a victim or potential victim of an unlawful act".

That phrase fits in very neatly at the bottom of page 4, which sets out who may bring proceedings under the Bill.

Clause 7(1) reads:

"A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by section 6(1) may—

(a) bring proceedings against the authority under this Act in the appropriate court or tribunal, or

(b) rely on the Convention right or rights concerned in any legal proceedings,"

The clause adds the following words, which the right hon. Member for Caithness, Sutherland and Easter Ross and I jointly find too restricting:

"but only if he is (or would be) a victim of the unlawful act".

We wish to add after that:

"or he can demonstrate that he is acting on behalf of the victim or potential victim of an unlawful act."

Amendment No. 52 would add the same words to subsection (3), which says:

"If the proceedings are brought on an application for judicial review, the applicant is to be taken to have a sufficient interest in relation to the unlawful act only if he is, or would be, a victim of that act."

Amendment No. 53 would add the same words to the end of subsection (4), which deals with the equivalent procedure in the courts of Scotland. It says:

"If the proceedings are made by way of a petition for judicial review in Scotland, the applicant shall be taken to have title and interest to sue in relation to the unlawful act only if he is, or would be, a victim of that act."

We want to liberalise the regime under which proceedings can be brought under the Act by persons other than the victim of the unlawful act complained of.

The amendments tabled by the right hon. Member for Caithness, Sutherland and Easter Ross broadly reflect those tabled by Lord Lester, as, to some extent, do the Conservative amendments. Lord Lester's amendments were designed to remove what he regarded as

"the unnecessarily legalistic restrictions in Clause 7 on the standing"—

that is, the legal standing or the locus—

"needed to apply for judicial review where convention rights are at stake."

He added:

"They are, I hope, in accordance with the Bill's philosophy; namely, that of seeking to confer collateral advantages rather than to undermine the principles of the Bill."

I should like to borrow Lord Lester's sentiments in support of the Conservative amendments. We hope that the Government agree that we are not trying to put words in the Bill that would destroy its effect or undermine its principle. In no sense should the amendments be seen as an attempt to wreck the clause, still less the Bill. I am glad to see the Minister nodding and accepting our good faith.

Lord Lester continued:

"There is a curious anomaly in the Bill as it stands. It is traditionally British in its main principles respecting both the English constitutional doctrine of parliamentary sovereignty and the need to provide effective British judicial remedies for breaches of convention rights. The Bill is also British in empowering all our courts and tribunals to interpret and apply the convention rather than to establish a special constitutional court. The Bill is British, too, in requiring our courts to take into account the European jurisprudence from Strasbourg but not to be ruled by it."—[*Official Report, House of Lords*, 24 November 1997; Vol. 583, c. 823.]

Clause 2(1) says:

"A court or tribunal determining a question which has arisen under this Act in connection with a Convention right must take into account—

(a) any judgment, decision, declaration or advisory opinion of the European Court of Human Rights".

It does not say that UK courts must be bound by a decision, judgment, declaration or advisory opinion of the European Court of Human Rights. Under the Bill, we retain for our courts an ability to develop their own jurisprudence, although they will be guided by the judgments and so on of the European Court.

Having said all that, the problem we see is that the clause—

Mr. John Bercow (Buckingham): For the avoidance of doubt, will my hon. and learned Friend confirm that there is a substantial difference between a requirement to "take account of" and a requirement to be "guided by"? I do not wish to quibble with my hon. and learned Friend's use of language, which is always exemplary, but I should be grateful for that clarification on this occasion.

Mr. Garnier: One always has to be careful about loose language when dealing with complicated concepts of law. My hon. Friend the Member for Buckingham (Mr. Bercow), who is a man of huge intellectual capacity, need not be frightened of not being legally qualified. Anyone with a first-class degree from an English university deserves to be listened to with care. His point is, I hope, a good one.

I am seeking to draw the Committee's attention to the provisions of clause 2(1). I do not want to go too far down that route, because, sadly, we moved on from that clause several days ago. My point is that English courts—I use the word "English" as shorthand for the United Kingdom—are required only to "take account". The Bill says that they

"must take into account any—

(a) judgment, decision, declaration or advisory opinion of the European Court of Human Rights."

That is what the law will say, because the likelihood is that the Bill will be enacted.

I talked about guidance. I do not know that there is a great deal of difference between the phrases "take into account" and "guidance". If my hon. Friend the Member for Buckingham thinks that there is, I will be happy to give way to him again. I do not want to get too hung up on that semantic discussion, because we have a certain amount to do in trying to persuade the Government of the cogency and good sense of our amendments, which I know that my hon. Friend will want to support with all the vigour at his command.

Mr. John M. Taylor (Solihull): There is no shortage of that.

Mr. Garnier: My hon. Friend the Member for Solihull (Mr. Taylor) is right. Vigour is not a commodity of which my hon. Friend the Member for Buckingham is short.

I want the Government to explain why they have drafted clause 7 in such a way as to create an anomaly. Instead of relying on the well-developed public law concept—the judicial review concept—of legal standing for judicial review and other proceedings, the Bill seems to import a test of legal standing derived from the concept of a victim to be used by the European Court of Human Rights in interpreting and applying article 34 of the convention, as it will be when it is amended by the 11th protocol.

In the notes on clauses prepared by the Home Office or the Lord Chancellor's Department, the explanation of clause 7(3) suggests that the purpose of the sufficient interest test in judicial review proceedings is that an applicant can seek judicial review of the act of a public authority on the grounds that the act is unlawful under the Bill

"only if he is, or would be, a victim of that act."

The notes on clauses also say:

"This means that the ability to apply for judicial review on convention grounds, which is narrower than for judicial review application, otherwise corresponds to the standing or locus test under Article 34 of the convention itself for bringing complaints to the European Court of Human Rights".

Sadly, the notes on clauses do not explain the reasons for that, and the mischief that we perceive is not dealt with.

The Government seem to have narrowed the well-developed English public law and Scots judicial review concepts of sufficient interest, which were adopted by Parliament and developed by our courts.

4.15 pm

It is not in the least controversial to say that the convention is a treaty. Domestic law requires our courts to construe a treaty in the same way as courts in other countries. As the right hon. Lord Browne-Wilkinson said in a speech before the Judicial Committee of the Privy Council, in the case "Re H and others (minors) (abduction: acquiescence)", which is reported in volume 2 of the 1997 All England reports:

"an international convention, expressed in different languages and intended to apply to a wide range of differing legal systems, cannot be construed differently in different jurisdictions. The convention must have the same meaning and effect under the laws of all contracting states."

The Bill is confused on that point. It refers throughout to "the Convention rights" and defines those as the rights and fundamental freedoms set out in articles 2 to 12 and 14 of the convention,

"as read with articles 16 to 18."

If the convention rights are to have the same meaning as that found by the Strasbourg Court, the cited articles must be read along with the entirety of the convention, not merely articles 16 to 18. Our courts will have to make sense of the specified articles.

I respectfully suggest that Government spokesmen on the Bill have constantly diverted questions about its legal meaning by saying that they must be left to the courts to decide. However, the courts cannot successfully operate in a vacuum. What are they to conclude when they are told that they must not consider the entire convention?

Those articles need to be read with the preamble, which invokes the universal declaration of human rights and explains the convention's purpose. They also need to be read with article 1, which demands:

"The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section 1",

making it clear that it is the European states themselves—and no one else—which have the duty of obeying the obligations imposed by the convention.

The articles also need to be read with article 34, which the Minister will know used to be article 25, which states that the court may receive applications

"from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in this Convention."

The effect of that has been described by three of the leading academic lawyers on the European convention—Messrs Harris, O'Boyle and Warbrick—in their well-known textbook, "Law on the European Convention on Human Rights", published in 1995. On page 630, they say, as I am sure the Minister will be aware:

"While 'non-governmental organisations' and 'groups of individuals' are broad categories they do not cover, for example, bodies such as municipalities, other local government organisations or semi-state bodies."

Even the word "person" in article 34 does not include one of those bodies, which therefore cannot object that the United Kingdom has infringed its rights.

Because the presumption from the wording of clause 1 of the Bill is that the specified articles are not to be read with the rest of the convention, it seems—at least to me—that our judges are meant to have a free hand in construing them. That is confirmed by clause 2, which requires a court applying a convention article to take into account rulings on its meaning given by the Strasbourg Court, without being bound by them. That is in line with the civil law, which has no doctrine of binding precedent. It permits allowance to be made for the margin of

[Mr. Garnier]

appreciation that is permitted under the convention jurisdiction. The Lord Chancellor said on that subject in the other place:

"Our courts must be free to develop human rights jurisprudence by taking into account European judgments and decisions, but they must also be free to distinguish them and to move out in new directions in relation to the whole area of human rights".—[*Official Report, House of Lords*, 24 November 1997; Vol. 583, c. 835.]

We seem to be considering a free-standing Bill. Will the rights that it protects be exactly the same as the rights protected at Strasbourg? The answer, on that analysis, must be no. Will the Bill become a mirror-image Act? Who will be able to apply to our courts to have their rights protected? Not everyone is entitled to go to Strasbourg, so will the same exclusionary rules govern an application under the Bill?

If the Bill were intended to be a mirror image of the convention, one would expect clause 7 to be equivalent to article 34 of the convention, but we do not see that. Instead, clause 7(1) states—with one caveat—that any person with a claim will be entitled to pursue it. Person is used in its wide English law meaning to include all natural and artificial persons; it does not have the narrower meaning that is applicable to article 34.

The caveat is that the applicant

"is (or would be) a victim of the unlawful act."

We are told in clause 7(6) what that means:

"a person is a victim . . . only if he would be a victim for the purposes of Article 34 of the Convention",

which is not exactly helpful. We are finally brought back to article 34, but the position is not as clear as it could be.

The Government's notes on clauses say of clause 7(6):

"This attracts the Convention jurisprudence on 'victim'. In particular, the person must be directly affected by the act."

The suspicion is that the talk of a victim is intended to exclude persons indirectly affected, such as interest groups, but that it does not have in mind the exclusion of directly affected persons of the wrong type, such as local authorities. That reading is borne out by the Lord Chancellor's remarks in the other place. He said:

"The wording of clause 7 therefore reflects the terms of the convention, which stipulates that petitions . . . will be ruled inadmissible unless the applicant is the victim of the alleged violation."—[*Official Report, House of Lords*, 24 November 1997; Vol. 583, c. 831.]

For a certain answer to that, we may have to wait until some body such as a local authority tries—as no doubt one will—to bring a claim under the Bill. I hope that the Minister will be able to deal with that point.

Under the English judicial review system, as set out in section 31(3) of the Supreme Court Act 1981, the jurisdictional requirement for an applicant to apply for judicial review of administrative action is simply one of sufficient interest. That test of sufficient interest is included in the order 53, rule 3, of the rules of the Supreme Court. As I understand it, the test also applies in Scottish law, although the right hon. Member for Caithness, Sutherland and Easter Ross will no doubt tell us about that.

Our courts have wisely interpreted the test of sufficient interest to allow public interest groups—they are all well known to us—to bring cases in their own name on behalf of the class of people who are directly affected by laws and regulations. That has the advantage of enabling all the relevant matters at issue to be determined together and at an early stage to clarify whether there has been a misuse of public powers, including an abuse involving a violation of human rights.

Mr. Andrew Lansley (South Cambridgeshire): I am listening with care to my hon. and learned Friend, who is explaining the amendments with great clarity, but I want to be sure that I understand him correctly. Does he agree that what is to occur will not in practice give a mirror image of what the European Court would do? It is part of the structure of the European Court that there should be a margin of appreciation on the application of convention rights inside each of the member states that are parties to the convention.

Is my hon. and learned Friend saying that courts in the United Kingdom should develop that margin of appreciation, and that that margin of appreciation will sometimes best be developed where public interest groups that have a sufficient interest are able to bring proceedings?

Mr. Garnier: My hon. Friend is exactly right. The position is even worse than he and I feared. The Bill as drafted leaves the public authority, or the UK Government, with no right of appeal to Strasbourg, whereas the citizen has such a right. There is inequality of access to Strasbourg. The problem will be made worse if the British courts create a jurisprudence defined by their understanding of the margin of appreciation which differs from the understanding handed down by Strasbourg, and there will be nothing that the public authority or the Government can do. Eventually, a series of conflicts will build up. *[Interruption.]* Let me put aside my bleeper, and switch off my Mandelsonian character development machine. I must not allow myself to be put off by Government propaganda.

I fear that a jurisprudential conflict will develop between Strasbourg and the English courts. We have heard that clause 2(1) does not require English courts to accept by rote the jurisprudence of Strasbourg. As I said a few weeks ago, there seems to be great potential for conflict between the courts and Parliament. I shall come later to the conflict between both Houses of Parliament and the Executive. We are lining up constitutional struggles of some importance.

Mr. Bercow: I have no doubt that my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) has fully understood that exchange, but, to avoid doubt, may I establish whether my hon. and learned Friend is telling us that there are circumstances in which a public authority, having suffered an adverse judgment in the domestic courts, could ignore that judgment and, if criticised for doing so, could say that it should not be criticised because it had no right of appeal in Europe?

Mr. Garnier: I shall, if I may, avoid answering that question on the hoof.

We confront a series of collisions, which we all want to avoid. That is why I responded as I did to the previous intervention. My hon. Friend the Member for Buckingham ought to be aware of the danger. Under the judicial review

proceedings available in the divisional court, a wide group of applicants are entitled to apply to demonstrate a proper and sufficient interest. Under clause 7, a whole host of interest groups—it does not matter whether my hon. Friend or I agree with their aims—will be denied access to the courts. Consequently, a great many of the disadvantaged in our society, who have until now been protected by those interest groups, will be denied access to the courts.

In the other place, the Lord Chancellor said that we should not worry about that, because he had no doubt that the courts would allow the individual victim to be assisted by interest groups. He also said that individual victims might be assisted not only by interest groups paying for lawyers to present their cases but by such groups being allowed to put in written briefs to the court. In response to an intervention from, I think, my noble Friend Lord Coleraine, he said that it might be possible for interest groups to make brief oral submissions.

In our submission—I hope that my hon. Friend the Member for Buckingham agrees—that is unnecessarily clumsy. If we want the convention, once introduced into British law, to do what the Government say that they want it to do and bring human rights home—I disagree with the underlying premise—we must build into the Bill sufficient machinery to allow the people whose rights will be trampled on to gain access to the courts to test the question.

4.30 pm

Mr. Lansley: My hon. and learned Friend makes an interesting point. He will forgive my ignorance if I expose it in this question, but if, as proposed, only the victim of an unlawful act were unable to bring proceedings under clause 7, would that circumscribe the extent of the proceedings that the victim could bring? Under the construction proposed by our amendments, where a sufficient interest was proved by, for example, a public interest group, that group might be able to explore the full bounds of potential incompatibility between UK legislation and convention rights, rather than being circumscribed to something narrower.

Mr. Garnier: My hon. Friend puts his finger on the point. As drafted, the Bill could lead to an unnecessary multiplicity of cases. If interest groups such as Liberty or Justice back and present a case, they can not only deal with the case of the immediate victim but go beyond that and explain to the court the implications of the breach of the convention right involved. Mr. Jones is interested only in Mr. Jones's problem. In dealing with Mr. Jones's problem, the court will be strict to consider only his problem and not wander too widely into the broader issues. Groups such as Justice can come at a case with a far wider perspective and knowledge, and—although the court need not necessarily take account of it—they can do so with the human, intellectual and financial resources to ensure that every aspect of the case is dealt with properly and adequately.

Mr. Bercow: My hon. and learned Friend makes a powerful point. Is there not another argument to support his amendments? If an individual brought proceedings under clause 7, but passed away before they had commenced or before they were concluded, a wider category of persons would be needed to pursue the proceedings to a conclusion. Is that not another reason why these amendments are of the utmost importance?

Mr. Edward Leigh (Gainsborough): Duff point.

Mr. Garnier: I heard my hon. Friend say sotto voce that that was a duff point. I trust that he will be able to explain to my hon. Friend the Member for Buckingham why he used such unkind language. The points made by my hon. Friend the Member for Buckingham are certainly worthy of consideration, and I am delighted that he is here to put them before the Committee.

I shall attempt to bring some finality to my remarks, at least on this subject, so that other Members can contribute. I know that the right hon. Member for Caithness, Sutherland and Easter Ross wishes to make some points on behalf of the Liberal Democrats, in addition to the ones that I have stolen from them.

I want to return to the reasonable and workable nature of the sufficient interest test as it has been developed by our courts, and look at the other side of the question, which is the somewhat obscure position that will be created if the European convention test of victim is imported for cases under clause 7, but not for other judicial review proceedings. It will then be necessary for our courts to have regard, not to our well-tried and tested case law on the sufficient interest test, but to a complex body of Strasbourg case law developed for the quite different purpose of interpreting a provision of the convention that will disappear next year, when protocol 11 brings into existence the new court with new procedures.

As Lord Lester said in Committee in the other place:

"The Bill deliberately excludes the procedural rules of the European Court of Human Rights which allow third party interventions by bodies such as the Post Office Engineering Union (in *Malone*), or MIND (in *Ashingdane*), or the International Press Institute (in *Lingens*), or Justice (in *Monnell* v. *Morris*), or Amnesty International . . . , or the Northern Ireland Standing Advisory Commission for Human Rights, Liberty, and the Committee on the Administration of Justice (in *Brannigan* and *McBride*), or the Society for the Protection of Unborn Children (in *Open Door* and *Dublin Well Woman*).

It is well established that a public authority such as the EOC"—

that is, the Equal Opportunities Commission—

"has no standing to bring a case as a victim under the convention. What that means is that the EOC"

or any other representative body

"will be prevented by clause 7 from intervening as an amicus curiae, or third party, to represent the wider public interest if they seek to rely on convention rights in any legal proceedings."

I agree with Lord Lester. He said:

"that anomaly is highlighted by the fact that, under Clause 5, the Bill gives the Crown the right to intervene where a court is considering whether to make a declaration of incompatibility. Yet other public authorities or public interest organisations are to have no such right of third party intervention. I do not see any justification for placing the Government in that uniquely privileged position, depriving the courts of the benefit of other third party interventions."—[*Official Report, House of Lords*, 24 November 1997; Vol. 583, c. 825-26.]

The problem does not stop there. The existing Strasbourg jurisprudence on what constitutes a "victim" is not at all clear, and the Lord Chancellor did not give an answer of anything like the quality expected of a

[Mr. Garnier]

lawyer of his eminence. In effect, his answer consisted of, "I have said what I have said, and that will do." Why are the Government following European case law, rather than using the well-understood English statutory test of sufficient interest, when, as Lord Lester demonstrated, there is insufficient uniformity of view in Strasbourg about what constitutes a victim?

Will the Minister provide the Committee with a clear and, if not convincing, at least respectable explanation for the decision to exclude certain persons and to narrow the category of applicant before the court in cases under the Bill to persons described as victims of the unlawful act; and the decision not to allow, as they should, persons who can demonstrate that they are

"acting on behalf of a victim or potential victim of an unlawful act."

to come before the court to argue, to explain and to reveal to the court the widest implications of the case?

Mr. John M. Taylor: I apologise for not being able to attend all the debate; I had commitments in the Committee Corridor. I am probably the least knowledgeable Member in the Chamber about the matters that we are debating.

If we are talking about rights of access to a judicial forum, it is important to have great certainty about who may be a party and who may initiate proceedings. I should like my hon. and learned Friend the Member for Harborough (Mr. Garnier) to tell me from the Opposition Dispatch Box whether he feels that there is enough definition or whether he thinks there is potential for aggrieved parties who should be heard before the appropriate tribunal to be excluded and not have the access that they should? Is my hon. and learned Friend satisfied? It is very likely that if he is satisfied, I shall be. If he is not satisfied, I shall return to the charge.

Mr. Garnier: I think that my hon. Friend may have provided me with a way out in responding to his intervention. He candidly admitted that he has not been able to attend the entire debate. It may well be that you, Mr. Martin, would explode if I were to repeat what I have said over the past half hour. I have only a moderate affection for the sound of my own voice. I am about to demonstrate that by resuming my place.

My hon. Friend was perfectly right to ask the question, and I hope that he will not think me offensive if I suggest that, if he reads tomorrow's *Hansard*, he may find an answer somewhere that deals with his point. His intervention will become all the more telling if we do not get a proper explanation from the Government about why they are not prepared to accept my amendment or the amendments of the right hon. Member for Caithness, Sutherland and Easter Ross. In my view, the Lord Chancellor failed to give an explanation. Having been rude to the Lord Chancellor, perhaps I should conclude my remarks. I know that the right hon. Member for Caithness, Sutherland and Easter Ross and others will be wishing to catch your eye, Mr. Martin.

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): I must begin by expressing my gratitude and appreciation to the hon. and learned Member for Harborough (Mr. Garnier) for his speech, not least for the fact that he openly stated, with due acknowledgement, that he was plumbing or drawing heavily on the arguments used by my noble Friend Lord Lester of Herne Hill in another place. As he has done so, he greatly simplifies my task.

The hon. and learned Gentleman was kind enough to imply that there was a penumbra of Liberal Democrat argumentation that had not been developed either in his speech or in that of my noble Friend. The Committee will be relieved to hear that that is not the case. It will not be necessary, as a result of what the hon. and learned Gentleman has said, for me to take anything like as long as he thought it right to do. I make no complaint about that, because I thought his points were very well taken.

The only risk in our treatment of this subject, which is the right to bring proceedings, and in following the close legal argumentation that the hon. and learned Gentleman deployed, is that the public might consider that there is simply an arcane lawyer's point at issue. I would wish to make the strong political point that the purpose of my amendments, and I believe that of the hon. and learned Gentleman, is to make an important public interest point. It is to ensure that the rights of the convention are readily available to all who may have suffered by having their rights ignored or flouted by a public authority. In seeking to determine issues, the courts should have in front of them the best possible arguments from the public authority and those who have a reasonable or, in the normal language of administrative law, sufficient interest in the issue before those courts.

4.45 pm

I have tried to understand what lies behind the Government's strange departure from the normal British rules governing standing in administrative law cases. It is hard to understand, because the matter was not fully explained in another place in that important debate. As the hon. and learned Member for Harborough pointed out, this is a very British Bill. It seeks to offer British judicial remedies for breaches of convention rights. It seeks to allow the courts to consider European jurisprudence, but not to be governed by it. However, it allows public law concepts of the domestic laws of Scotland and England not to be the rule that will be applied here.

Clause 7(3) imports into our law a vague concept from the jurisprudence of the courts of Strasbourg. Anything that makes it more difficult to determine whether there is an interest is contrary to the Government's underlying intention, as I perceive it, to bring rights home and to provide British remedies for their infringement. One might speculate that the reason for using that concept is that the Government are afraid of the involvement of interest groups in these actions leading to a raft of test cases increasing the work of the courts where those interest groups perceive a possible public wrong and wish to have something done about it. In other words, they might seek to stir up apathy, to use the memorable words of Lord Whitelaw.

Mr. Bercow: I do not know whether the right hon. Gentleman's analysis of the Government's motives in drafting the Bill is correct, but does he, as a distinguished advocate, agree that, if the Government's objection is that they fear a proliferation of what he describes as test cases and of public interest group agitation, that is not a good reason for the Government to oppose the amendments?

They appear to be saying that the outcome would be all too time-consuming, troublesome and costly, and they want none of it. That is not a very democratic attitude, is it?

Mr. Maclennan: The hon. Gentleman made what might have been, had he not spoken, the next paragraph of my speech. I am only too delighted on this occasion, as I was earlier, to acknowledge my debt to members of the official Opposition for making my case for me.

There is concern in the Government that, bearing in mind the difficulties faced by the legal aid fund and the uncertainty of what is opened up by this new and all-embracing law, they should be as cautious as possible in approaching these remedies.

I disclaim the compliment from the hon. Member for Buckingham (Mr. Bercow); I am not, in any sense, a great advocate. I am a barrister by training who has long ceased to practise, and I no longer view these matters with the practitioner's cast of mind. However, in my opinion, the risk is precisely the converse of that which seems to motivate the Government. The risk is that more actions will be taken by individuals, with or without the advice of the interested and informed interest groups that are capable of giving advice, and that from the Bill's enactment will flow a proliferation of litigation that might have been avoided had the full range of issues pertinent to the consideration of a specific case, such as those mentioned by the hon. and learned Member for Harborough, been deployed by an interested party.

Mr. John M. Taylor: The right hon. Gentleman is on the threshold of one of the most worrying aspects of modern litigation. Since Pepper *v.* Hart, no civil action is brought before all parliamentary stages of legislation have been minutely examined. Nowadays, it seems that no piece of litigation is complete until each side has reported the other to the Law Society. Now the right hon. Gentleman is giving us the prospect that no litigation will be complete until it has had its lap in Strasbourg, or, under this law, had that lap translated back into the UK, and it has had its human rights aspects duly examined. Are we, on a wide general front, on something of a slippery and expensive litigious slope?

Mr. Maclennan: I profoundly hope not, because part of the purpose of incorporating the convention in the Bill is to discourage activity that would give rise to a claim that a right had been infringed. Indeed, I would not expect that there would be a great number of violations of people's fundamental rights and freedoms in this country. I believe that our public authorities are alive to these issues. They are becoming more alive to them, and it is unlikely that they will lay themselves open to charges of having infringed fundamental rights and freedoms.

I would acknowledge this much, however. Possibly, in the early years, before the courts have come to terms with some of the bigger issues that arise, there may be many cases. A certain amount of attention is being given to the need to train our judges to manage those matters; money is spent on that.

Mr. Taylor: I am grateful to the right hon. Gentleman for giving way a second time. I admire the respect for our institutions that leads him to expect that there would not be many frivolous or vexatious cases. I admire his approach, and I wish that we lived in such a world. Does he agree that our recent experience of the sunburst of judicial review is not very comforting to his line of argument? It tends pretty much in the opposite direction. People will dispute matters with public authorities, and will waste no time in doing so; they will throw the kitchen sink at them.

Mr. Maclennan: I do not accept the hon. Gentleman's line of argument on that, and I would distinguish between the matters that have come under judicial review and matters that might come under review as a result of the Bill's passage. The breach of a fundamental right and freedom is not a small matter which may flow from wrong use of a discretionary power by an authority, which would currently be likely to be considered. Fundamental rights and freedoms are very substantial and visible. It is not easy to breach someone's fundamental right and freedom in the dark and without deliberation. I believe that, because of that element of deliberation, it will be anticipated where such conflicts may arise. I do not expect that there will be a large expansion in the work of the courts, certainly after the first few years of people, as it were, having a go.

It would be particularly advantageous if it were possible in those first years for interest groups such as Liberty—the National Council for Civil Liberties—and Justice, and organisations such as Victim Support, Amnesty International and the Northern Ireland Standing Advisory Commission on Human Rights to have the right to come forward as interested parties. A peculiarly unhappy result of what is proposed is that they might even be excluded from roles as amicus curiae.

Amendment No. 42 would not only reinstate the existing law of this country with regard to standing in judicial review matters; it is a conservative amendment which would ensure that the provisions of section 31(3) of the Supreme Court Act 1981 were maintained in the new circumstances and reinstate what I understood to be the Labour party's position on these matters before it took office. The consultation paper "Bringing Rights Home" intended that public interest cases should be taken by bodies such as those that I have mentioned.

The importance of that is, if anything, made greater by the Government's reluctance to acknowledge the case for a human rights commissioner, which is one departure from an agreement entered into by my party and the Labour party before the general election, and about which I am particularly regretful. The issue cannot be discussed during debates on the Bill because of the tight drafting of the long title, but it is germane to the importance of the amendment. If there is no human rights commissioner and it is necessary for individuals to establish that they are victims—not just that they have a substantial interest—I fear that we may find that, in bringing rights home, we have narrowed the safeguards, rather than widened them.

I hope that that is not a position to which the Government wish to stick for a long time, and that the months since the debate in November, to which the hon. and learned Member for Harborough referred, have passed with fruitful deliberation on what was said. If so, we shall hear tonight that the Government are prepared to reconsider. For reasons of administration of justice, it would be wise to do so.

[Mr. Maclennan]

The policy behind what the Government are putting forward has never been made clear in any way. Legal argument about the importation of article 34 of the European convention on human rights into our rules has been deployed, but it seems strangely out of key with the approach to the procedural and substantive rules, which, in the rest of the Bill, rely heavily on the procedures and practices of our common law and statute law, not on the procedures of Strasbourg.

Mr. Lansley: The right hon. Gentleman has explored the reasoning behind the Government's approach. It may, in their terms, inhibit a number of public interest cases, or prevent what they might regard as an excessive number of such cases from being brought. As the Lord Chancellor said in the other place, the Government have not presented such an argument; their view is that a sufficient number of public interest cases would be brought on behalf of victims or by virtue of some separate public interest fund. To reinforce his argument, does he agree that one wonders what is their argument? The Government do not treat that as the argument. One wonders what their argument is.

5 pm

Mr. Maclennan: The hon. and learned Member for Harborough mentioned the Lord Chancellor's statement that he did not envisage those interest groups being absent from the proceedings, because they might be there to assist individuals. My view is that they should be there in a different role—to assist the court. That, in itself, would help the proceedings. Of course, in some cases, if they took a case because they had a sufficient interest, they would be in adversarial proceedings. However, in the wider context of the settlement of an issue or a point of law, the exclusion of interest groups is most unfortunate, both for the individual whose case might be taken up and for our system of justice.

I do not want to speak for even half as long as the hon. and learned Member for Harborough. He made an excellent speech and I found it entirely possible to adopt his reasoning on points that I do not want to raise myself.

The speech by Lord Lester of Herne Hill was a classic of its kind. He deployed his arguments with great beauty and force. He referred to one or two matters that should be noted in this House. Of particular interest was his quotation from the fifth edition of the authoritative work "Judicial Review of Administrative Action". On the question of sufficient interest in our law, Lord Woolf and Professor Jeffrey Jowell's observations in their book effectively bring home what this is all about. They said that the sufficient interest test

"has to receive a generous interpretation. It has to be treated as a broad and flexible test . . . A great variety of factors are capable of qualifying as sufficient interest. They are not confined to property or financial or other legal interests. They can include civic (or community), environmental and cultural interests"—

Mr. John M. Taylor: Will the right hon. Gentleman give way?

Mr. Maclennan: Not in the middle of a quotation.

The authors continued:

"The gravity of the issue which is the subject of the application is a factor taken into account in determining the outcome of questions of standing. The more serious issue at stake the less significance will be attached to arguments based on the applicant's alleged lack of standing."

Mr. Taylor: Will the right hon. Gentleman give way now?

Mr. Maclennan: Of course I will give way, as I gave way to the hon. Gentleman earlier.

Mr. Taylor: I apologise for interrupting the right hon. Gentleman in the middle of a quotation. He is the only Member of Parliament who is able to speak in paragraphs. The late Victor Borge was able to speak in paragraphs.

The right hon. Gentleman, with all his knowledge, seems still to take a pretty limited view of the number of people who will come and help themselves to this process. He courteously allowed me to intervene earlier on the issue of judicial review. Judicial review is a huge growth industry, and there is a distinct read across to these provisions. When I was in the Lord Chancellor's Department, the Lord Chancellor was judicially reviewed about three times by the Law Society. The Department for Education and Employment is frequently judicially reviewed.

I reckon that I have about 35 constituents, who write letters to me in green ink, who will burst through the door the moment the Bill has Royal Assent. I dare say that many other hon. Members have similar constituents. The point that has not been clarified is the number of people who will assail this process the moment they are given the chance. I do not think that the right hon. Gentleman has any sense of the scale.

Mr. Maclennan: I shall make three quick points in response to the hon. Gentleman, but perhaps I had better not give way again. First, I do not have many constituents who write to me in ink, never mind in green ink. Secondly, I am speaking in support of the amendment tabled by Conservative Members, who do not want people whose fundamental rights and freedoms have been denied to be deprived of a remedy in our domestic courts even if, as a result, the litigation dealt with by our courts increased.

Thirdly, we can merely speculate about the consequent volumetric increase in litigation. I have tried to distinguish between the position in the wide area of administration law, with the expansion of judicial review, and the position with regard to fundamental rights and freedoms. I do not believe that in this country—the hon. Member for Solihull (Mr. Taylor) has already agreed with me on this point—we live in a society in which fundamental rights and freedoms are breached with great regularity or frequency. At the beginning of the process, some people may believe that they are breached more often than occurs.

I rest my case on the argument that we should not narrow the right of access to the courts artificially, and in so doing utilise a procedural rule to bring about such an

undesirable end that is as uncertain as are the interpretations of who, under Strasbourg jurisprudence, are victims.

Mr. Bercow: The right hon. Gentleman referred earlier to the way in which the criterion of sufficient interest in amendment No. 42 could be satisfied. Does he agree that, in seeking to bring a case, a family member would almost certainly satisfy the criterion of sufficient interest?

Mr. Maclennan: I suspect that that is so, but the issue which we must address is who would satisfy the test of victim under the Government's proposals. That is where the anxiety lies. How narrowly will this new procedural arrangement be interpreted?

I have made the main points that I wanted to make. I am rather eager to hear the Government's views, so I shall draw my remarks to a conclusion.

Mr. Leigh: The Committee owes a debt to my hon. and learned Friend the Member for Harborough (Mr. Garnier) for raising this matter, because it has shed light on a vital part of the Bill. Why do I say that? In our debates last week, I drew attention to an anomaly in the Bill. Clause 7(3) is specific about who can sue, whereas clause 6 is unclear about who can be sued. As I have previously argued, the Government have given insufficient attention to the definition of a "public body". As my hon. Friend the Member for Solihull (Mr. Taylor) has well argued in his interventions, that is vital to the bodies, many of which are small, quasi-public bodies, that are worried that they could be the subject of expensive litigation.

The argument is important. The Bill does not simply incorporate the convention into our law; it creates an entirely new Bill of Rights. We shall not simply bring the convention into our law and accept the jurisprudence of the European Court of Human Rights; rather, we shall effectively give British judges the right to build up a new volume of jurisprudence. Those are points that I have argued again and again, and they are the points that worry particular groups. That is why I oppose incorporation of the convention.

I have summarised the general worry; we are now exploring a strange dichotomy. I can understand why the Government are specific about who can sue, and I support their position this afternoon, for the reasons given by my hon. Friend the Member for Solihull. There is a grave danger that, unless we tie down carefully who can sue, we could open the floodgates to various campaigning organisations that want to use the Bill as a vehicle to sue quasi-religious or quasi-public bodies.

Mr. John M. Taylor: My hon. Friend and I clearly have similar thoughts on the matter. Will he be so good as to give me and the Committee the benefit of his reaction to the prospect of the proliferation of bodies such as the Consumers Association, the citizens advice bureaux, the Gas Consumers Council, or perhaps one of the more politically motivated law centres? One does not want to job back to Monday night in the House, but is my hon. Friend as frightened as I am about the possible proliferation of parties?

Mr. Leigh: These are probing amendments for the good reason that Conservative Members, coming from where we do in the political firmament, should be concerned about organisations—particularly organisations such as Liberty, which I am not aware is a natural Conservative organisation—which are pressing such amendments. Liberty and similar organisations are hopping mad with the Government for restricting so narrowly the definition of who can sue. Such campaigning organisations, many on the left with their own agenda, wanted the right to pick up an individual and run with that individual's case. That is what concerns us.

The Government's notes on clauses are correct, and sum up the situation quite well. They state:

> "The ability to apply for judicial review on Convention grounds would thus be narrower than for judicial review applications otherwise, but would correspond to the standing or locus test under Article 34 of the Convention . . . for bringing complaints to the European Court of Human Rights."

Some of my hon. Friends may be suspicious of the European Court of Human Rights, but the jurisprudence on moral, social or ethical matters is conservative; it comes from the continental tradition of conservative jurisprudence. Therefore, it is wise to base the test of who can sue on that narrow jurisprudence, which has built up during the past 50 years.

Mr. Maclennan: I am interested in the hon. Gentleman's conversion to things European. I want to be clear that his argument is that it is not conservative to prefer the British rules on standing to the European ones.

5.15 pm

Mr. Leigh: Usually, I would prefer to adopt British jurisprudence, but I am worried by precisely the arguments raised by my hon. Friend the Member of Solihull this afternoon. If we start with a completely blank sheet of paper—if we say to our judges that they can start afresh—the many organisations that we know are out there waiting to sue pose an alarming prospect. That is why I want to limit the definition tightly.

Miss Julie Kirkbride (Bromsgrove): Will my hon. Friend help someone who is not a lawyer and not as well versed as him in such arguments? I seem to recall that, when the homosexual couple who were below the age of 21 took their case to the European Court of Human Rights, they did so with the backing of Stonewall. Although they were individuals who were aggrieved by the situation and who felt that their rights were infringed, they nevertheless took their action with the backing of a well-known interest group.

Therefore, I should be grateful if my hon. Friend could explain to me, as I have not followed the matter as well as he has, why it is not the case, even under the Government's proposition, that any aggrieved individual can have their case backed—

The First Deputy Chairman: Order. Before the hon. Member for Gainsborough (Mr. Leigh) returns to the amendment, I should say that some interventions, not just that of the hon. Lady, have been far too long. There is no opportunity to make a speech during a speech.

Mr. Leigh: My hon. Friend makes a worthwhile point. We well know that, although individuals sue as victims, they are invariably backed by an organisation. My hon.

[Mr. Leigh]

Friend's point is precisely that made by the Lord Chancellor in the other place. He said that one should not be too worried about the restriction, because, although a victim will sue as an individual, he could be backed by an organisation. Having said that, at least there is some restriction; the weapon is not simply being handed on a plate to organisations such as Liberty. At least such organisations have to find a victim. They cannot just raise wide general propositions and bring them to our courts. That is what concerns us.

Mr. Bercow: I follow the thrust of my hon. Friend's argument. Is he therefore saying that only the aggrieved party—that is to say, for the purposes of the Bill, the victim—should be able to bring proceedings?

Mr. Leigh: That is precisely my position, and that is the Government's position. It grieves me to support the Government, but occasionally one has to do so in the interests of good law making. We should not be unduly party political about this point; we can have a perfectly civilised debate. If I have to support the Government, so be it.

The right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) supported the learned tome by Lord Woolf.

Mr. Bercow: Well thumbed.

Mr. Leigh: Perhaps not by all of my hon. Friends.

The right hon. Gentleman quoted from the book the words:

"has to receive a generous interpretation. It has to be a broad and flexible test".

It is precisely such words—"generous", "broad", "flexible"—that fill me with alarm. How far shall we extend matters if we adopt that wide definition of who can sue?

We know, because examples were given in the other place, of the organisations that are waiting to sue if an amendment such as this is passed—the Child Poverty Action Group, the Joint Council for the Welfare of Immigrants, the Equal Opportunities Commission and trade unions. Are my hon. Friends really sanguine about the prospect of such organisations—not victims; these are the precise organisations referred to in debates in the other place by people who were moving amendments such as this—being given carte blanche to sue anyone they like? I am certainly not sanguine.

Mr. Garnier: Would it assist my hon. Friend if we were to make it a requirement that someone who was not a direct victim within the context of clause 7(1), but who wanted to bring an action—an additional person, if I may describe him in that way—should seek the leave of the court before he was able to persist in those proceedings? My hon. Friend will appreciate that, for judicial review, one cannot appear before the divisional court without the leave of the court. Will my hon. Friend think about that suggestion, perhaps in the period before we reach Report?

Mr. Leigh: The Minister—on whose shoulders the matters rest rather more heavily than they rest on mine, sadly—will have heard that intervention and can ponder it. The suggestion seems to be a perfectly fair one and is perhaps a reasonable compromise. I have not had sufficient notice of it to make up my mind whether it would solve the problem. It may well do so.

Mr. Bercow: I am sorry to interrupt my hon. Friend so soon after my previous intervention. He is arguing a rigorous case in favour of allowing only the victim to bring proceedings. However, as he is also an extraordinarily strong supporter of the family—in fact, a supporter without equal in the Committee—would he be prepared to concede that a family member might be considered to have a sufficient interest in a case to satisfy the sufficient interest criterion in amendment No. 50?

Mr. Leigh: Yes; that is a fair point. I see no reason why, if there is genuine outrage—which, in the context of this week, may not be a particularly good word to use; it is one of those rather good old-fashioned English words that seems to have been taken over in an unpleasant way—in such cases, a family member should not be allowed to sue. It is a fair point, which I accept.

Mr. Lansley: If not only victims, but organisations, were able to bring actions, does my hon. Friend agree that not only the organisations that he mentioned, but other organisations, could use convention rights—especially in pursuance of article 8, on the right to respect for private and family life—in the United Kingdom jurisdiction, perhaps to bring cases to protect family life?

Mr. Leigh: That may be. One must not fall into the trap—as I perhaps naturally tend to do, for which I apologise—of assuming that all the organisations that will be queueing up to sue under the provisions will be left-leaning ones. I accept that very conservative, pro-family organisations could do the same.

In moving similar amendments in the other place, Lord Lester said:

"It will then become necessary for our courts to have regard not to our well tried and tested case law and the sufficient interest test, but to a complex body of Strasbourg case law developed for the quite different purpose of interpreting a provision of the convention".—[*Official Report, House of Lords*, 24 November 1997; Vol. 1712, c. 825.]

Although he seemed to think that that view was mistaken, I think that he has put his finger on the point. It is wise for us to base our jurisprudence on the convention—which was the purport of amendments that I spoke to last week.

Lord Lester also said that he felt that the Equal Opportunities Commission or the Fair Employment Commission would not be able to move an action. The Minister may want to comment on that view. However, I would not be filled with particular alarm if those bodies could not themselves move an action, but had to rely on a victim to do so.

I should like to quote one case, which was referred to also in the other place, to illustrate the point. The case of Open Door and Dublin Well Women *v.* Ireland turned on the wish of the Irish courts, Irish Government and Irish people to preserve strong laws on abortion. The European Court of Human Rights considered that women of child-bearing age could claim to be victims as they

belonged to a class of women that might be adversely affected by the restrictions. So, in that case, the court drew fairly widely the class of those who might be able to sue.

Another interesting case concerned the then Harriet Harman—who is now the Secretary of State for Social Security—when she was working for a civil liberties organisation.

Mr. Garnier: She may still be Harriet Harman.

Mr. Leigh: Yes, but I cannot call her Harriet Harman in Committee. In that case, it was ruled that David Leigh, the journalist concerned, could complain, but that the newspaper companies could not. In that case, the European Court drew the definition quite narrowly.

The Lord Chancellor is not someone with whom I tend to agree on all cases. However, I thought that in his summing up of the debate in the other place, his words were wise. Moreover, we should observe his words with particular care, as he is the oracle for these purposes—although he cannot participate in our debate, this is primarily his Bill. He said:

"The purpose of the Bill is to give greater effect in our domestic law to the convention rights. It is in keeping with this approach that persons should be able to rely on the convention rights before our domestic courts in precisely the same circumstances as they can rely upon them before the Strasbourg institutions. The wording of Clause 7 therefore reflects the terms of the convention".

Our debate today is not about whether we want to incorporate the convention. The Government and the House have decided that matter. However, surely we want to be rigorous in incorporating it. If we want to incorporate the convention, that is what we should seek to do. We should not try to create an entirely new class of potential victims. As my hon. Friend the Member for Bromsgrove (Miss Kirkbride) said, the Lord Chancellor confirmed that interest groups would still be able to provide assistance.

I was worried about one aspect of the Lord Chancellor's comments, and I should be grateful for the Minister's comments on it. The Lord Chancellor said that he was

"giving serious consideration to Sir Peter Middleton's proposal that there should be a separate fund for public interest cases, including those involving convention rights."—[*Official Report, House of Lords*, 24 November 1997; Vol. 1712, c. 830-31.]

Why should public moneys be involved in supporting groups that may or may not have a grievance? Why should they be supported by public funds? Although I may have misunderstood the point, it is nevertheless important.

I hope that the Committee thinks that I have made an at least arguable case, which can I summarise by quoting Liberty. It stated:

"Despite the suggestion in the earlier Labour Party consultation paper *Bringing Rights Home* that the rules of standing might be widened (or at least maintained as they are), the Government proposes to reduce the scope of standing to bring proceedings invoking the European Convention. We believe that there is no justification for such a retrograde step and that it is essential that statutory bodies such as the EOC, and NGOs, continue to be able to bring proceedings in the circumstances already established by the High Court. Such organisations can play a vital role in bringing matters of important public interest before the courts. The proposals would mean that an organisation such as the EOC would have standing to bring proceedings in which domestic and/or European Community law was invoked, but not if the Convention were invoked. That would be a nonsensical situation."

That was Liberty's view. I hope that my hon. Friends, having heard that view, will take precisely the opposite view. I hope that, like me, they believe that—although the Government have fallen down in their duty of restricting or defining very carefully what constitutes a public body in clause 6—in clause 7, the Government have taken the right and firm view that only a victim and not groups seeking self-publicity may sue. I do not know why Ministers have taken that view, although I suspect it was because they were worried about the number of cases that might come before the courts.

5.30 pm

Mr. Lansley: Although I am not a lawyer, I support amendment No. 50, moved by my hon. and learned Friend the Member for Harborough (Mr. Garnier), and amendment No. 42, which was spoken to so well by the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan).

I have listened with interest to this debate—which, helpfully, has been accessible to non-lawyers—and, unlike my hon. Friend the Member for Gainsborough (Mr. Leigh), have been persuaded of the merits of making this group of amendments. It might be helpful if I explain why. Unless my hon. and learned Friend tells me otherwise, I have construed them not as probing amendments, but as substantive ones that would improve the Bill. They have given us a helpful opportunity to discuss some important issues. I shall not delay the Committee long, as I know that others wish to hear the Minister's reply.

Like many of my hon. Friends, I start from the standpoint that we would not necessarily have sought to incorporate the European convention into British law. As the Bill does so, however, what should it comprise? It has always been a matter of balance between the risk that incorporation would lead to interference with and frustration of the intentions of Parliament, and hence the reduction of our customary form of parliamentary sovereignty, and, on the other hand, the potential benefit that it would strengthen the ability of individuals and non-governmental organisations to take action against arbitrary, unreasonable, procedurally unfair or disproportionate action by the state or public authorities. The Bill as drafted, which restricts the rights of action to victims alone, runs the risk of not striking the right balance, and therefore not exploiting to the full the benefit that may be derived from the incorporation of convention rights.

My hon. Friend the Member for Gainsborough was generous enough to concede that, whatever our particular political views, hon. Members can envisage circumstances in which organisations that are not necessarily themselves the victim of an act might none the less seek to use the convention rights incorporated in the legislation to pursue action against what they regard as arbitrary or unreasonable acts by public authorities. However, my hon. Friend appeared to be arguing that confining the rights of action to victims will minimise the extent to which actions will be brought that frustrate the intentions of Parliament and give rise to convention-led, judge-made law rather than Parliament-laid law.

I do not agree. The right hon. Member for Caithness, Sutherland and Easter Ross was right to say that it is simply a question whether such cases will be brought in a more substantive way in the first instance, embracing

[Mr. Lansley]

the range of public policy issues that arise, or whether there will a large number of cases relating to the narrow circumstances of individual victims.

I shall not re-run the discussion that I had with my hon. and learned Friend the Member for Harborough, but it is clear that, if the legislation is confined to victims, there will be more and narrower cases, probably over exactly the same time scale. Organisations will use a range of cases in order to achieve the same effect, but they will do so in relation to particular victims. I find that an undesirable way of proceeding.

As the objective is to secure the compatibility of UK legislation with convention rights, it may be better to do so using particular instances but elaborating their public policy implications, rather than resting upon what may be a rather haphazard and arbitrary selection of cases relating to specific victims which may proceed through a series of intermediate stages, and the incompatibilities that are exposed may not cover all the implications and potential difficulties.

For those reasons, the legislation should go beyond the victims themselves. The amendments seem to work on two levels. My hon. and learned Friend's amendments incorporate what appear to be the Government's intentions. In another place, the Lord Chancellor seemed to suggest that it was the Government's belief that various organisations would assist victims of unlawful acts in bringing cases. The amendments seek only to make explicit that which the Government regard as implicit—that bodies should be able to act on behalf of and not simply assist victims.

I understand that there is a difference of substance before the courts, but if the Government's intention is not to frustrate bodies bringing cases in respect of victims of unlawful acts, why not allow them to act on behalf of a victim of an unlawful act, rather than simply assisting, as the Government seem to imply?

The amendments in the names of the right hon. Member for Caithness, Sutherland and Easter Ross and his right hon. and hon. Friends go further. They seek to extend the rights of action beyond victims to all those with sufficient interest. I shall not elaborate on the arguments, as they were well presented by my hon. and learned Friend the Member for Harborough.

The right hon. Member for Caithness, Sutherland and Easter Ross raised a question to which the Government have to respond. Why are they sticking on this point? It is perfectly clear that they do not intend to strengthen the hand of public authorities and limit the circumstances in which incompatibilities between UK law and the European convention are exposed. That would be contrary to their intentions. Presumably they want convention rights incorporated into UK legislation. That is the purpose of the Bill. If public interest bodies that are not necessarily themselves victims of an unlawful act can demonstrate to a court that there is incompatibility, why should the Government seek to prevent that? If that is not the reason, what is it?

My hon. Friend the Member for Gainsborough put his finger on it when he quoted the Lord Chancellor saying that the Government wanted to bring into UK legislation precisely the same circumstances as apply when a case is presented to the European Court of Human Rights. It is perfectly clear from the debate that precisely the same circumstances will not do. There is a need not only to provide an opportunity for British courts to incorporate European convention rights, but to establish a margin of appreciation in respect of UK legislation. The British courts would be assisted in establishing that margin of appreciation by virtue of public interest actions being brought by bodies other than the victims.

In addition, there is a body of jurisprudence relating to sufficient interest that will make clearer and more helpfully available to courts a basis upon which to determine who ought to have rights of audience. No one would suggest allowing excessive or frivolous cases to be brought. All the normal and reasonable tests would apply, and a party would have to obtain the leave of the court in order to bring a sufficient interest case. Such a case would embrace not only all those who were victims of unlawful acts, but those who could assist the Government in their intentions, and secure clarification of where there might be incompatibilities.

Mr. John Burnett (Torridge and West Devon): Does the hon. Gentleman believe that, after an initial significant increase in litigation, the incidence of litigation will decrease once the matters had settled down, and that judges will be considerably constrained in giving leave to take judicial review proceedings by precedent and the fact that there had been a greater body of litigation previously?

Mr. Lansley: The hon. Gentleman raises an interesting point. In the first instance, there must of necessity be a number of cases that have not been brought because of the procedural difficulties involved in taking a case to the European court and the relative ease—nothing is easy in these terms—of bringing a case before the UK courts, so there is likely to be more litigation to start with. I hope that the hon. Gentleman is right to suggest that the number of cases will settle down, but bearing in mind the exchange between my hon. Friend the Member for Solihull (Mr. Taylor) and the right hon. Member for Caithness, Sutherland and Easter Ross, it is likely that it will not settle at a low level. A good deal of litigation may follow.

The right hon. Member for Caithness, Sutherland and Easter Ross said that breaches of fundamental rights might be relatively rare. He may be right, but I do not think that it works like that. The cases brought will not go to the heart of the fundamental right asserted in the convention, but will work at the boundaries. The main issue will be not whether the right to freedom is to be transgressed fundamentally, but what the boundary of that right is in relation to public authorities. That is a shifting boundary, which will be subject to a lot of litigation.

The Government's proposal will result in more cases, because, to pursue the point of public policy, one has to keep finding the particular circumstances in which victims of unlawful acts can be used as a basis for securing a declaration of incompatibility. Beyond that, because some cases involving victims of unlawful acts will be rooted in particular circumstances rather than acting on the basis of a public interest group trying to secure a declaration of incompatibility on public policy grounds, we may find that the merits of the case become meshed with the extent to which incompatibility exists.

That may lead to a plethora of cases that argue two ways on public policy and may go different ways according to the public policy implications drawn from

cases decided on their merits, rather than public policy cases. As my hon. Friend the Member for Gainsborough said, there is a risk with the amendments that interference with the will of Parliament will go too far in the first instance, but we shall get to the heart of the Government's aim of securing more definitive judgments on incompatibility earlier rather than going through what may turn out to be a haphazard, lengthy and tortuous series of litigation to arrive at the same point.

On that basis, and having listened to the debate, I strongly support the Conservative and Liberal Democrat amendments.

Mr. John M. Taylor: The right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) spoke, in a good-natured leg pull, about the unexpected enthusiasm of my hon. Friend the Member for Gainsborough (Mr. Leigh) for certain European matters. My hon. Friend did not rise to that, which is typical of the dignity that he has brought to the debate, but I should like to comment on it in the same spirit. I am quite a high-mileage politician, and one of the few people to have been a directly elected Member of the European Parliament—I was elected in the first direct elections and served there between 1979 and 1984—and a delegate to the parliamentary Assembly of the Council of Europe, which is the forum that acts as the political custodian of the European convention on human rights.

My hon. Friend the Member for Gainsborough and I have misgivings about many things that emanate from the treaty of Rome, which is the root treaty of the European Union, and subsequent treaties, as well as the various institutions that attend those treaties—the European Commission, the European Parliament and the Council of Ministers.

The Chairman of Ways and Means (Sir Alan Haselhurst): Order. The hon. Gentleman is dilating somewhat too far from the kernel of the matter that we are discussing.

5.45 pm

Mr. Taylor: I had hoped that I might have some sympathy from you, Sir Alan, in attempting to distinguish between the parliamentary Assembly of the Council of Europe and the European Parliament. I shall dwell no longer on the issue, save to say that those of us who are acquainted with the institutions know that they are as different as chalk and cheese.

I hope that you will find me in order, Sir Alan, if I speak about parties who can bring proceedings. I face a problem that I shall have to think hard about before Report stage. I share the great anxiety of other Conservative Members that the number of qualifying parties and participants may proliferate. There may be all kinds of opportunistic petitioning of the English courts by virtue of what will then be the Human Rights Act 1998.

My hon. Friend the Member for Gainsborough mentioned various potential candidate bodies that would love to become petitioners in the process. In an intervention, I suggested the Consumers Association, the Gas Consumers Council, citizens advice bureaux and law centres. We all know of the generic category that might be a multitude. The good intention behind the convention, and domesticating it into English law, might be soured and wrecked by the size of the clamouring queue of those who want to bring their cases and causes. I want the most restrictive interpretation possible of who can petition.

On the other hand—this is an honest anomaly—there has been a recent development in English jurisprudence to de-restrict rights of audience. Parties other than barristers in higher courts, and barristers and solicitors in lower courts, have been enabled to have rights of audience. Patent practitioners and accountants can go before tax tribunals. Citizens advice bureaux are regular representers—and good ones—before our county courts for people with causes and grievances. The concept of the Mackenzie friend has also developed. There has been a domestic drift towards liberalising a person's right to have someone with them before a judicial process.

My hon. Friend the Member for Buckingham (Mr. Bercow) put it to my hon. Friend the Member for Gainsborough, who is a particular champion of the rights of the family, that, in an appropriate case, a family member might seek to represent an injured party before a court. I believe that my hon. Friend the Member for Gainsborough agreed that that might be appropriate. Examples can be found further back in English law of people who lack legal capacity—by minority or through some unfortunate affliction—being represented by a parent, a guardian or a receiver in the court of protection. I hope that I am using the right term of art—I think I am—but in any case I trust that my meaning is clear: there is a culture of allowing people to be represented by others.

I am finding it difficult to reconcile the two strands. I do not know whether any of my hon. Friends can help me with that at this early stage, or whether I will have to reflect on this between now and Report. For reasons that I have made clear to the point of labouring them, I do not want this process cluttered with all sorts of putative petitioners, representatives or persons who claim an interest. However, I am entirely sympathetic to the long and properly established culture that those who may be found to be at a disadvantage in the daunting circumstances of presenting a case in the court of law should be properly accompanied lest they be at a disadvantage for that single reason.

In the legal profession, various figures of speech have been used over time. For example, the term "parity of firepower" and similar terms are used to try to show that one party to the proceedings does not have an excessive advantage and the other is not excessively daunted. An attempt is made to find some equivalence, because, in that way, it has been thought that a fairer outcome is more likely.

I have developed other points courtesy of other right hon. and hon. Members who have been good enough to allow me to intervene on them. I am glad to have had an opportunity to do so, and I am glad to have been able to develop these further remarks. I end as I began.

There is here discerned a problem that needs to be addressed. There must be some sort of reconciliation between the proper desire to stop this process being swamped and the proper desire to ensure that disadvantaged members of society—disadvantaged in some sense of the word—should have assistance and representation properly to make their case. That reconciliation is not clear to me now, but I shall be thinking about it carefully. If the Minister would care to mention that aspect in his reply, I should be grateful to him.

[Mr. Taylor]

Mr. Mike O'Brien: I accept the good offices of the hon. and learned Member for Harborough (Mr. Garnier) who said that his amendments seek to enhance and clarify the Bill. I also accept the good offices of the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan), who has also supported the Bill during its passage through the House. He has sought to enhance the Bill in ways that the Government have not sought, but his intention has been to make it more effective. The Government's view is that his proposals may not have made the Bill more effective, but there is a genuine wish to get this one right.

The six amendments are concerned with who can bring proceedings under clause 7. Amendments Nos. 42, 43 and 141, which were tabled by the Liberal Democrats, focus specifically on judicial review proceedings. They would enable a person to bring proceedings under the Bill against a public authority on application for judicial review if the court considered that he had a sufficient interest—that is, they would enable persons who are not the victim or potential victim of an unlawful act to bring cases under the Bill. The most obvious effect of the amendments would be to open the way for interest groups to bring proceedings on application for judicial review.

The issue was debated at great length in another place, and has been discussed at great length today. I understand the reasons for tabling the amendments, but the concerns about the implications of applying the victim test are misplaced. The approach taken in clause 7 is the best way to bring rights home.

The purpose of the Bill is to give effect in our domestic law to the convention rights. It is in keeping with that approach that people should be able to rely on those rights before our courts in the same circumstances as they can rely on them before the Strasbourg institutions. Clause 7 accordingly seeks to mirror the approach taken by Strasbourg—reliance on the convention rights is restricted to victims or potential victims of unlawful acts, and the definition of a victim for this purpose is tied to article 34 of the convention as amended by the 11th protocol. I will expand on that further in a moment.

Our approach seems to be wholly justifiable. I acknowledge that, as a consequence, a narrower test will be applied for bringing applications by judicial review on convention grounds than in applications for judicial review on other grounds. However, interest groups will still be able to provide assistance to victims who bring cases under the Bill, including the filing of amicus briefs. Interest groups will also be able to bring cases directly where they are victims of an unlawful act.

I do not believe that the different tests for convention and non-convention cases will cause undue difficulty for the courts, or prevent interest groups from helping individuals who are victims of unlawful acts.

Amendments Nos. 50, 52 and 53, tabled by the Opposition, seemto have a somewhat similar intention, which is to expand the number of possible litigants. The hon. and learned Member for Harborough seems to have had his arguments challenged effectively by the hon. Member for Solihull (Mr. Taylor), who was sometimes helpful and sometimes not so helpful. He made very good points. The hon. Member for Gainsborough (Mr. Leigh) also made some very able points. I shall give the official line.

First, the amendments expand the category of people who can bring cases under all types of proceedings in clause 7, not only those on application for judicial review. Secondly, they do not adopt the existing "sufficient interest" test, but seem to introduce a new requirement that a person wishing to bring proceedings would have to meet, which is that he is acting

"on behalf of a victim or potential victim of an unlawful act."

The amendments accordingly require that there must be a victim of an alleged unlawful act. They may be seen as a compromise between the Strasbourg test and the sufficient interest test—seeking to exclude the possibility of academic challenges while still allowing interest groups to bring cases themselves when they are not the victim of the act being challenged. If a group is genuinely acting on behalf of a person, the proceedings can perfectly well be brought in that person's name. As I have said, the Bill does not prevent interest groups from providing assistance to a victim once a case is brought.

The hon. Member for Gainsborough referred to Sir Peter Middleton's proposal. On the question of individuals having access to the courts, the Lord Chancellor's Department issued a paper in March on the first stage of our proposals for reviewing legal aid. We intend to develop a way of supporting certain cases that have significant wider public interest, but which might otherwise not be brought. One definition of public interest that we have in mind includes cases involving challenges to the acts or omissions of public bodies, including breaches of convention rights.

Mr. William Cash (Stone): The Minister is touching on a subject that I have raised many times. I have suggested that, if one is trying to find out what sort of cases should qualify for public funds of that kind, there is a strong case for applying to a judge for a certificate of public interest in order to ensure that the parameters are properly identified and we know what is and is not important. Is that something which the Minister is contemplating?

Mr. O'Brien: It would be wrong at this stage for me to prejudge the outcome of an on-going consultation. The hon. Gentleman's views on these matters are well known; he has expressed them before. No doubt, in due course, the Lord Chancellor's Department will be able to take account of them. There are certainly some concerns about the way in which legal aid has been granted in some cases. We need to ensure that we get this right, and there is still quite a long way to go before we do.

It is important to give examples in connection with the victim requirement, and I will consider some in due course. By virtue of clause 2, our courts must take account of any relevant Strasbourg jurisprudence, whether more expansive or not. They will decide how best to use that in the circumstances of the case before them.

The hon. and learned Member for Harborough suggested that the reference to the convention rights in clause 1 is inadequate because it does not refer to the relevant article on victims—article 34. In fact, we pick up

that article, as I think the hon. Gentleman mentioned, in clause 7(6), which defines a victim for the purposes of that clause.

The hon. Gentleman also suggested that reference to clause 7(6) and article 34 is not helpful. I do not understand why. It is clear that we are appropriating the text of article 34 and the jurisprudence that goes with it. The intention is that a victim under the Bill should be in the same position as a victim in Strasbourg. A local authority cannot be a victim under clause 7, because it cannot be a victim in Strasbourg under current Strasbourg jurisprudence.

6 pm

On the definition, the convention provides:

"The Commission may receive petitions . . . from any person, non-governmental organisation or group of individuals claiming to be a victim of a violation by one of the High Contracting Parties of the rights set forth in this Convention".

Applying the victim requirement, the basic approach of the Commission and the Court has been to require that the applicant must claim to be directly affected in some way by the matter complained of. In some cases, they have interpreted fairly flexibly the requirement for the applicant to be directly affected, although the jurisprudence on the issue is not always entirely consistent. The victim requirement was, for example, applied restrictively in a series of sado-masochist cases, in which the Commission considered that applications from persons claiming to indulge in certain acts that were prohibited by law did not satisfy the victim test, because, at that stage, there had been no interference by the police or prosecuting authorities in what they were doing.

There are other examples of a more expansive approach and it is important to put some before the House—indeed, the hon. Member for Gainsborough has already cited some. Individuals can sometimes complain of a particular practice in the absence of a measure of implementation if they run the risk of being directly affected by it. For example, children attending a school where corporal punishment was practised have been treated by the Commission as having a direct and immediate personal interest in complaining about such a punishment, even though they had not been punished. That was in the case of Campbell and Cosans *v.* UK in 1982.

The Court and Commission have shown a readiness to accept that the category of persons affected by a particular measure—and accordingly the number of potential victims—may be broad. The hon. Member for Gainsborough has referred to the case of Open Door and Dublin Well Woman *v.* Ireland in 1992, in which the Irish Supreme Court had granted an injunction preventing the provision of information regarding abortion facilities outside Ireland. The Commission and Court considered that women of child-bearing age could claim to be victims of the injunction, as they belonged to a class of women that might have been adversely affected by the restriction.

Applications have been allowed not only by the person immediately affected—sometimes referred to as the direct victim—but by indirect victims. Where there has been an alleged violation of the right to life and the direct victim is dead, for example, close relatives of the deceased can be treated as victims on the basis that they were indirectly affected by the alleged violation.

A number of hon. Members have referred to family members. Obviously, they can be victims in appropriate circumstances. For example, a decision to deport someone might allow the family of the person to claim to be a victim of a violation of article 8—the right to respect for family life. The hon. Member for Solihull also sought confirmation that guardians ad litem and so forth would still have the right to behave as they would in the normal course of events in legal proceedings. I can confirm that we have no intention of restricting guardians ad litem or others who could normally undertake cases from doing so.

Likewise, a case can be brought on behalf of a dead victim by his or her family or relatives. The best known case, of which we have all heard, is the "Death on the Rock" case, brought on behalf of a dead IRA terrorist shot in Gibraltar. That is the sort of area that we are considering. A person may be able to claim that he or she is directly affected as a consequence of a violation of the rights of someone else. Where complaints are brought by persons threatened by deportation, that may arise.

The right hon. Member for Caithness, Sutherland and Easter Ross talked about allowing interest groups to assist the court. The difficulty is that the question arises: if such groups are to have that right, how many of them will claim that they want to participate in a court proceeding? Under the provisions of the human rights convention, many groups may feel that they have an interest in a particular issue and wish to assist the court. We are talking not only of Liberty, as there are a large number of different groups.

For example, the right to life could produce a series of litigation cases, which might involve many interest groups that might want to assist the court. Interest groups, such as professional associations and NGOs, can bring an application in Strasbourg only if they can demonstrate that they themselves are victims of a breach—that is, that they are in some way affected by the measure complained of. It is not enough that the actual victim, whether a member of the organisation or not, consents to them acting on his behalf.

In B *v.* the UK, both Mrs. B and the Society for the Protection of the Unborn Child brought an application complaining of the way in which the law affected electoral expenses. The Commission ruled the application by SPUC inadmissible because it was not directly affected by the law—only Mrs. B had been prosecuted. On the other hand, in Council of Civil Service Unions *v.* the UK, the Commission accepted that the CCSU was itself a victim of the GCHQ ban and could therefore bring an application, although it was rejected on different grounds. An NGO may represent its members in certain contexts and, in that case, it needs to identify them and produce the evidence of authority. In such circumstances, the NGO does not, however, thereby become a party itself.

Our courts will develop their own jurisprudence on the issue, taking account of Strasbourg cases and the Strasbourg jurisprudence. As a Government, our aim is to grant access to victims. It is not to create opportunities to allow interest groups from SPUC to Liberty—in which I must declare an interest because I am a member—to venture into frolics of their own in the courts. The aim is to confer access to rights, not to license interest groups to clog up the courts with test cases, which will delay victims' access to the courts. There is nothing

[Mr. O'Brien]

undemocratic about conferring rights on victims, rather than interest groups that are non-victims. Interest groups can always support victims, and that is enough.

The right hon. Member for Caithness, Sutherland and Easter Ross said that he was not persuaded about what he called the volumetric increase in litigation. He said that he did not believe that, after an initial period, we needed to worry about it in the long term. The Government must be cautious and concerned about that sort of thing. They must be wary to ensure that they protect the access of victims to the courts.

Mr. Maclennan: Is not the protection against what the hon. Gentleman called frolicsome interventions by interest groups the discretionary power of the court itself in judicial review cases simply to deem that there is not a sufficient interest, and to judge that matter in a way that would enable the court to decide whether it would be advancing the causes of justice to allow particular groups to be there?

Mr. O'Brien: We do not want to create a situation in which the court has to decide what is in the broad public interest in every case. We would rather ensure that, as a House, we had accepted our responsibility to give the court clear laws by which it can guide its decisions. That means stating the basis on which we wish cases to be brought, which is that there is a real victim with real problems, which must be resolved by a court. The court must be given clear guidance.

Mr. Cash: That brings me back to the point I made earlier. The more that this argument develops, the more I feel that there is a serious case for a separate procedure whereby, before a case is brought, a person can go a judge and say, "This is the case." If the judge adjudicates that the case is a matter of public interest, the case will go ahead, which will avoid an enormous amount of wrangling afterwards about whether the court should have dealt with the case on a discretionary basis.

Mr. O'Brien: The danger of the hon. Gentleman's proposal is that he seems to be suggesting the creation of a further step in the procedure beyond the ordinary leave provisions of the divisional court in judicial review cases—it is almost as though, to secure legal aid, the case would have to be approved by the judge. Obtaining legal aid can already take a long time—in civil cases, at least—but the hon. Gentleman seems to want to erect another hurdle, which would delay the whole process and clog up our legal system. However, whether there should be some public interest before legal aid is granted is a legitimate matter for debate, on which the House may want to take a view in due course.

The hon. Member for Gainsborough continues to surprise. During consideration of the Crime and Disorder Bill, he virtually became the advocate for Liberty, so I was surprised to hear him criticise it for pursuing cases. I was also surprised to hear him support the Government and oppose the wishes of the hon. and learned Member for Harborough to expand access. As the hon. Gentleman rightly says, we should as far as possible pursue the Bill—which, as the hon. and learned Member for Harborough said, is an important constitutional measure—on a non-partisan and sensible basis.

Arising from what has been said about victims, the right hon. Member for Caithness, Sutherland and Easter Ross mentioned the human rights commission. He was concerned that his point might be out of order, but I think that it was very much in order—although, of course, that is a matter for you, Sir Alan—on the basis that we are talking about who has access to the courts, and whether we should create a mechanism to ensure that those who are victims have some means of access to the courts, or whether an organisation should decide to bring a matter before the courts even though it is not itself a victim.

As the right hon. Gentleman knows, the Government have considered the issue of a human rights commission very carefully and consulted various organisations about it. It became clear that there was no consensus on the issue, and that, if we decided to establish such a commission through the Bill, we would end up not with a discussion of how to secure access to rights at Strasbourg but with a big debate and campaign about a commission and its terms of reference.

The Government do not have a closed mind on a commission—we have made our position clear. Different interest groups—the Commission for Racial Equality, the Equal Opportunities Commission and so on—have different views on whether a human rights commission would be a good thing, so the best we can do at the moment is to ensure that the convention is accepted as part of our law. After that, the need for a human rights commission may be the subject of a future debate—we shall have to see how that develops.

I believe that we have framed the Bill in a way that provides individuals with effective protection of the rights under the convention. As I have explained today and on previous occasions, the Government consider that the wording of clause 7 is wholly consistent with our overall approach. In the light of those comments, I hope that the hon. and learned Member for Harborough will withdraw his amendment, and that the right hon. Member for Caithness, Sutherland and Easter Ross will not press his amendments.

6.15 pm

Mr. Garnier: I think that we would all agree that we have had a very good debate, and I am most grateful to all those who have informed our deliberations with their interventions and speeches.

The Opposition have not spoken with one voice, and I think that the debate has been the better for that. It is also fair to say that Labour Members have not been here at all—with the exception of those who have had to be here. I pay tribute and extend my sympathy to the Minister—I am sure that he has better and more interesting things to do. The Whip, of course, is here, although the Whips change from time to time as they go off to the Tea Room. I congratulate the hard-working, silent Parliamentary Private Secretary—a position that I held not in the Home Office, but in other Departments—on his patience and forbearance, as I appreciate that it is not always a dream come true to sit through the long hours of the proceedings acting as a messenger and encourager of one's political master.

I am happy to say that, at least on this occasion, the Liberal Democrats have come up as a real Opposition party—except on one matter—and have not fed out of the Government's hand. I do not want to lose the support of

the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) and his hon. Friends by making that remark, as my opening speech was, as I candidly admitted at the outset, very much based on the speech of Lord Lester, who is a Liberal Democrat. My noble Friend Lord Kingsland was happy to support him, and I am delighted that the right hon. Gentleman has been happy to support much of what I said. I do not imagine that he has been persuaded by the Minister's explanation of why the Labour party has—as I think the right hon. Gentleman would say—reneged on its promise to establish a human rights commission or commissioner. I believe that the two parties struck a deal on that before the election, but that is a matter for them to sort out.

My hon. Friends the Members for Solihull (Mr. Taylor) and for South Cambridgeshire (Mr. Lansley) made speeches, and my hon. Friends the Members for Buckingham (Mr. Bercow), for Bromsgrove (Miss Kirkbride) and for Stone (Mr. Cash) made useful interventions, which assisted us in our debate, as did the hon. Member for Torridge and West Devon (Mr. Burnett).

The speech to which most attention has been paid, both by my hon. Friends and by the Minister, was that of my hon. Friend the Member for Gainsborough (Mr. Leigh)—I am delighted that he was able to take part in our proceedings, although I understand that he had to leave at 6.30 pm to attend a meeting that was arranged a long time ago. He supported the Government by praising the clarity of clause 7, at least in comparison with the lack of clarity of clause 6, which deals with those who can be sued, rather than those who, under clause 7, can sue. He was worried that the amendment would allow pressure groups to flood the courts with cases that had been generated to advance their own agendas rather than the case and the interests of the individual victim.

I say, with regret and with the greatest respect, that I am not entirely persuaded by my hon. Friend's arguments, although I know that he has thought deeply about the issue, not least as a passionate supporter of the Roman Catholic Church and, indeed, all the religious bodies that have expressed concern about the right to sue public authorities and Church bodies in the courts.

My hon. Friend the Member for South Cambridgeshire made a typically neat and elegant speech, dealing with interventions in a thoroughly admirable way. He rather diffidently said that he was not a lawyer. We all know that, and it has done him no harm. He added that the debate had been made accessible to non-lawyers. Of course, the doors of the Chamber are ever open, but this has not been what one might call an all-ticket occasion. I appreciate my hon. Friend's assistance, and I know that his well-made points will have been listened to carefully not only by me, because they supported my points, but by the Minister whose reply, if I may say so without embarrassing him, dealt thoroughly and courteously with the many points raised.

My hon. Friend the Member for Solihull described himself as a high-mileage politician. I have to stop myself from adding, "One lady owner," because I do not wish him to be thought of as a motor car. He certainly motored through the debate with consummate ease, sometimes with his foot stuck to the accelerator. He gave us the benefit of his views from a background as a former elected Member of the European Parliament and a member of the Assembly of the Council of Europe. Although he is always self-deprecating, he is a lawyer of considerable experience. I always listen to him with great interest on matters of this sort.

My hon. Friend expressed misgivings about the treaty of Rome and its institutions, but he made it clear that there was a real distinction between that treaty and its institutions and the European convention and its institutions. He was also worried about the enthusiasm for actions that would be demonstrated by pressure groups. His thoughtful contribution kept us all on our toes.

I have already alluded to the Minister's response, in which he referred to the Government's victim test, saying that the arguments against it were misplaced. He disappointed me when he began, because I thought that he would simply repeat what the Lord Chancellor said in the other place, which would have been unworthy of him. I am happy to say that his reputation was restored to its usual level when he went on to deal at length, and with courtesy and a genuine willingness to assist, with the points made by those who disagree with him.

I regret to say that I am not in the least bit persuaded that the arguments that my hon. Friends and I advanced have been overcome. As the Minister rightly said, were tabled to improve the Bill, not to destroy it, even though many Opposition Members had trouble in supporting the convention's incorporation into domestic law. There are exceptions to that among the Opposition. I have no huge religious or principled objection to incorporation; it is the practicalities of the Bill which need to be attended to.

In view of the hour, I shall not press our amendments to a Division. I know that that will disappoint you, Mr. Martin, because it will give you no chance to use your voice to call a Division. I dare say that you can overcome that disappointment, and I intend no disrespect, of course, in making that remark. I shall, however, invite the Minister to consider the thoughts raised by the debate when they appear in the *Official Report* so that, if the matter is raised again on Report, the Government will be able to advance better arguments to persuade us that our points about denial of access to the English courts are wrong. I shall not press the amendment to a vote, and shall, at the appropriate time, invite the Committee to permit me to withdraw it.

Mr. Maclennan: I join the hon. and learned Member for Harborough (Mr. Garnier) in expressing my appreciation of all the hon. Members who participated in a debate which has been valuable, not least in eliciting from the Minister a fuller attempted explanation of the Government's position than was vouchsafed to the other place when the issue of access to the courts was discussed there. I hope to divide the Committee on that issue, because I am virtually certain that this is our last opportunity to consider the matter in this Session.

On the substance of the Minister's reply, I remain unpersuaded, for two reasons, that the Government have reached the right conclusion. First, by multiplying the criteria and not simply applying the same criteria as are used in judicial review cases, they have made more difficult the task of the courts in determining whether access should be available. It seems curious that the courts should be required to approach matters that might be cognate in substance, but different in procedural ways. That is the first reason why I believe that the Government have made an error of judgment.

[Mr. Maclennan]

The second reason takes us into a much more speculative realm. What will the consequences be in terms of the number of cases brought, and the ease with which they can be disposed of? My view is that the Government take an unduly pessimistic view of the prospects. Although they couch that view in terms of prudence, it is not prudent to proceed in that way because individual actions may proliferate if there is less certainty than there might have been had test cases been taken by bodies with a substantial interest, which could put a matter to rest.

I speak with no huge authority on the subject, but my impression is that, in the United States, where some comparable rights are protected by the Bill of Rights under the United States constitution, there is not an enormous body of litigation proceeding through the courts. Perhaps that is because there is a fairly established jurisprudence. One thinks of the effect of a case like the Sullivan case in determining the balance between interests in disclosure, freedom of expression and other issues. Such a case can put the argument to rest for a very long time. That is what one would hope would happen in the United Kingdom, and what one would expect if suitable cases were decided. However, the Minister has candidly expressed the basis of the Government's thinking, for which I am grateful.

I am also grateful for the Minister's remarks about the putative role of a commissioner—an issue which is closely allied to the question of access to the courts. I am glad that he said that the Government's mind is not closed. I regret that it is not possible to proceed in the Bill because the money resolution does not cover the possibility of paying for such a commission, so debate exclusively on that subject would not be in order.

I also welcome the thought that the Government may be ready to proceed at an early date, once the territorial differences of opinion between the Equal Opportunities Commission, the Commission for Racial Equality and other organisations that feel that their turf is being trespassed on are sorted out. The wider public interest is in ensuring that the Bill works and that its objectives, which they all broadly support, are facilitated. I do not criticise those bodies.

We had rapid movement from the Government in bringing the Bill forward as an early measure in this Parliament. Perhaps it was too much to hope for a unified response on the issue to which the Minister alluded. However, it is of sufficient importance to merit an expression of the House's opinion in a vote.

Mr. Garnier: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Chairman: At the appropriate time, I shall invite the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) to move his amendment formally.

6.30 pm

Mr. Garnier: I beg to move amendment No. 51, in page 4, line 42, at end insert—

'(1A) Proceedings under subsection (1)(a) above may be brought without the leave of the court within three months of the commission of the unlawful act and otherwise may be brought only with the leave of the court'.

The Chairman: With this, it will be convenient to discuss the following amendments: Government amendment No. 125.

No. 139, in page 5, line 9, at end insert—

'(4A) Proceedings under subsection (1)(a) must be brought before end of—

(a) the period of one year beginning with the date on which the act complained of took place; or

(b) such longer period as the court or tribunal considers equitable having regard to all the circumstances, including the time by which the complainant knew or ought reasonably to have known of the substance of the complaint and the time by which he was reasonably able to bring the proceedings,

but that is subject to any rule imposing a stricter time limit in relation to the procedure in question.

(4B) For the purposes of subsection (4A)—

(a) any act extending over a period shall be treated as done at the end of that period; and

(b) a deliberate omission shall be treated as done at the end of that period.'.

Mr. Garnier: These amendments can be taken more quickly than the previous group. They all effectively propose a period of limitation for bringing the proceedings envisaged in clause 7(1)(a). Our amendment No. 51 adds a new subsection (1A):

"Proceedings under subsection (1)(a) above may be brought without the leave of the court within three months of the commission of the unlawful act and otherwise may be brought only with the leave of the court."

The Government and Liberal Democrat amendments will be explained by the Minister and by the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) respectively. Both provide a regime for time limiting the bringing of proceedings in various ways. While we differ on the precise regime that should govern the limitation period and where the court should intervene, all three parties fully accept that there should be some time limitation.

The requirement for leave to bring proceedings in our courts is not new, nor is it new in the Scottish legal system. No doubt the right hon. Member for Caithness, Sutherland and Easter Ross can tell us more about that. It is found in both the criminal and civil jurisdictions. We had long a discussion about judicial review or its equivalent earlier. It is often required when appeals are being considered. The Committee will know that certain criminal proceedings cannot be taken without the leave of the Attorney-General or the Director of Public Prosecutions. Certain appeals in criminal cases need the leave, I believe, of either the judge who tried the case or of the Court of Appeal.

Mr. Dominic Grieve (Beaconsfield) *indicated assent.*

Mr. Garnier: My hon. Friend the Member for Beaconsfield (Mr. Grieve) encourages me.

It is equally well known that the courts discourage civil appeals, such as interlocutory appeals from judges of the High Court to the Court of Appeal. To get before the

House of Lords—that is, the Judicial Committee of the House of Lords—one needs the leave of either the court of appeal from which one is appealing or of the House of Lords Judicial Committee itself.

The provenance of these amendments is not unknown or wholly outside the system of justice that we have developed over many years. With all due modesty, I invite the Committee to accept that our amendment is to be preferred. One needs only to consider the English of the other amendments to see why. Amendment No. 51 is short and to the point. It says precisely what it means, and provides the courts and potential defendants or respondents to applications under the Bill with sufficient protection. We suggest that proceedings can be brought within three months of the commission of the unlawful act without leave, but otherwise may be brought only with the leave of the court.

Government amendment No. 125 extends the limitation period to a year but allows proceedings to be brought after a longer period, which is effectively prescribed by the court or tribunal as

"equitable having regard to all the circumstances".

While it is designed to achieve broadly the same purposes, it lacks the clarity of our amendment. In the absence of such clarity, it provides the courts with a far greater problem. The lack of definition in, for example, paragraph (b) of amendment No. 125 makes it a hugely vague and rather wide provision.

I hope that I will be forgiven by both the Minister and the right hon. Member for Caithness, Sutherland and Easter Ross for anticipating points that they may not make. The Liberal Democrat amendment No. 139 strikes me as unnecessarily wordy, and, in consequence, it achieves nothing. They are at one with the Government in wanting proceedings under subsection (1)(a) to be brought before the end of one year or within

"such longer period as the court or tribunal considers equitable having regard to all the circumstances".

However, it continues:

"including the time by which the complainant knew or ought reasonably to have known of the substance of the complaint and the time by which he was reasonably able to bring the proceedings, but that is subject to any rule imposing a stricter time limit in relation to the procedure in question."

I understand where the Liberal Democrats got that wording. I think that it comes from the modern rules on the limitation period under the amendment to the Limitation Act 1980. It is not necessary to have all that in there. Going back to our amendment No. 51, I suggest that a court is perfectly capable of doing such thinking for itself.

I have no doubt that an applicant to bring late proceedings would wish to address the court on those matters anyway, and would not be shut out by the court from doing so. I suggest that there is nothing to be gained by those additional words in the Liberal Democrat amendment. Therefore, I believe that I can safely invite the Committee to support amendment No. 51, in preference to Government amendment No. 125 and the Liberal Democrat amendment No. 139.

Mr. Maclennan: I should not wish to suggest that amendment No. 139, standing in my name and those of my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) and my hon. Friend the Member for Torridge and West Devon (Mr. Burnett), is anything more than a compromise. It is by no means the ideal approach to the question of the time limit.

Our simple view is that the Government proposal to introduce a one-year time limit for proceedings under clause 7, with a discretion to extend that period where a court or tribunal considers it equitable to do so, is not required. It is not required in comparable legislation in New Zealand, or in Canada, where a charter of rights and freedoms operates. Those jurisdictions rely, as should we, on the ordinary limitations applicable to civil proceedings.

The adoption of a human rights time limit will cause confusion and uncertainty. It will be especially confusing if the action involves another element, such as trespass, or what is essentially a Government tort claim, where the period will be three years if the case involves negligence or personal injuries, and six years for other torts such as trespass to property with a breach of privacy added on. Those points have been put to the Home Secretary by my noble and learned Friend Lord Lester, so the Government have had notice of our general view on this matter.

An alleged victim of a convention breach who delays for more than a year in bringing a claim under this legislation will not know whether he or she is able to proceed until he or she has persuaded a court or tribunal to exercise its discretion. It is difficult to judge which circumstances will result in a favourable exercise of that discretion, as the current wording of the exception in the Bill lacks such specifics.

The point is of greater importance in the context of the debate we have just had, where there is a narrow victim test, and in the absence of a human rights commissioner to assist complainants in formulating claims. Our concern is that people with potentially meritorious claims might be unaware that their rights have been infringed, especially if they have had limited access to legal services and have little knowledge about the impact of the legislation. A year time limit is a hurdle that might well put complainants off, or lead to meritorious cases not being brought.

Our amendment is a compromise, and I admit that I am not entirely happy with it as anything more than that. The Government would do best simply to let the normal rules on limitations apply to actions under the legislation.

Mr. Mike O'Brien: The amendments relate to the time within which proceedings against public authorities under the Bill are to be brought. To some extent, this is a matter of judgment, and the judgment of various parties in the Committee appears to differ. At present, the Bill makes no provision about limitation periods in which proceedings under clause 7(1)(a)—that is, proceedings brought on convention grounds alone and not under any pre-existing cause of action—have to be brought. We think, as do those who are moving the other amendments on the subject, that such proceedings should be no different from other civil proceedings in having a limitation period. What we differ on is how long the period should be and whether guidance should be given to the courts about when they should extend that period.

Before I discuss these points, I should, for the avoidance of any doubt, make the point that our amendment relates only to proceedings under clause 7(1)(a). If a plaintiff proceeded under clause 7(1)(b)—that is to say, he brought proceedings under an existing cause

[Mr. Mike O'Brien]

of action, and relied on his convention rights as an additional argument in support of his case—the limitation period would be the one that applies in the normal way to the existing cause of action.

The Government amendment provides that proceedings under clause 7(1)(a) must be brought within one year, beginning with the date on which the act complained of took place, or within such longer period as the court or tribunal considers equitable, having regard to all the circumstances. However, that time limit is subject to any stricter time limit in relation to the procedure in question. The most obvious such case is judicial review. Assuming that the new rules of court that will be needed for the Bill provide that a procedure analogous to judicial review may be used for cases under clause 7(1)(a), it is reasonable that the time limit for that procedure—which is three months—should continue to apply. It would not be right for applicants who choose to bring their claims by way of judicial review to benefit from the longer 12-month period proposed for claims under the Bill.

6.45 pm

As the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) suggested, there is at present a range of limitation periods in our law. For judicial review proceedings, an application for leave must be made promptly, and in any event within three months; for cases of personal injury caused by negligence, it is three years; and for most other actions in tort, it is six years. There is no off-the-shelf answer to the question how long the limitation period for claims under clause 7(1)(a) should be. What we have tried to do in our amendment is to strike a balance between the legitimate needs of the plaintiff and the legitimate needs of the defendant, which is what all limitation periods should do.

Mr. Grieve: I would expect that the majority of proceedings brought simply for a breach, and not tacked on to anything else, are likely to be by judicial review. Given that, is not the effect of the clause as drafted by the Government somewhat misleading? It suggests a one-year limitation period, whereas in practice, only a three-month period will apply in the vast majority of cases.

Mr. O'Brien: I do not think that it is misleading, because I have just made the position clear; in addition, any court that has to interpret the legislation will understand the position and will be able to use Pepper *v.* Hart in the normal way in order to deal with the issues. We want what we propose to do to be clear on the face of the Bill, and I think that it is clear. I accept the thrust of the hon. Gentleman's point, but I do not think that the way in which we have done this is misleading.

Proceedings under clause 7(1)(a) will always be against a public authority, alleging that it has acted in a way that is incompatible with a convention right. Not all the public authorities concerned will be government authorities in the narrow sense. Judicial review has a short limitation period and, in our view, it is quite proper for there to be a fairly short period for proceedings under the legislation. The authority and those who are affected by its decisions are entitled to expect that proceedings of a novel character, if they are to be brought at all, will be brought promptly.

Bearing those considerations in mind, we think that a one-year period is appropriate. Having a three-month period, as proposed by amendment No. 51, would be unduly strict. Equally, we think that, in the majority of cases, it is reasonable to expect challenges solely on convention grounds to be brought within 12 months. A longer limitation period would skew the balance too much against public authorities. We want to ensure that public authorities are made subject to the legislation, but we want to do that in a fair and balanced way, remembering that public authorities are often acting in the interests of the taxpayer and the citizen, so it is right that fairness should apply to them as well.

I am aware that some people consider that the 12-month time limit is too short, although there are no amendments before the Committee which would provide for a much longer basic period. It has been suggested that the ordinary limitations for civil proceedings should apply, as they do, for example, in New Zealand. If I might take the New Zealand example first, the legislation in that country has no precise equivalent to clause 7(1)(a). As the Committee will be aware, clause 7(1)(a) creates a cause of action, and the Bill would be open to criticism if it did not clearly state what limitation period was to apply to proceedings under that paragraph.

As I have said, we believe that the right balance is provided by a 12-month period, with a power to extend it for the benefit of the complainant. Suggestions for a two or three-year period fail to take account of the existing three-month period for judicial review, to which many claims under clause 7(1)(a) will be similar.

We recognise, however, that there may be circumstances in which a rigid one-year cut off could lead to injustice. Our amendment therefore does not therefore seek to provide a rigid limit, but enables a court to extend the period where it is appropriate to do so. There will be cases in which an individual has a good reason for delay. In judicial review cases, for example, the courts have extended time where the applicant has been seeking redress by other proper means, such as by pursuing internal grievance procedures, or where he has had to apply for legal aid. I have no doubt that the courts will continue to exercise their discretion so as to prevent prejudice to one party or the other where an application is made to extend time.

The Government amendment provides that the limitation period is to be one year

"or such longer period as the court or tribunal considers equitable having regard to all the circumstances".

We have said no more than that, because I think that to expand on those circumstances might be likely to prove unhelpful to the court. We do not wish to narrow the range of circumstances which might influence the court.

It would be impossible to provide an exhaustive list of circumstances. We could provide a long list, and then find that, in the first case that came to court, there was a special factor which had not been included in the list. There is also a risk—this is the difficulty with amendment No. 139—in specifying some only of the circumstances which the court might be expected to take into consideration, even if they seem to be the most obvious ones and the ones which might be expected to arise most often.

Amendment No. 139 would put into the Bill just two factors which the court should consider—the time when the complainant knew or ought reasonably to have known

of the substance of the complaint and the time by which he was reasonably able to bring proceedings. I agree that these factors may well be taken into account by the court. Specifying these considerations would inevitably imply that more weight should be given to them than to other considerations which do not appear in the list. That might be a reasonable approach for a provision which deals with very specific causes of action, such as personal injury claims, but it is more problematic when we are dealing with the wide range of proceedings possible under clause 7(1)(a).

Similarly, to include some factors may trigger the question why some other quite different sort of circumstance has been omitted. If a factor that is likely to favour one party is included, it may be asked why it should not be balanced by a factor likely to favour the other party. The inclusion of some factors is likely to cause more problems than it solves.

It may be helpful if I draw attention to the limitation provisions in another area. The Sex Discrimination Act 1975 has a number of limitation periods—all less than a year—but, as with Government amendment No. 125, a court or tribunal can consider an application out of time

"if, in all the circumstances of the case, it considers that it is just and equitable to do so."

No further guidance is given in the Act, but a body of law has been built up when it is appropriate to exercise the discretion. We have no doubt that the same would happen under the Bill.

The other part of amendment No. 139 would add special provision to deal with cases where the act or omission complained of took place not on a single date, from which the limitation period would run, but over a period. The concept of an act which extends over several days, or longer, is not new, and the courts will be able to deal with such cases in an appropriate manner without special provision being made for them.

In tort, a fresh cause of action accrues every day on which the continuing tort occurs. In judicial review, time starts to run when the grounds for the application first arise. The fact that an unlawful act is a continuing one may, but does not always, enable an applicant to obtain leave out of time. The proposed amendment would deny the courts the chance to be flexible and to do what is fair in each case.

As for omissions, the Bill already provides, in clause 6, that an act includes a failure to act. That goes wider than deliberate failures: an unintentional failure to act by a public authority is to be open to challenge under the Bill in the same way as any other failure to act, if that failure is incompatible with convention rights. Also, there is no need to state that a "deliberate omission" shall be treated as being

"done at the end of that period."

As with on-going acts, our courts are familiar with the concept of on-going omissions, and are able to deal with them in the appropriate way.

I have spoken at some length to explain why we have opted for the approach that we have set out in amendment No. 125. We believe that our amendment provides the appropriate limitation period, and that it would be unwise to go into detail about when the period may be extended. I think that it is a matter of judgment, and I respect the fact that hon. Members may have a different judgment. I am not sure that the wording of their amendments is right but there is room for a debate about how long the period should be. We have formed a judgment that is somewhat different from those formed by others in the Chamber. Obviously we have done that after due consideration. We think that it is the right period.

In the light of our explanation, I hope that the hon. and learned Member for Harborough and the right hon. Member for Caithness, Sutherland and Easter Ross will feel able not to press their amendments.

Mr. Grieve: I am most grateful to the Minister for having set out with such clarity the Government's thinking on this matter. The question that I asked him in the course of what he had to say was designed not to be hostile but to explore some of the issues.

There are undoubtedly different and, to my mind, perfectly legitimate ways of approaching the issue. That of the Opposition, as set out in amendment No. 51, is designed to bring the matter in line with judicial review and then allow the usual exceptions which would be considered on any judicial review application to apply if the application were out of time. It is well enough known that many applications in judicial review are made out of time and accepted out of time.

The one matter that concerns me slightly—I shall be grateful to hear the Minister's view on it—is that it seems that one perhaps unintended consequence of the way in which the Government have seen fit to put in a limitation period is that we may well start seeing new and creative ways of trying to litigate the question of a human rights breach because the three-month period has expired before the complainant goes to his solicitor to complain. I shall widen that a little, so that the Minister understands what I am saying.

It seems that, if we have a three-month period, which is the same as that for judicial review, it will normally be incumbent upon the litigant to go within that period. However, as often happens, there will be occasions when the three-month period cannot be met. An application will be made to the court, explaining and stating the reasons, and the court will exercise its discretion.

I am bound to say that, with the one-year limitation period being inserted, which is really incompatible with the judicial review period of three months, I anticipate that there may be a slight inclination, if a solicitor is approached after five months by a potential litigant seeking redress, to say, "You are outside the time for judicial review, although we could apply and ask for that time to be waived, but should we be looking for some other mechanism by which we should be seeking redress?" Is it not the case that, if someone is to launch proceedings, he or she will want some certainty? No one would want the first set to be knocked out of touch, which would mean trying to initiate a second set of parallel proceedings in another form.

I shall be grateful to hear the Minister's comments, because it seems that there is a potential problem. For instance, someone might seek to bring judicial review proceedings after five months, find that he is not given the discretion and then go away and think whether there might be some other means by which those proceedings may still be initiated within the 12-month period. That is why earlier I asked whether it is not the case that, in 99 per cent. of those cases, judicial review will be the normal

[Mr. Grieve]

means of seeking redress. I should like the Minister to respond to that. Although I accept that there may be occasions when other proceedings apply, I am bound to say that they do not readily spring to mind, and I would therefore expect judicial review to be the normal procedure.

I am concerned that we are getting into muddied waters. I appreciate what the Government are trying to achieve, and I realise that, to many people, three months seems a very short period. However, three months, with the usual exceptions granted by the courts, seems to have worked pretty well for judicial review. If that is the case, I wonder whether three months is not the better period to fix, because it concentrates people's minds and invites them to make the necessary application if they feel that there are exceptional circumstances.

7 pm

The Government amendment suggests a twin-track approach, which may create much more complex litigation that will clog up the courts as they start to determine what other means might be legitimate within the 12-month period to bring proceedings that are other than proceedings for judicial review. I hope that the Minister understands the point that I am trying to make. I do not want to labour the point. I should be grateful for the Minister's comments on this matter because the key point is that the redress should be as simple as possible. If we start creating enormous complexities for the method of redress, it will not be in the interests of those who have justifiable grounds for seeking redress under the Bill.

Mr. Mike O'Brien: I understand the point raised by the hon. Member for Beaconsfield (Mr. Grieve). I know that he supports the Bill and that he is trying to be helpful. He is trying to ask whether we would be creating novel legal procedures to circumvent judicial review. In considering any application that sought to do that, the courts would take account not only of the wording of the Bill, but, under Pepper *v.* Hart, what I said as the Minister presenting the Bill.

It is not our intention to create a vast array of novel features that would allow litigants to pursue cases in courts in a way that the courts and Parliament had not intended. However, someone with a genuine human rights grievance will be entitled to pursue it under clause 7(1)(a), whether or not he is within the time limit for judicial review. We accept that that should be so. The amendment seeks to insert a one-year time limit for clause 7(1)(a) so that the courts have time to make a judgment. We have not sought to constrain that time too much because paragraph (b) of our amendment allows the courts to decide when they wish to go beyond the 12-month period, should it be equitable to do so.

We are conscious that it is important that the person is allowed to pursue any action under clause 7(1)(a). We do not want to create an artificial time limit of three months, as the Opposition seek to do, without giving the level of flexibility that is needed. The amendment would tie the procedure too tightly to the judicial review procedure. The courts will develop their own jurisprudence on this issue, over time. I agree with the hon. Member for Beaconsfield that we want to keep matters simple and straightforward, but the courts will take note of what Parliament has said, and will be able to consider the points that I have made as Minister at the Dispatch Box. They will understand that we are seeking not to create novel areas of litigation, but to continue to pursue matters in the proper and most appropriate way.

Mr. Garnier: We have not seen the Chamber this full since Prime Minister's Question Time, and I can only assume that it is either because the Minister and I have made particularly novel comments that have drawn hon. Members from their offices into the Chamber, or because the Minister without Portfolio is here, and every Labour Back-Bencher should know where the Minister without Portfolio is. We are delighted that he is here to bless the proceedings.

In his concluding remarks, the Minister said that the limitation constriction in the Government amendment applied only to proceedings under clause 7(1)(a), which is true of our amendment. He said that the Government amendment was intended to strike a balance between applicants and respondents. I suggest that ours does, too.

The more I hear the name Pepper *v.* Hart being bandied about by Ministers or Back Benchers, the more I wish that the judgment could be overturned. It is, and will increasingly be seen as, a highly dangerous judicial intervention into this country's law making. If the Government do nothing else during the next five years—and I dare say they will do other things—I hope that they will consider the case of Pepper *v.* Hart so that Ministers are not permanently inhibited in their discussions for fear that they may say something that the courts will use in arguments before them.

Mr. Mike O'Brien: There is much to be said for being inhibited.

Mr. Garnier: I can think of many better ways of inhibiting Ministers than the case of Pepper *v.* Hart.

My hon. Friend the Member for Beaconsfield (Mr. Grieve), in his typically helpful way, drew the Committee's attention to a number of points that the Minister courteously dealt with a few moments ago. In the light of the broad agreement in the Committee on the principle behind the amendments, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: No. 42, in clause 7, page 5, line 4, leave out lines 4 to 6 and insert—

'(3) Nothing in subsection (1) shall prevent an applicant from bringing an application for judicial review provided that the court considers that he has a sufficient interest in the matter to which the application relates.'—*[Mr. Maclennan.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 35, Noes 243.

Division No. 314] **[7.6 pm**

AYES

Allan, Richard	Cable, Dr Vincent
Baker, Norman	Campbell, Menzies *(NE Fife)*
Ballard, Jackie	Cotter, Brian
Beith, Rt Hon A J	Davey, Edward *(Kingston)*
Brake, Tom	Ewing, Mrs Margaret
Breed, Colin	Fearn, Ronnie
Bruce, Malcolm *(Gordon)*	Foster, Don *(Bath)*

Harris, Dr Evan
Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Keetch, Paul
Kirkwood, Archy
Livsey, Richard
Llwyd, Elfyn
Maclennan, Rt Hon Robert
Moore, Michael
Oaten, Mark
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Matthew *(Truro)*
Tonge, Dr Jenny
Tyler, Paul
Wallace, James
Wigley, Rt Hon Dafydd
Willis, Phil

Tellers for the Ayes:
Mr. Andrew Stunell and
Mr. John Burnett.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atkins, Charlotte
Banks, Tony
Barron, Kevin
Battle, John
Beard, Nigel
Begg, Miss Anne
Benn, Rt Hon Tony
Bennett, Andrew F
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Butler, Mrs Christine
Cabom, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Caton, Martin
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cranston, Ross
Crausby, David
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Hesford, Stephen
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Mrs Helen
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McIsaac, Shona
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Martlew, Eric
Maxton, John
Meale, Alan
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pendry, Tom
Pickthall, Colin
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Robertson, Rt Hon George *(Hamilton S)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Ryan, Ms Joan
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dr George *(NW Norfolk)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Walley, Ms Joan
Whitehead, Dr Alan
Wicks, Malcolm
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. David Jamieson and
Mr. Greg Pope.

Question accordingly negatived.

Amendment proposed: No. 125, in clause 7, page 5, line 9, at end insert—

'( ) Proceedings under subsection (1)(a) must be brought before the end of—

(a) the period of one year beginning with the date on which the act complained of took place; or

(b) such longer period as the court or tribunal considers equitable having regard to all the circumstances,

but that is subject to any rule imposing a stricter time limit in relation to the procedure in question.'.—*[Mr. Dowd.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 232, Noes 34.

Division No. 315] **[7.18 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atkins, Charlotte
Banks, Tony
Barron, Kevin
Battle, John
Beard, Nigel
Begg, Miss Anne
Benn, Rt Hon Tony
Bennett, Andrew F
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Butler, Mrs Christine
Cabom, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Caton, Martin
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Connarty, Michael
Corbyn, Jeremy
Corston, Ms Jean
Cranston, Ross
Crausby, David
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Healey, John
Henderson, Ivan *(Harwich)*
Hesford, Stephen
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Hesfon)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Mrs Helen
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McIsaac, Shona
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Martlew, Eric
Maxton, John
Meale, Alan
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pendry, Tom
Pickthall, Colin
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Robertson, Rt Hon George *(Hamilton S)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Ryan, Ms Joan
Sawford, Phil
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Vaz, Keith
Walley, Ms Joan
Whitehead, Dr Alan
Wicks, Malcolm
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. David Jamieson and
Mr. Greg Pope.

NOES

Allan, Richard
Baker, Norman
Ballard, Jackie
Beith, Rt Hon A J
Brake, Tom
Breed, Colin
Bruce, Malcolm *(Gordon)*
Burnett, John
Cable, Dr Vincent
Campbell, Menzies *(NE Fife)*
Cotter, Brian
Fearn, Ronnie
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Harris, Dr Evan
Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Keetch, Paul
Kirkwood, Archy
Livsey, Richard
Llwyd, Elfyn
Maclennan, Rt Hon Robert
Moore, Michael
Oaten, Mark
Robinson, Peter *(Belfast E)*
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Matthew *(Truro)*
Tonge, Dr Jenny
Wallace, James
Wigley, Rt Hon Dafydd
Willis, Phil

Tellers for the Noes:
Mr. Paul Tyler and
Mr. Andrew Stunell.

Question accordingly agreed to.

7.30 pm

Mr. Garnier: I beg to move amendment No. 54, in page 5, leave out line 18.

The Chairman: With this it will be convenient to discuss amendment No. 59, in clause 8, page 6, line 18, at end insert—

'(2A) In the case of criminal proceedings, no person shall be acquitted by reason only of a finding that an act of a public authority is unlawful, unless the court has made a declaration of incompatibility under section 4 in relation to those proceedings'.

Mr. Garnier: I hope that I can be reasonably brief in speaking to the amendments.

There will be occasions when a public authority may do something that contravenes a citizen's convention rights, and in so doing gets hold of evidence that may be used in legal proceedings—for example, a criminal case—to achieve a conviction. I think of telephone tapping by the police or some other public authority which, on the face of it, is in breach of article 8 of the convention. That evidence could lead to the conviction of someone for drug smuggling or some sort of criminal conspiracy. I do not need to cite further examples for the Minister to understand the point which I am making.

There are certain weapons, regrettable though their use may be in the narrow context, that a civilised and law-abiding society must have available to it to counter the activities of those who seek to destroy our elected democracy or the foundations of our democratic society. Terrorism, drug smuggling and organised crime are all activities of which no one would approve, but terrorists and drug smugglers have rights under the convention.

When the Bill becomes law, I have absolutely no doubt that there will be such people who, if caught and brought before our criminal courts, will attempt to use any weapon, any legal device, available to secure an acquittal. In their eyes, that acquittal may be right because it is legally sustainable, but in the eyes of right-thinking people generally it will be an abuse. We have tabled the amendments in anticipation of that, and to counter such applications.

Having given that introductory outline, it might assist the Committee if I now deal with the question of derogations in part I of schedule 2. I remind the Committee that amendment No. 59 states:

"In the case of criminal proceedings, no person shall be acquitted by reason only of a finding that an act of a public authority is unlawful, unless the court has made a declaration of incompatibility under section 4 in relation to those proceedings."

I hope that I am not being too obtuse, but it seems that, although the Bill was not contemplated in 1988, or even in March 1989, the United Kingdom thought it necessary, as a signatory to the convention, to dissociate itself from some of its terms.

The derogation in schedule 2 affects terrorists, especially terrorists active in Northern Ireland. It states:

"There have been in the United Kingdom in recent years"—

we are talking about the 1980s—

"campaigns of organised terrorism connected with the affairs of Northern Ireland which have manifested themselves in activities which have included repeated murder, attempted murder, maiming, intimidation and violent civil disturbance and in bombing and fire raising which have resulted in death, injury and widespread destruction of property. As a result, a public emergency within the meaning of Article 15(1) of the Convention exists in the United Kingdom."

The derogation goes on to say:

"The Government found it necessary in 1974 to introduce and since then, in cases concerning persons reasonably suspected of involvement in terrorism connected with the affairs of Northern Ireland, or of certain offences under the legislation, who have been detained for 48 hours, to exercise powers enabling further detention without charge, for periods of up to five days, on the authority of the Secretary of State. These powers are at present to be found in Section 12 of the Prevention of Terrorism (Temporary Provisions) Act 1984, Article 9 of the Prevention of Terrorism (Supplemental Temporary Provisions) Order 1984 and artiele 10 of the Prevention of Terrorism (Supplemental Temporary Provisions) (Northern Ireland) Order 1984."

The derogation explains why, in 1988, the UK thought it appropriate, in the interests of its internal security and of protecting its citizens in Northern Ireland and on the mainland of Great Britain, to dissociate itself from the convention provision that prevented detention without trial and unnecessary or unfairly lengthy detention before the bringing of a charge or of a suspect before the court. I certainly do not need to explain to Labour Members—at least, not in this Parliament, although I might have in the last Parliament—why that was necessary. Towards the end of the last Parliament, the Labour Opposition began to see the reason and good sense of what we had done in introducing the 1984 legislation and its attendant provisions.

In 1989, the UK permanent representative to the Council of Europe presented a further notice of derogation to the Secretary General. Again, it related to the 1984 Act, article 9 of the Prevention of Terrorism (Supplemental Temporary Provisions) Order 1984 and article 10 of the Prevention of Terrorism (Supplemental Temporary Provisions) (Northern Ireland) Order 1984. The schedule states:

"These provisions have been replaced by section 14 of and paragraph 6 of Schedule 5 to the Prevention of Terrorism (Temporary Provisions Act 1989, which make comparable provision."

The rationale for the presentation of that derogation to the Secretary General of the Council of Europe on 23 March 1989 was the same as the rationale that lay behind the presentation of the derogation signed in December 1988.

Convention rights—which on paper are available to people who seek to undermine our democratic institutions—could be used to the unfair and improper disadvantage of our institutions. I invite the Minister briefly to reassure me that the Government will not, by means of the Bill, prevent Parliament and the courts from reaching just decisions in respect of alleged criminals—or by then, I hope, convicted criminals—even though they may technically have had their human rights interfered with in the process of the criminal investigation.

I come back to the example I gave at the outset. A telephone tap interferes with an individual's human rights. I hope that the Government can see their way to understanding my point and the motive behind my amendments, so that we can reassure our law-abiding

[Mr. Garnier]

citizens that we do not place the technical human rights of the criminal classes above our affection and respect for the rule of law.

Mr. Mike O'Brien: Amendment No. 54 would delete clause 7(7), which states:

"Nothing in this Act creates a criminal offence."

We considered whether the Bill should enable criminal proceedings to be brought when a public authority has acted unlawfully, and we concluded that it should not. The Bill contains ample provisions for challenging the acts of a public authority, and the courts have wide-ranging scope to grant an appropriate remedy to the individual affected by an unlawful act. We see no reason to impose a criminal sanction specifically for a breach of the convention.

That is the normal approach. For example, both the Sex Discrimination Act 1975 and the Race Relations Act 1976 specifically preclude criminal proceedings for breaches of the prohibition on discriminatory treatment under those Acts. I should perhaps add, for the avoidance of doubt, that some incompatible acts may amount to criminal offences in their own right, and the Bill, including clause 7(7), does not affect that. For example, ill treatment that is contrary to article 3 of the convention on the prohibition of torture may amount to an offence under the Offences Against the Person Act 1861. In such circumstances, criminal proceedings could be brought, but they would be for an alleged breach of the 1861 Act, not for an alleged failure to comply with article 3.

Amendment No. 59 would insert a new subsection in clause 8 to the effect that a person should not be acquitted in a criminal trial by reason only of a finding that an act of a public authority was unlawful unless the court had made a declaration of incompatibility in relation to those proceedings. I shall first address what I take to be the intention behind the amendment—to restrict the ability of the courts, especially the lower courts, to acquit a person solely on the basis that he has been the victim of an unlawful act by a public authority.

The amendment seems to imply that a person would be "getting away with it" if an acquittal were founded on that ground alone. It suggests that, unlike the many existing domestic freedoms already enjoyed by people in the United Kingdom, convention rights are not to be regarded as inherent rights. I disagree with that: they are supposed to part of our own law. We are giving access to convention rights as part of our own law on the same basis as laws that are dealt with by Strasbourg and subject to the appropriate derogations and reservations.

It is clear how the courts will approach a case in criminal proceedings in which convention points are raised. As a public authority, a court will be required not to act in a way that is incompatible with the convention. It will be unlawful for a court to give a judgment that is incompatible with a convention right, unless it is required to do so to give effect to a provision of primary legislation or a provision made under it.

The fact that, in a particular trial, a public authority is found to have acted unlawfully will not automatically lead to an acquittal. The nature of the act and its impact on the trial as a whole will have to be considered. If the effect of the act is such that, for example, a fair trial is impossible, an acquittal would be the appropriate outcome. That will not always follow; it will depend on the circumstances of the case. That is no different in principle from decisions that the courts already take—for example, when deciding whether to stay proceedings on the ground of abuse of process.

7.45 pm

It would be quite wrong to attempt to interfere with the courts' discretion in these matters, as the amendment tries to do. In fact, the amendment seems to be misconceived, as it links unlawfulness with the making of a declaration of incompatibility. It implies that, in a criminal trial, there will be both an unlawful act by a public authority and an incompatible provision of legislation that attracts a declaration from the court. If the public authority were acting to give effect to that legislation, then, by virtue of clause 6(2), its act would be protected, and hence not unlawful. To put it the other way, if a public authority has acted unlawfully, it cannot have been acting so as to give effect to an incompatible provision of primary legislation or a provision made under it. No declaration of incompatibility would therefore arise.

There are some other difficulties, which may or may not have been intended by those who tabled the amendment. Magistrates courts and the Crown court do not have the power to make declarations of incompatibility. The amendment would therefore risk triggering a flood of appeals from those courts, as no defendant could be acquitted by them on the sole ground of an unlawful act by a public authority. That would clog up the court system for no good purpose, and would be contrary to our intention that all courts and tribunals should take account of convention rights.

The hon. and learned Member for Harborough (Mr. Garnier) referred to terrorists. An act covered by the derogation in schedule 2 is not an unlawful act for the purposes of the Bill, so it cannot form the basis of a finding that a public authority has acted unlawfully. The hon. and learned Gentleman asked me whether someone would the convention to found an acquittal. It would be used in the same way as the rules in the Police and Criminal Evidence Act 1984 and as any of the other provisions of natural justice.

We are giving each person in the United Kingdom the ability to access the rights they already have at Strasbourg. It all comes back to that point. The hon. and learned Gentleman seems to be suggesting that someone could be acquitted because that person was able to claim a convention right. That person would have the right to go to Strasbourg if we did not provide him with access to a decision in a domestic court. He would still have that right, but he would have to go to Strasbourg to access it.

The Bill is about access. We are enabling our courts to make decisions much more effectively and to take into account our jurisprudence. We are also ensuring that the Strasbourg court, when reaching decisions, is able to take into account the way in which we have developed our jurisprudence.

The Bill is beneficial, in that it establishes rights and ensures that procedures are properly followed. I understand why the hon. and learned Gentleman has tabled the amendment, but I suspect that, if proper methods of investigation are used, it is unlikely that new problems will be created. A claim in a British court that

a particular method of collecting information was inappropriate could be raised in a Strasbourg court; the only difference is where one accesses one's rights. Some seem to think that our people should be able to access their rights only in Strasbourg. We think it best that such matters should be dealt with by our own courts in Britain.

Mr. Garnier: I asked the Minister some questions and he has answered them. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: No. 44, in page 5, leave out lines 19 to 39.

No. 126, in page 5, line 41, after 'court' insert 'or tribunal'.

No. 127, in page 5, leave out lines 43 and 44.— *[Mr. Mike O'Brien.]*

Mr. Mike O'Brien: I beg to move amendment No. 128, in page 6, line 3, leave out from 'may' to end of line 9 and insert

', to the extent he considers it necessary to ensure that the tribunal can provide an appropriate remedy in relation to an act (or proposed act) of a public authority which is (or would be) unlawful as a result of section 6(1), by order add to—

(a) the relief or remedies which the tribunal may grant; or

(b) the grounds on which it may grant any of them.'.

The Second Deputy Chairman of Ways and Means (Mr. Michael Lord): With this it will be convenient to discuss the following amendments: No. 58, in page 6, line 5, leave out from 'rights' to end of line 8.

Government amendment No. 129.

Mr. O'Brien: I shall speak first to the two Government amendments, Nos. 128 and 129, and then to amendment No. 58 tabled by the Opposition, which, like amendment No. 128, is concerned with clause 7(13).

Amendment No. 128 clarifies the intended effect of the power in clause 7(13) to make an order in relation to tribunals. I shall explain both the purpose of that clause and the reason for the amendment.

The power conferred by clause 7(13) has been included to cater for situations in which the grounds on which proceedings may be brought before a tribunal are extremely narrowly defined, either by statute or by restrictive judicial interpretation of statutory provisions. In those rare cases, a tribunal would, unless its powers were suitably amplified, be precluded from determining issues relating to the convention rights. The issue that prompted the inclusion of clause 7(13) is the constraints placed on special adjudicators hearing appeals under the Asylum and Immigration Appeals Act 1993.

It was pointed out in another place that the terms of the 1993 Act are such that they would prevent a special adjudicator from hearing an asylum case from determining whether an appellant's removal from the United Kingdom would breach his convention rights when such appeals were dealt with.

Even without subsection (13), an individual would not be left without a remedy under the Human Rights Bill, as he would be able to rely on the convention rights in a subsequent application for judicial review. The better course is for him to rely on convention rights at the time the case is before the special adjudicator. Clause 7(13) would allow that result to be achieved. In addition, as it has been cast in general terms, it could also be used to benefit other tribunals in the same position as the special adjudicator.

There is, however, a risk that the current wording will be misinterpreted. In particular, there is a possibility that some might read it as implying that no tribunal will be able to take account of the convention rights unless and until a Minister makes an order under clause 7(13). The argument might run that, since no tribunals have in their parent statute express authority to determine convention questions or to grant remedies in respect of convention violations, tribunals may conclude that they are not to have regard to the convention rights without being given express authority to do so.

That is not our intention. The great majority of tribunals would not be debarred from having regard to the convention rights. It is an important principle of the Bill that they should do so. The amendment simply seeks to achieve the purpose of clause 7(13) in a way which does not lead to any misunderstanding on that score. It makes it clear that the power to make an order applies only where it is necessary to ensure that the tribunal in question can provide an appropriate remedy in respect of an unlawful act. I should add that, by virtue of clause 20(4), any order would need to be approved in draft by both Houses of Parliament.

One other change to clause 7(13) to which I wish to draw the attention of the Committee is the removal of the reference to a tribunal's "jurisdiction". On reflection, we consider that the meaning of the term in this context is unclear. That adjustment leads to a consequential change in the wording of clause 8(1) on remedies. Amendment No. 129 accordingly substitutes a reference to "powers" in place of "jurisdiction".

The Opposition's amendment No. 58 deletes paragraph (b) of clause 7(13) as it currently stands. That paragraph enables a Minister to make rules by order which give a tribunal jurisdiction

"to grant in respect of acts (or proposed acts) of public authorities which are (or would be) unlawful as a result of section 6(1) such relief or remedy of a kind that it has power to grant".

I have already explained why the powers of a tribunal might need to be extended in some rare cases. The effect of amendment No. 58 would be to neuter those additional powers. It would still enable a tribunal to take account of convention points which it could otherwise not do, but it would not enable the tribunal to give practical effect to its determination. The remedies that the tribunal would usually be able to deploy, having reached its decision, would arise from the primary legislation governing it. It follows that, if a tribunal is to be able to grant a remedy, having determined a case involving a convention issue, specific provision needs to be made to do that. That is why we have put in place those changes.

I come now to the special adjudicators, and the Opposition's amendment, which involves an important point. The concern which prompted the inclusion of clause 7(13) was our wish to ensure that provision should be made to permit an appellant in an appeal under section 8 of the Asylum and Immigration Appeals Act 1993 to appeal also on the ground that the decision in question would be unlawful under section 6(1) of the Human Rights Act. As things stand, unless the appeal is a mixed appeal, the special adjudicator lacks the power to entertain that appeal.

[Mr. O'Brien]

Clause 7(13) will enable the Secretary of State to confer power on the special adjudicator to consider claims relating to the convention rights, notwithstanding the restriction in the 1993 Act, and to provide a remedy if a public authority acts in a way that is incompatible with those rights. An appellant who succeeded in arguing that his removal from the United Kingdom would be unlawful under section 6(1) of the Human Rights Act would not be granted asylum, but would be irremovable from the United Kingdom and eligible for exceptional leave to remain.

The Opposition's amendment, by removing from clause 7(13) the scope to add to the remedies that a tribunal can grant, may in fact have a result which I imagine Opposition Members do not intend. It might require a special adjudicator to grant a successful appellant asylum even where his appeal was based on convention grounds, as the adjudicator would have no other remedy open to him.

Having explained the purpose behind clause 7(13), I hope that the Opposition will not press amendment No. 58, because I am not sure that it does what they think it does.

Mr. Garnier: The Minister teased me by suggesting that the Opposition had tabled an amendment that would not do what we intended. I yield to no one in my admiration of the Minister for his knowledge of asylum law. I do not suppose that any hon. Member knows more about it than he does; he has been on a steep learning curve. In his previous existence as a practising solicitor, he might have done quite a lot of asylum work—

Mr. O'Brien: No, none at all.

Mr. Garnier: My admiration for the hon. Gentleman is all the greater for that. If there is one aspect of the law that I would wish to keep well clear of it is asylum law.

I found the Minister's explanation of Government amendment No. 128 extremely helpful. I can say without equivocation that we agree with Government amendment No. 129. It is a sensible amendment, with which it would be sensible to agree.

The Opposition had thought that amendment No. 58 was clear, less wordy, and within the spirit of the clause and Government amendment No. 128. However, having heard the Minister's explanation of Government amendment No. 128, I am content to allow it to be substituted for ours. The Minister's reasons for it were understood by me as a layman in this context, and sensible in their intent and purpose.

Amendment agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8

JUDICIAL ACTS

Amendment made: No. 129, in clause 8, page 6, line 15, leave out 'jurisdiction' and insert 'powers'.—*[Mr. Mike O'Brien.]*

8 pm

Mr. Garnier: I beg to move amendment No. 61, page 6, line 32, at end insert

'and the court may take into account the conduct of the applicant in relation to the unlawful act giving rise to the proceedings'.

The Second Deputy Chairman: With this, it will be convenient to discuss Government amendment No. 130.

Mr. Garnier: Mr. Lord, I begin by saying welcome to clause 8. We are a little way into our deliberations, which have been useful. I think that the Minister will agree that we have so far made steady progress, and that we shall now make even steadier progress. Amendment No. 91 seeks to—

The Second Deputy Chairman of Ways and Means: Order. It is amendment No. 61, not 91.

Mr. Garnier: Here are my glasses. I used to think that I was rather young, but, after five hours in Committee, I am beginning to doubt it.

The two amendments in this group seek to introduce into the regime under the Bill principles broadly akin to those affecting contributory negligence and—in relation to the Government's amendment—to those dealing with contribution proceedings. I hope that I have reasonably accurately summarised the Government's intention in their amendment.

In moving amendment No. 61, the Opposition are inviting the Committee to agree with us that, when damages or some judicial remedy akin to damages is to be awarded, the court should take into account the conduct of the applicant in relation to the unlawful act giving rise to the proceedings. I shall come at the matter with a brief explanation of the law relating to contributory negligence, which I hope will be of assistance to the Committee in understanding our amendment.

Under the Law Reform (Contributory Negligence) Act 1945, principles that were well known under maritime law—under the Maritime Conventions Act 1911—were introduced to negligence on land. In current law, damages may be apportioned whenever both parties have been negligent and both have contributed to the damage. Section 1(1) of the 1945 Act provides:

"Where any person suffers damage as the result partly of his own fault and partly of the fault of any other person or persons, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damages recoverable in respect thereof shall be reduced to such extent as the court thinks just and equitable having regard to the claimant's share in the responsibility for the damage".

In the majority of cases, the plaintiff's negligence will have contributed to the accident that led to his injury—for example, when a driver or pedestrian fails to keep a proper lookout, or an employee omits to turn off a machine before cleaning it. However, that is not necessary for a finding of contributory negligence. What is essential is that the plaintiff's conduct contributes to his damage. Therefore, in that context, one could expect a reduction in the damages awarded when a motor cyclist fails to wear a crash helmet, a passenger fails to wear a seat belt, a man rides in a dangerous position on the back of a dustbin lorry, or someone gets into a car and goes on a journey, with a driver whom the passenger knows to have taken far too much drink.

Broadly speaking, two principal criteria of responsibility suggest themselves—causation, and blameworthiness or culpability. However, I suggest that there is no single principle for apportionment of damages in cases of contributory negligence; certainly no mathematical approach is possible. No doubt the extent of the plaintiff's lack of care for his own safety must be a major factor in all cases, but the court is directed by the statute to do what is "just and equitable".

The matter is thus one for the discretion of the court. Although the discretion must be exercised judicially, it is both unnecessary and undesirable that the exercise of the discretion should be fettered by rigid rules requiring the court to take into account some aspects of the given case and to reject others. However, if the court comes to the conclusion that the actions of both parties contributed to the damage, it has power neither to disregard the plaintiff's fault nor to hold the plaintiff guilty of 100 per cent. contributory negligence.

I used the analogy of contributory negligence in tort to illustrate the point that we are attempting to get across in amendment No. 61. We ask that, under the Bill, the court should be given a discretion to take into account the applicant's conduct in relation to the unlawful act giving rise to the proceedings. I hope that, having used the example of existing contributory negligence law, I do not have to belabour the point—which, I hope, reveals itself quite simply to the Committee after use of that illustration.

We do not quarrel with Government amendment No. 130—I hope that I can anticipate the Minister's remarks on it. He knows as well as I do that, in civil law, contribution proceedings are governed by the Civil Liability (Contribution) Act 1978, and that, under that Act, arrangements are available under the rules of the Supreme Court—especially in order 16—which provide for a structure by which cases can be progressed and in which an apportionment or indemnity can be worked out for their respective liability for the same wrong as between defendants or respondents.

I invite the Committee to accept Government amendment No. 130—no doubt after first listening carefully to the Minister's comments on it. Equally, I shall be very happy if the Committee accepts our amendment No. 61, not as a quid pro quo, but simply because it is sensible and it would defy common sense—unless the Minister can persuade me that it does not—not to accept it.

Mr. Mike O'Brien: As the hon. and learned Member for Harborough (Mr. Garnier) said, Government amendment No. 130 is concerned with contribution. The Civil Liability (Contribution) Act 1978 provides a right to contribution when more than one person is liable for the same damage. We see no reason why that standard provision should not apply when damages are awarded against a public authority under clause 8 of the Bill. The amendment makes it clear that the terms of the 1978 Act and the relevant provisions in Scotland—section 3 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940—apply to the award of such damages. I heard what the hon. and learned Gentleman said, and will therefore take that matter no further.

I shall try to deal with some of the points that the hon. and learned Gentleman made on amendment No. 61, which would operate on clause 8(4) of the Bill. Clause 8(4) provides that, in determining whether to award damages for an unlawful act of a public authority or the amount of any award, a court must take into account the principles applied by the European Court of Human Rights in relation to the award of compensation.

Amendment No. 61 would add to that provision by specifically enabling the court to take into account the conduct of the applicant—the person bringing proceedings against a public authority—in relation to the act that was found to be unlawful. The intention is presumably to send a signal to the courts to reduce the amount of any award if the applicant is regarded as undeserving.

It may help if I say something about the principles applied by the European Court of Human Rights in relation to the award of compensation. Article 50 of the convention, which will become article 41 when protocol 11 comes into force later this year, provides that in the event of a finding of a violation,

"the decision of the Court shall, if necessary, afford just satisfaction to the injured party".

There is no entitlement to an award, and the court's discretion is guided by the particular circumstances of each and every case. On many occasions, the court has held that no award should be made because the finding of a violation itself constituted just satisfaction. It appears from the court's judgments that matters such as the applicant's conduct and the limited nature of the breach are relevant factors. An interesting case in that regard, and one that most of us would remember, is the 1995 judgment in the case of McCann and others *v.* UK, in which the court, in dismissing the applicant's claim for damages, had regard to the fact that the three terrorist suspects who were killed had intended to plant a bomb in Gibraltar.

In our view, therefore, the requirement to take into account the principles applied in Strasbourg already allows the court to have regard to the conduct of the applicant, and it is unnecessary to amend the Bill to insert a specific reference to it. Also, it would be undesirable to do so, because the purpose of the Bill is to reflect Strasbourg thinking on the award of compensation, and the insertion of an additional condition of this kind could imply only that we wanted to gloss the court's thinking in some way. That is not our purpose. Our purpose is to use the way in which those decisions are reached to guide our courts.

The basic argument that I am putting to the hon. and learned Member for Harborough is that his amendment is unnecessary, because the Bill can deal with the issues under the provisions by which the Strasbourg courts currently decide such matters. Therefore, I hope that, on full consideration of what I have said, the hon. and learned Gentleman will withdraw the amendment.

Mr. Garnier: I had fondly hoped that my arguments warranted something more than basic arguments from the Minister, but I know what he meant, and in the light of his explanation of the powers given to the court under the existing jurisprudence, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 130, in clause 8, page 6, line 32, at end insert—

'( ) A public authority against which damages are awarded is to be treated—

(a) in Scotland, for the purposes of section 3 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 as if the award were made in an action of damages in which the authority has been found liable in respect of loss or damage to the person to whom the award is made;

(b) for the purposes of the Civil Liability (Contribution) Act 1978 as liable in respect of damage suffered by the person to whom the award is made.'.—*[Mr. Mike O'Brien.]*

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 ordered to stand part of the Bill.

Clause 10

POWER TO TAKE REMEDIAL ACTION

Mr. Garnier: I beg to move amendment No. 62, in clause 10, page 7, line 21, after 'stated', insert 'in writing'.

The Second Deputy Chairman: With this, it will be convenient to discuss the following amendments: No. 63, in clause 10, page 7, line 27, leave out

'a Minister of the Crown or'.

New clause 2—*No remedial order before determination of European Commission of Human Rights*—

'.—Where

(a) a Court, as defined in section 4(5), has made a declaration of incompatibility in respect of any legislation and where there is no further domestic right of appeal; but

(b) it nonetheless appears to a Minister of the Crown that it is desirable in the public interest that the question of compatibility, and all and any issues arising in the proceedings which have given rise thereto should not be the subject of any remedial order unless and until such issues shall have been fully considered by the European Commission of Human Rights or, if admissible, should have been the subject of a judgement, decision, declaration or opinion of the European Court of Human Rights;

he may issue a certificate to the said effect in writing, and in such event the said declaration shall be of no effect pending consideration of the said issues by the Commission and the Court.'.

Mr. Garnier: We now come to one of the two most important debates this evening. The amendments deal with the right of appeal by the Government or a public authority.

Clause 10 is the first of three clauses grouped under the heading "Remedial action". One has only to mention those words for the Home Secretary to come rushing in rather like the US cavalry. I am delighted to see him, so long as he does not think that I am wearing a black hat or considers me to be a dangerous rebel. He has not missed very much, as the Minister will confirm as he leaves to get something to eat.

The amendments are in respect of the remedial action clauses, 10, 11 and 12. Clause 10 deals with the power to take remedial action, clause 11 concerns remedial orders, and clause 12 sets out the procedure under which orders can be made.

8.15 pm

The amendments seek to provide a right of appeal to the European Court of Human Rights at Strasbourg for the Government and for public bodies that are not satisfied with the decision of the final domestic court of appeal in any particular case. The deeper purpose is to ensure that the human rights regime set up under the Bill is one in which the human rights law that applies in the United Kingdom is Strasbourg law—the same body of law that applies to the 30 or so other member states of the Council of Europe—and not a separate body of human rights law applicable only to the United Kingdom.

In other words, we do not seek—nor do we believe that it is the Government's intention—that the Bill should be used by our courts as a substitute written constitution, against which all our legislation should be tested and potentially struck down, notwithstanding that the European Court of Human Rights at Strasbourg would have found no such incompatibility.

One example is abortion. It is unlikely that our courts would go so far, but, in the USA and Canada, the courts have overturned the legislature on such subjects. For our part, the official Opposition wish to ensure that, before the convention is put to any such extreme use, the issue is fully ventilated at Strasbourg and the vital doctrine of margin of appreciation is given full and proper expression.

I hope that I shall command the agreement of both sides of the Committee when I say that we are discussing a matter of considerable constitutional importance. The presence of the Home Secretary—and the fact that he is nodding in agreement—lends support to that argument.

New clause 2 is necessary in order to give the margin of appreciation full and proper expression, and to ensure that the convention is not put to extreme use in the sense that I outlined in relation to abortion in the USA and Canada. It is not generally known that Governments and public bodies do not have any direct right of appeal to the Strasbourg institutions; hence it is necessary to achieve the same result by enabling the ruling of the domestic court to be suspended unless and until the aggrieved citizen takes the matter to Strasbourg.

New clause 2 reads as follows:

"Where

(a) a Court, as defined in section 4(5)"—

the courts that have powers to make declarations of incompatibility or, broadly, our High Court—

"has made a declaration of incompatibility in respect of any legislation and where there is no further domestic right of appeal; but

(b) it nonetheless appears to a Minister of the Crown that it is desirable in the public interest that the question of compatibility, and all and any issues arising in the proceedings which have given rise thereto should not be the subject of any remedial order unless and until such issues shall have been fully considered by the European Commission of Human Rights or, if admissible, should have been the subject of a judgement, decision, declaration or opinion or the European Court of Human Rights;

he"—

the Minister of the Crown—

"may issue a certificate to the said effect in writing, and in such event the said declaration shall be of no effect pending consideration of the said issues by the Commission and the Court."

Part of the wording of paragraph (b) is redundant, because the European Commission of Human Rights will shortly cease to exist, and a new court system will apply. However, our point is equally valid under the existing arrangements or the new ones.

I hope that our courts will only rarely find it necessary to strike down legislation. Likewise, I hope that the Government and public bodies will only rarely find it necessary to use the power. However, it is important that the power should be available. We must be under no illusion: many litigants, with or without legal aid, will push at the frontiers of the new jurisdiction. It is essential that the courts know that Parliament intends that the regime under the European convention should be available in our domestic courts, not a home-grown Bill of Rights regime advocated by some.

That does not mean that we should never extend our human rights and liberties through domestic legislation. In our own English way, we have done so, and have led the world. However, that should be done by tailor-made primary legislation, honed and crafted in Parliament, not by incorporating a convention designed at other times for other purposes.

There will be nothing to prevent our courts from expanding convention rights beyond what might be the view of the Strasbourg court. Under clause 2, our judges will take account of Strasbourg decisions, but, as Sir Brian Cubbon, a former permanent under-secretary at the Home Office has said, they will have

"a free hand to blaze a trail for human rights".

In the absence of new clause 2, the Bill provides the aggrieved citizen with a two-way bet. If our courts find for him, the public authority or the Government cannot appeal to Strasbourg. However, if the citizen loses, he can appeal to Strasbourg. That will exacerbate the fears of Europhobes that there is an anti-British bias. I am not such a person, but I understand those fears. The new clause should help the Government—I always want to help the Home Secretary, if not the Government as a whole—and should be helpful in the wider context of dealing with the future development of Europe and our relationship with it.

Many a red herring is raised in the great debate about Europe. There is huge confusion between the European Court of Justice and the European Court of Human Rights. There is just as much confusion about the powers that have been taken away from the House under European Communities Acts and what we are discussing. Those are real fears for many, albeit misconceived. We have to deal with them, and there is no better time to do so than now, through the new clause. I am not suggesting that it will eradicate the wrong-headed fears of some, but, if it contributes in some small way to ending those fears, I trust that the Government will at least give it some attention, even if they do not take their hat off to it.

The constitutional implications of passing clause 10 unamended will be considerable. The stresses already placed on our constitution by, for example, section 2(4) of the European Communities Act 1972, and the fears, well founded or not, of a central European bank that is unaccountable to our electors, are manifest. The growth of the Referendum party before the last election, and the growth in other European countries—and to some extent in this country—of nasty, violent nationalism, fuelled by feelings of increasing political impotence and irrelevance among our citizens, are warning signals that we ignore at our peril.

Our constitution has evolved over many centuries. It is flexible and robust, but it is not indestructible. I acquit the Home Secretary of wanting to undermine or destroy the constitution, or of any charge of lack of patriotic feeling for this country. The Government and the party that perhaps one day he will lead must not allow themselves to be seduced by their large parliamentary majority into legislative complacency.

I am happy to see two and a half of the Back Bench Members who make up the Government's majority present in Committee—I count the parliamentary private secretary as halfway on to the Front Bench. Perhaps through a lack of intellectual curiosity, or any curiosity, perhaps through a fear of speaking out of turn, going off message or saying what they think—if they think at all—Labour Back Benchers have been slow to contribute to our debates on the Bill.

That is a pity, because, as hon. Members on both sides accept, the Bill will have greater implications for the constitutional development of the country than many people who have thought about it are prepared to admit. When members of the governing party are conspicuous by their absence, with one or two notable exceptions—perhaps it is because I have been on my feet for too long—

Mr. James Cran (Beverley and Holderness): Never.

Mr. Garnier: I am most grateful—my worries are further exacerbated.

Labour Members should take part in our deliberations to justify the manifesto on which they were elected and so that they can explain to their constituents what they are doing to our constitution. They will not be able to do that unless they pay attention. Their constituents will want to know what they are doing to advance and protect their interests and the democratic institutions that have served us so well for centuries.

It will do Labour Members little good to stand at the hustings in two or three years proclaiming, "I can do nothing for you, because I gave away my powers as your elected representative to the courts or to bodies outside Parliament, or even offshore"—that is not a dig at the Paymaster General. We should not lightly cut the link between us and our constituents, nor should we break down the barrier that has, wisely and successfully, long separated the three sources of power in our constitution—the Executive, the legislature and the judiciary.

Machiavelli said:

"Let no man who begins an innovation in a state expect that he shall stop it at his pleasure or regulate it according to his pleasure."

I accept that, when we, as convinced parliamentarians, are dealing with the powers of this House over the Executive and the courts, it is easy, if forgivable, to be tempted towards hyperbole, but if the balance that has served our constitution well is to be preserved, we should protect the institutions of democratically accountable government as much as the rights of the citizen to appeal to Strasbourg.

As currently drafted, the Bill reveals an imbalance. The Government—the Crown in Parliament—must be held to account in this place. The Government, through Parliament and elsewhere, must be responsive to the needs, aspirations and fears of our citizens. However, they should not be hobbled when it comes to dealing with cases involving the European convention as integrated into our domestic law by their inability to have recourse directly to Strasbourg.

[Mr. Garnier]

8.30 pm

Under the Bill and the current arrangements, the Executive—the Government, the United Kingdom—have no right of appeal to Strasbourg. The same applies to all the public authorities we were discussing last week during consideration of clause 6, under which public authorities are defined not so much by who they are as by what they do at any given time. There has been a great deal of discussion in the press, in the Chamber and elsewhere about what constitutes a public authority. The Press Complaints Commission was the classic example, given time and time again. That is hardly surprising, since the press were most concerned about the effects of the Bill upon them.

There are other bodies—I will not list them now, because it would be tedious, and because, if anyone is interested, they can look at the report of our earlier proceedings—which could, in my submission, be unfairly and irredeemably affected by the way in which the Bill is drafted.

I urge the Government to give careful consideration to new clause 2. I am not claiming that it is perfect in every way. I have already admitted that certain parts of subsection (b)—those dealing with the European Commission of Human Rights—will soon be rendered redundant.

I anticipate the remark that the Home Secretary usually so kindly makes at this stage about the fact that he understands the difficulty of drafting in opposition, because he spent 18 years doing it. I can assure him that I have no intention of spending more than five years doing it. I look forward to occupying the Government Benches, together with all my hon. Friends, after the next election. In the interim, doing the best we can, we are happy to put before the Committee new clause 2. I hope that the Home Secretary will respond, as he usually does, in a reasoned and courteous way.

Amendment No. 62—I will deal with the broader issue first—requires the insertion of "in writing" after the word "stated" in clause 10, line 21. The clause should then read:

"This section applies if—

(a) a provision of legislation has been declared under section 4 to be incompatible with a Convention right and, if an appeal lies—

(i) all persons who may appeal have stated in writing that they do not intend to do so".

The Home Secretary may be able to deal with that easily, because there may be some precedent or custom and practice which says that, throughout the Bill or in similar Acts, when a person wishes to say something with regard to his rights of appeal, it must be done in writing. It is not clear from the Bill as I understand it, but there may be other sources of learning that the Home Secretary keeps up his sleeve to deal with Opposition amendments such as this. I look forward to hearing what he has to say.

Amendment No. 63 suggests that we should leave out the words:

"a Minister of the Crown or"

in clause 10(1)(b). At present, the subsection states:

"it appears to a Minister of the Crown or Her Majesty in Council that, having regard to a finding of the European Court of Human Rights made after the coming into force of this section in proceedings against the United Kingdom, a provision of legislation is incompatible with an obligation of the United Kingdom arising from the Convention."

This may bring a smile to the Home Secretary's face, but I have to confess that I fail to understand that amendment, and I will say no more about it.

The Secretary of State for the Home Department (Mr. Jack Straw): I accept entirely what the hon. and learned Member for Harborough (Mr. Garnier) said about the importance of the role of Parliament. I have made that clear throughout the debate. As we spelled out in the White Paper and have spelt out continually ever since, we have been acute about the need to ensure that nothing in this very important Bill undermines the sovereignty or the powers of this Parliament.

The hon. and learned Gentleman delivered an elegant homily about the fact that we should not give away our rights to the courts or compromise the separation of powers. He said that it was important to protect the institution of democratic government as well as the right of electors. I not only subscribe to that, but have sought to ensure that those principles have been put into effect in the Bill.

As the hon. and learned Member has pointed out, clause 10 is an important clause. I suspect that we will debate at even greater length the issue of remedial orders on the next group of amendments, but I should like to respond to the points made on amendments Nos 62 and 63 and new clause 2.

Clause 10(1) describes the circumstances in which the power to make a remedial order applies. The first—clause 10(1)(a)—is where a domestic court has made a declaration of incompatibility and there is no prospect of an appeal, either because those who may appeal have stated that they do not intend to do so, or for other specified reasons. The provisions about appeals were inserted in another place to guard against the possibility of legislation being amended by a remedial order in response to a declaration of incompatibility which was then overturned on appeal.

Amendment No. 62 would require persons stating they do not intend to appeal to do so "in writing" before the power to make a remedial order could be exercised. That is what is likely to happen anyway, because the only way in which clause 10(1) can operate in practice will be for the person making the order, if he wishes to proceed urgently before the time for appealing has expired, to take proactive steps by seeking statements from all interested parties to the effect that they do not propose to appeal. I should like to thank the hon. and learned Gentleman for spotting what could have been an ambiguity in the Bill. Amendment No. 62 is excellently drafted, and we propose to accept it.

The second circumstance in which the power to make a remedial order applies—clause 10(1)(b)—is where the European Court of Human Rights has found a violation of the convention in proceedings against the United Kingdom, and it appears to a Minister of the Crown or to Her Majesty in Council that a provision of legislation is incompatible with an obligation of the United Kingdom arising from the convention.

The hon. and learned Member was generous enough to say that he did not entirely understand amendment No. 63. In the small hours of the night during a Finance Bill

Standing Committee in 1981, I think, I had to say something similar about an amendment that I had drafted myself. Embarrassingly, my words were then included in a textbook on legislation in Parliament, written by my hon. Friend the Member for Great Grimsby (Mr. Mitchell)—so I understand the problem. From what the hon. and learned Gentleman has said, I assume that he will seek leave to withdraw it.

Mr. Garnier: Perhaps.

Mr. Straw: I suggest that the hon. Gentleman should do so.

The point of having the Minister of the Crown is that he or she normally has to exercise those duties. The burden of the hon. and learned Gentleman's remarks is contained in new clause 2, which provides for no remedial order to be made following a declaration of incompatibility if a Minister of the Crown considers that the issues raised by the declaration should be considered in Strasbourg.

New clause 2 seems to be based on two assumptions. The first is that a declaration of incompatibility will have some legal effect unless a ministerial certificate is issued. The second is that the Government must make a remedial order following a declaration of incompatibility. Neither of those assumptions is true. As clause 4(6) makes clear, a declaration of incompatibility does not affect the continuing validity, operation or enforcement of the provision in respect of which it is given. That is a crucial part of the Bill to preserve the sovereignty of this Parliament.

In most cases, a Minister's view is endorsed by Parliament, and if a Minister decides that it is not appropriate for the Government to take action in respect of the declaration of incompatibility, no action need be taken. In controversial cases, the Minister's decision might have to be endorsed by the House. Indeed, the Opposition could force it to be endorsed, so it would always be subject to that possibility, which is right.

Nor is there any obligation on the Government to remedy any incompatibility by means of a remedial order. We expect that the Government will generally want to do so, just as successive Governments have sought, as we will discuss on the next group of amendments, to put right any declaration by the Strasbourg court by way of legislation or Executive action in the United Kingdom. That is the effect of clause 10, and it is the logical consequence of our decision that the courts are not to have a power to set aside Acts of Parliament under this Bill.

Therefore, although I understand the point of new clause 2, it would not achieve anything. Nothing in it could not equally be achieved—and will not equally be achieved—within the framework of the Bill as it stands.

Mr. Maclennan: Obviously this is hypothetical, but in the event of the circumstance that he described arising and a Minister recommending that no action be taken, does the right hon. Gentleman assume that the Government would feel obliged to derogate from the relevant provision of the European convention?

Mr. Straw: No, I do not. That would arise only if there had been an adverse judgment by the court—I was about to deal with that. Normally in such a circumstance, if the Government had refused to accept a clear declaration of incompatibility—for example, by the Judicial Committee of the other place, the highest court of the land—the victim, who would be the applicant in the action, would take the matter to the Strasbourg court. In practice, in most cases, an appeal to the European court in Strasbourg would naturally follow.

The assumptions implicit in new clause 2 and some of the other remarks made by the hon. and learned Member for Harborough demonstrate a misreading of the convention—that it is somehow possible for a Government party to effect an appeal to the Strasbourg court. The convention is so drawn that the only parties that can make an application to the Strasbourg court are the citizens, or residents, of the country, as the convention exists to protect the rights of the individual against the state.

A state has never, under the convention, been able to take action before the Strasbourg court. Given the conceptual, jurisprudential structure of the convention, that would be entirely otiose—it would entirely reverse the convention's purpose. Even if the House of Commons was determined that the state should have a right of appeal in the Strasbourg court against the decision of a higher court in this country, that could not be effected under the convention.

I should also say to Conservative Members, whose interest in the sovereignty of Parliament is at least as strong as ours, that, if we were to seek to do that, we would genuinely be open to the charge that we were undermining the power of Parliament by setting above it a supreme international court with powers over this country's courts. The only way in which to avoid that would be to withdraw from the convention, which we would not want to do. We believe that the way in which the convention has been applied over the years, particularly with the margin of appreciation, is sensible, so I suggest that it would not be desirable to go down that road.

Mr. Lansley: The Home Secretary will correct me if I am wrong, but is it not entirely possible, under new clause 2, not so much that the Government would contemplate resolving issues through the European convention on human rights or the court, as that parties to those proceedings might do so?

8.45 pm

Mr. Straw: Of course it is correct to say that parties to the proceedings may voluntarily decide to take a case to the Strasbourg court. Even if there is a declaration of incompatibility, and a remedial order amending primary legislation is put through the House of Commons and the other place, it is still open to the other party to the proceedings to take the matter to the court, although I suggest that they would get short shrift if they sought to do so.

New clause 2 would effect a right of appeal to the Government. It tries to get around the way in which the convention has been constructed by requiring the victim to exercise his existing rights to go to Strasbourg so that the case could be considered there before anything happened at home.

I do not think that that is a sensible way in which to proceed. In practice, if the Government and Parliament refused to act on a declaration of incompatibility, the

[Mr. Straw]

so-called victim—the citizen—would almost certainly take the case to Strasbourg. If the victim did not, but accepted that the Government and Parliament were right to ignore the declaration of incompatibility, I see no reason why anyone would want to pursue the matter to Strasbourg. For those reasons, I hope that the Opposition will see fit to not to press new clause 2 and amendment No. 63.

Mr. Garnier: The right hon. Gentleman is perfectly right to suggest that the new clause is a device. It has to be a device, for the reasons that I had hoped I had explained and that he himself expressed—the state does not have a right to go to Strasbourg; it is for the citizen to do that.

What happens in this example, however? A case fought between a citizen and a public authority—be it a Government authority or some other public authority—eventually reaches the Judicial Committee of the House of Lords, which says that the legislation we are discussing is incompatible with the citizen's conventional rights. The citizen therefore wins in our domestic courts. However, the political will of Parliament and the advice of the Government are that that is a mistake.

What does the Home Secretary suggest the Government—it does not matter which Government—should do in those circumstances? Under the Bill, the Government are stuck. The purpose of new clause 2 is to overcome a logjam.

Mr. Straw: Let me try to put the hon. and learned Gentleman's mind at rest. There will be no logjam. If there had been a declaration of incompatibility, and the Government and Parliament had decided not to act on it, I would guess that, in most cases, the applicant would take the case to Strasbourg. That almost certainly follows. However, in the rare examples where that did not happen, the status quo ante would obtain because of clause 4(6), which makes it clear that

"A declaration under this section ("a declaration of incompatibility")—

(a) does not affect the validity, continuing operation or enforcement of the provision in respect of which it is given; and

(b) is not binding on the parties to the proceedings in which it is made."

If the issue before the Judicial Committee of the House of Lords was, say, whether a statutory instrument was ultra vires, the Committee could use its existing powers to deal with that issue. If, however, the issue was a piece of primary legislation that was incompatible with the convention, on which the Judicial Committee had made a declaration that the Government and Parliament had decided not to accept, and on which there had been no appeal to Strasbourg, the original piece of primary legislation would stay in force. There would be no logjam, and that is why the new clause is not necessary.

To set up, by whatever device, a system by which the Government of the day—and therefore Parliament—would be able to appeal to the Strasbourg court, would be to elevate that court to a position of supremacy over Parliament, a circumstance that very few Members on either side of the House wish to bring about.

Mr. Maclennan: This interesting debate has revealed, as the hon. Member for Gainsborough (Mr. Leigh) earlier implied, that there are significant consequences in the Bill for the sovereignty of Parliament. If, after a declaration of incompatibility, the Government of the day decide not to act but to recommend an amendment to the House, as the Bill prescribes, it will, the Home Secretary tells us, be none the less probable that the matter will go to Strasbourg. It is unlikely, to say the least, that the court there will differ from the highest court in the United Kingdom on the interpretation of the issue. All that will happen is that the remedy for the aggrieved party will be substantially delayed.

At some point, however, the issue would arise whether the Government would accept the ruling of the court in Strasbourg. I think that the Bill maintains a fiction. If the Government took the view that a particular incompatibility was one with which they would wish to live—if, in other words, they decided not to implement the finding of the highest court in our country—the proper step would be to derogate straight away and to indicate that, for reasons of public policy, which would be defensible under the terms of the convention, they did not wish to give effect to convention rights.

I make that point only because I do not share the general view, expressed by the Government and echoed by the official Opposition, that it is desirable to sustain parliamentary sovereignty, which I believe is a doctrine at least 100 years out of date. I would prefer a genuine separation of powers, rather than lip service being paid to it, and sovereignty to rest with the people.

Mr. Leigh: I do not agree that parliamentary sovereignty is an idea 100 years out of date, but the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) has done the Committee a service by revealing the fiction that lies at the heart of clause 10—the fig leaf that preserves parliamentary sovereignty.

At this late hour, it is easy for us, in a sparsely filled Chamber, to be lulled into a false sense of security by the charming way in which the Home Secretary debates these matters, which he does very effectively. My hon. and learned Friend the Member for Harborough (Mr. Garnier) made a powerful speech, which may be read again in future years. I hope that I do not resort to hyperbole, but it was a fine speech, which revealed some of the problems of which the House should be aware.

The new ministerial power to amend legislation by order is very broad. It is a virtual carte blanche, which grants Henry VIII powers to Ministers. Ministers should not lightly dismiss our fears.

Mr. Straw *indicated dissent.*

Mr. Leigh: I am glad to see the Home Secretary shaking his head.

Mr. Straw: The next group of amendments includes several tabled by the Government that pick up concerns expressed by hon. Members, especially Conservative Members. They severely restrict the circumstances in which remedial orders could be made.

Mr. Leigh: I am grateful for that intervention, which makes it clear that the Home Secretary and the Government take our fears very seriously.

Again, I do not want resort to hyperbole, but it has become fashionable to decry our record on civil liberties and human rights. We have nothing to be ashamed of over the past 200 years. With its unwritten constitution, our country has been a beacon for civil liberties. Amending the constitution is a very serious matter, as I am sure everyone realises. I hope that we are not taking a dangerous course.

Let me describe what could happen. Under clause 10(3)(b), a Minister can make such amendments "as he considers appropriate". He can amend primary and secondary legislation to make it compatible with the convention. United Kingdom courts can make declarations of incompatibility under clause 4(6), which the Home Secretary was searching for earlier. Courts can make a finding that a provision of UK statute law is incompatible with the convention. Strasbourg can also make such a finding.

This is where we have the fig leaf of parliamentary sovereignty. Such directions are not meant in themselves to strike down the legislation, as happens in Canada and the United States. The ministerial power arises once a final court order has been made that cannot be further appealed against and in which there is a finding of incompatibility, or—this is the important point in clause 10(1)(b)—if it appears to a Minister that

"a finding of the European Court of Human Rights"

in proceedings involving our country means that

"a provision of legislation is incompatible".

I believe, and I think that my hon. and learned Friend the Member for Harborough believes, that that power should and must be more narrowly drawn. It might appear to a Minister that a finding of the Strasbourg court requires legislation to be amended, even though that was never the intention of the court. If the power is to be given, it should be invoked only when there is a judgment from Strasbourg that states unequivocally that there is incompatibility. That would be a safer course.

I hope that the right hon. Member for Caithness, Sutherland and Easter Ross will not accuse me of being a Euro-enthusiast at this point, but, in my respectful judgment, I believe that to be a safer course than leaving such matters to the personal opinion of the Minister. The Bill refers to

"such amendments . . . as he considers appropriate",

but I believe that that gives too much power to the Minister to overturn or interfere with legislation passed by Parliament. The words "such amendments as are necessary" would be preferable.

9 pm

The Government are giving strong powers to their Ministers; we should be aware of that. To defend his position, the Home Secretary said that it was not simply a matter of giving powers to Ministers, because the power to make remedial orders is subject to parliamentary scrutiny; but the Committee should be aware that that is very limited scrutiny.

Only 60 days are allowed for consideration of draft remedial orders, but there is no indication of how much parliamentary time will be given to the actual debate. Debates on statutory instruments are often limited to 90 minutes. Members of Parliament and peers will not be able to move amendments to the Government's draft order—only to accept or reject it in its entirety. Urgent remedial orders can be made without initial parliamentary consideration, and 40 days are allowed, after which the order must be approved or lapse. As the calculation of the period for consideration does not include any time during which Parliament is dissolved, prorogued or adjourned for more than four days, such an order could be in force for a considerable period without any parliamentary scrutiny. I hope that I have made my point.

I believe that we are giving unprecedented powers to Ministers. As the right hon. Member for Caithness, Sutherland and Easter Ross said, the Government, who are rightly concerned about the notion of parliamentary sovereignty, are desperately trying to erect a legal fiction to protect that notion, which is precisely that—a fiction. The course on which we are embarking is dangerous indeed.

Mr. Grieve: I find the comments of my hon. Friend the Member for Gainsborough (Mr. Leigh) extremely compelling in some ways. I have listened with care to what has been said in the debate. However, I think that we are in danger of focusing too closely on new clause 2 when considering clause 10, rather than looking at the next set of amendments, which are of equal—in my view, greater—importance, although I accept that the two groups are intimately linked.

The problem, which I hope the Home Secretary understands, and the issue we are debating is the extent to which new clause 10 is, as my hon. Friend says, merely a fig leaf to protect parliamentary sovereignty; and the extent to which there will really be a tandem movement of courts and Parliament in enforcing human rights, when, at the same time and in certain circumstances, Parliament may express a view that differs from that of the courts. The difficulty facing Opposition Members is that there is quite a lot of material to suggest that, in presenting the legislation before Parliament, and especially when it started its passage in the other place, the assumption has been made—and certainly expressed in the Lord Chancellor's speeches—that, if an incompatibility is found, there will be a rubber-stamp procedure to remedy it.

New clause 2 is concerned not with derogation, but with the odder circumstance of its being concluded that their Lordships in the Judicial Committee in the other place have come to a wrong conclusion, which would not be endorsed by the European Court of Human Rights. I confess my view that that is a somewhat unlikely state of affairs, and I should be quite content not to press new clause 2, as long as I was happy and confident on the other aspects of clause 10 that we are to debate soon.

I say to my hon. Friends that, if the Judicial Committee of the other place has ruled that there is incompatibility, it is difficult to see where the Government will get at home a contrary viewpoint to make them wish to take the matter to the European Court by the device provided for—we accept that it is a device. I suppose that one might consult learned lawyers, but one might assume, I think safely, that the learning present in the Judicial Committee would probably amount to the best advice that the Government could obtain.

There is nothing new about Governments obtaining the advice of the judiciary. Casting my mind back to what we read of the middle ages, the statute of treason, which is

[Mr. Grieve]

one of the earliest pieces of criminal statute governing a particular matter still in existence in this country, was the result of consultation with the judges on what treason actually was. The result of that consultation was then embodied in legislation. I do not find any great difficulty in saying, "The Judicial Committee has advised, and Parliament can take it or leave it."

The anxiety that, at that point, people might say, "We believe that the European Court would come to a different conclusion," appears to me to be somewhat far fetched. At that stage, the time would have come for Parliament to bite the bullet. The anxiety is whether Parliament would feel able to do so and, if necessary, take steps that might technically amount to a derogation if the matter were challenged later in the European Court. However, that is a hypothetical question.

I think that the Home Secretary is correct when he says that, as there would be no derogation, it would be up to the Government, the House of Commons and Parliament generally to come to a conclusion based on the opinion that they had obtained from the judges.

With those remarks, I prefer to reserve my comments for the next set of amendments, which I think are crucial and bear on one of the central issues in the Bill. I would not be disposed to press the point of new clause 2, but I am grateful that it has helped us to ventilate what I consider an important issue. It would seem that it is intimately linked with the next section of the Bill that we are to consider.

Mr. Lansley: I shall raise one or two points that relate to new clause 2. The Home Secretary did something of a disservice to my hon. and learned Friend the Member for Harborough (Mr. Garnier): judging from remarks that he made in an earlier debate, my hon. and learned Friend was only too aware of the fact that Governments would not be able to go to Strasbourg to try to test before the European Court of Human Rights, the issues that we are considering.

I am sure that it was contemplated by my hon. and learned Friend that the circumstances that arise under new clause 2 relate to circumstances where parties to proceedings may well wish further to seek conclusions from the European Commission or the European Court of Human Rights.

As I listened to the Home Secretary—I am often persuaded by what the right hon. Gentleman says—I took the view that, on this occasion, there was a major gap. Perhaps the Home Secretary can resolve the issue for me.

In so far as the right hon. Gentleman rested on clause 4(6), that would be the correct approach if it settled the matter in relation to all the implications of a declaration of incompatibility by a court. However, as we have heard in previous debates, the position is not quite like that. First, as I understand these matters, if a court finds that secondary legislation is incompatible, in effect it makes a declaration of incompatibility. As a consequence, that secondary legislation is quashed.

Although clause 4(6) states that the "continuing operation or enforcement" of provisions is not affected, surely that is not the case with secondary legislation, and they are directly affected.

I have a second and slightly related point to put to the Home Secretary. If a court makes a declaration of incompatibility and, as a consequence, someone seeks to sue on the basis that a public authority had acted unlawfully, might there be scope for the court to consider that declaration of incompatibility in relation to secondary legislation, and to act on the declaration and find that the public authority had acted unlawfully?

In both those circumstances, might there not be a desire among Ministers for the parties to proceedings to argue to a conclusion, including resolution through the Commission and the European Court of Human Rights, as new clause 2 contemplates? On that basis, the Home Secretary's position, while true for primary legislation, does not meet the argument, and I should be grateful for clarification.

Mr. Straw: The right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan), who, I am sorry to say, has just left the Chamber, made a sweeping assertion with which I profoundly disagree. He said that he regarded the doctrine of parliamentary sovereignty as 100 years out of date. The doctrine is of much greater antiquity than that.

Mr. Grieve: The Home Secretary was present during many of the proceedings on Scottish devolution legislation and he will have learnt that many Scots do not recognise parliamentary sovereignty as a doctrine—which may explain the view of the right hon. Member for Caithness, Sutherland and Easter Ross—because they claim that it did not exist before the Union. The Home Secretary may agree that that also explains why the Scots Parliament has hardly a footnote in history.

Mr. Straw: I shall not be tempted on the latter point, but I shall make the chronological point that the doctrine of parliamentary sovereignty can certainly be traced back to 1689 and the Bill of Rights. A few years later, in 1707, Scotland and England formed a Union, which continues, and will continue after the implementation of the Scotland Bill.

My second point in response to the right hon. Member for Caithness, Sutherland and Easter Ross relates to derogations. He said that, if there was a declaration of incompatibility by the Judicial Committee in the other place, we could derogate from that. Derogation arises only from the convention.

In addition, it is not open to member states to derogate judgment by judgment from decisions of the European Court of Human Rights in Strasbourg. It is possible to derogate only in case of war or other emergency that threatens the life of the nation. As hon. Members will see if they turn to the back of the Bill, schedule 2 sets out the one derogation that this country has made in respect of the convention, which arises from the threat of terrorism and the need for us to operate the Prevention of Terrorism (Temporary Provisions) Act 1984.

The hon. Member for Gainsborough (Mr. Leigh) suggested that clause 10 was a fig leaf, and that it gave Ministers carte blanche to amend matters. It is in no sense a fig leaf. The powers of any Minister to bring a remedial order before the House or the other place are very circumscribed.

However, as I shall spell out when we discuss the next group of amendments, we have accepted the strong views expressed in the other place and by many hon. Members

in this House about the need further to constrain the opportunity for Ministers to bring remedial orders. I accept what the hon. Member for Beaconsfield (Mr. Grieve) said on that matter. By the way, I reassure him that, because of the rules of the Committee, we would not divide on new clause 2 before dealing with the next group of amendments.

I say to the hon. Member for South Cambridgeshire (Mr. Lansley) that the courts already have power to strike down subordinate legislation, and they do so with some regularity. If they feel that a statutory instrument has been introduced in a way that is ultra vires the primary legislation, they can do so. When we discussed the matter in detail in the Cabinet Ministerial Sub-Committee on Incorporation of the European Convention on Human Rights, it seemed to us that, as that power was already there, it would be very odd not to continue to allow courts to strike down subordinate legislation if it was incompatible with the Bill.

9.15 pm

In a sense, that does not affect the sovereignty of Parliament, because it is open to Ministers to try to put the subordinate legislation right by simply introducing further regulations. That happens quite often, as any Minister who has held office in the Department of Social Security can testify.

The issue is whether the courts have power to strike down primary legislation, and we are clear in our minds that they should not.

Mr. Lansley *rose—*

Mr. Straw: May I debate this point? Then, of course, I shall give way, but time is short, as we need to press on to the next group of amendments.

A question arises, which is dealt with under clause 4(3), in respect of a small category of inevitably incompatible subordinate legislation which cannot be quashed by the courts and can only be declared incompatible because of the nature of the primary legislation that brought about that subordinate legislation. In those cases, again to ensure that the sovereignty of Parliament is not inadvertently challenged by striking down subordinate legislation and, in so doing, striking down the primary legislation, we have adopted the other approach and said that, in those cases, all the courts can do is to make a declaration of incompatibility in respect of the subordinate legislation as well.

Mr. Lansley: I accept what the Home Secretary says about primary legislation, but, in this instance, is not the question not so much about the sovereignty of Parliament as about whether it is desirable that there should be a mechanism, as in new clause 2, for the Government to suspend, as it were, the courts' quashing of secondary legislation in this respect, based on convention rights, until the interpretation of convention rights has proceeded all the way through to the European Court of Human Rights, where the Government consider that to be desirable?

Mr. Straw: I am sorry; I do not accept that. We might equally take the example of social security, but let us take the prison rules as an example.

The prison rules are subordinate legislation, which I change from time to time, under the powers given me under the prison Acts. If they were struck down for incompatibility with the convention, the important thing would be to introduce new prison rules that were compatible with the legislation, not to leave a hole in the provision.

On the other hand, if the prison Acts were declared incompatible, it would be a much more serious matter, and the important thing would be for the Government and Parliament to make a judgment about whether to take action in respect of that declaration. We have dealt with that.

I invited the hon. and learned Member for Harborough to withdraw his amendments, but I need not have done so, because I now invite the Committee to approve amendment No. 62, which we accept. I hope that the hon. and learned Gentleman will stay silent and not press amendment No. 63 to a vote, or even move it.

Mr. Garnier: I shall not stay silent, for one reason only: because I want to thank the Home Secretary for surprising me by accepting our amendment No. 62. It is something of a record, certainly in the context of the Bill, if not in the context of legislation introduced by the Government since May 1997.

I shall not mention the points raised by my hon. Friends, because the Home Secretary has responded to a number of them. I thank them for their contributions, because, as we all agree, we have discussed a particularly important area of the Bill. I suspect that the debate will not go away. The fact that my hon. Friend the Member for Gainsborough (Mr. Leigh) spoke to the next group of amendments during this debate is not a criticism; he has highlighted an especially important constitutional problem.

In respect of my amendments, I wonder whether you, Mr. Lord, would remind me of where I am procedurally.

The Second Deputy Chairman: We are dealing with amendment No. 62. For the time being, that is all that we have to deal with.

Amendment agreed to.

Mr. Garnier: I beg to move amendment No. 64, in clause 10, page 7, leave out lines 33 to 45 and insert—

'(2) The Secretary of State shall, within 15 sitting days, lay before each House of Parliament a statement setting out the grounds of the incompatibility and each House of Parliament shall—

(a) in the case of a declaration of incompatibility under section 4, by resolution signify its agreement or disagreement with the declaration;

(b) in any other case, debate the statement.

(3) If either House of Parliament by resolution under subsection (2)(a) signifies its disagreement with a declaration of incompatibility, the case in relation to which the declaration was made shall stand in abeyance, save for any appeal to the European Court of Human Rights.

(3A) If both Houses of Parliament by resolution under subsection (2)(a) signify their agreement with a declaration of incompatibility, or when both Houses have debated a statement under subsection (2)(b), as the case may be, the Secretary of State shall lay before Parliament a report containing proposals for amending legislation to remedy the incompatibility.

[Mr. Garnier]

(3B) In any case where it is necessary to amend primary legislation in order to remedy the incompatibility, amending legislation shall take the form of an Act of Parliament unless the Secretary of State considers that there are exceptional reasons which make it impracticable to proceed by Act of Parliament; and in that case he shall state those reasons in the report, and may by order make such amendments to the primary legislation as he considers appropriate.

(3C) An order under subsection (3B) above shall not be made until a draft of it has been laid before, and approved by a resolution of, each House of Parliament.'.

The Second Deputy Chairman: With this, it will be convenient to discuss the following amendments: Government amendments Nos. 144 to 146.

No. 36, in page 7, line 45, at end insert—

'(3A) Any amendment to legislation, whether primary or subordinate, shall be no more extensive than is required to reverse the specific incompatibility specified by the declaration of incompatibility specified by the declaration of the court made under section 4 or the specific finding of the European Court of Human Rights.'.

Government amendment No. 147.

No. 65, in page 8, line 1, leave out 'conferred by subsection (2)' and insert

'to make amending legislation by order'.

Government amendment No. 131.

No. 66, in page 8, line 6, leave out '(2) or (3)' and insert '(3B)'.

Government amendment No. 132.

No. 67, in clause 11, page 8, line 13, after 'contain', insert 'only'.

No. 68, in clause 11, page 8, line 16, at end insert

'but shall not have effect earlier than the date on which the proceedings which led to the declaration of incompatibility or the quashing or declaring invalid of subordinate legislation commenced'.

No. 69, in clause 11, page 8, leave out line 17.

Clause 11 stand part.

No. 72, in clause 12, page 9, line 4, leave out '(a) in subsection (1)'.

No. 73, in clause 12, page 9, line 5, leave out from 'laid' to end of line 7 and insert

'or the order was made, as the case may be'.

No. 74, in clause 12, page 9, line 7, at end insert—

'(4A) The Secretary of State shall have regard to any representations, and in particular to any report of a Committee of either House of Parliament, that may be made during the period of consideration relating to a remedial order or draft, and may, if he considers it desirable in the light of any such report or representation, lay a revised draft or make a new order as the case may be.

(4B) At the end of the period of consideration the Secretary of State shall lay before Parliament a statement giving details of any representations made relating to the remedial order or draft and his response to those representations.'.

No. 78, in clause 12, page 9, line 7, at end insert

'and—

(c) a statement that the order is no more extensive than is required to reverse the specific incompatibility identified in the declaration of incompatibility made by the court or in the relevant finding of the European Court of Human Rights.'.

Clause 12 stand part.

Government new schedule 3.

Mr. Garnier: Thank you, Mr. Lord; here I am again.

We come to what my hon. Friend the Member for Beaconsfield (Mr. Grieve), has described as the most important debate of the evening. It is certainly of equal importance to the previous debate; indeed, it is vital. I mean no disrespect to anyone when I say that we have a rag-bag of amendments before us, but important points need to be discussed. I fear that the Home Secretary may be detained a little longer. None the less, I am grateful to him for doing us the courtesy of joining us at this stage of the Committee.

Amendment No. 64 states:

"'(2) The Secretary of State shall, within 15 sitting days, lay before each House of Parliament a statement setting out the grounds of the incompatibility and each House of Parliament shall—

(a) in the case of a declaration of incompatibility under section 4, by resolution signify its agreement or disagreement with the declaration;

(b) in any other case, debate the statement.

(3) If either House of Parliament by resolution under subsection (2)(a) signifies its disagreement with a declaration of incompatibility, the case in relation to which the declaration was made shall stand in abeyance, save for any appeal to the European Court of Human Rights.

(3A) If both Houses of Parliament by resolution under subsection (2)(a) signify their agreement with a declaration of incompatibility, or when both Houses have debated a statement under subsection (2)(b), as the case may be, the Secretary of State shall lay before Parliament a report containing proposals for amending legislation to remedy the incompatibility.

(3B) In any case where it is necessary to amend primary legislation in order to remedy the incompatibility, amending legislation shall take the form of an Act of Parliament unless the Secretary of State considers that there are exceptional reasons which make it impracticable to proceed by Act of Parliament; and in that case he shall state those reasons in the report, and may by order make such amendments to the primary legislation as he considers appropriate.

(3C) An order under subsection (3B) above shall not be made until a draft of it has been laid before, and approved by a resolution of, each House of Parliament.'."

The amendment is altogether better than that which is set out in the Government's new schedule 3, but I shall come back to its wording in a moment.

The amendments and the new clause are all concerned with what we can simply call the fast-track procedure. If the UK's domestic courts or the European Court of Human Rights in Strasbourg declares that primary or secondary legislation is incompatible with the convention, the Government may change the law simply by laying an order before Parliament under the affirmative resolution procedure. We oppose that in principle—it is both unnecessary and unjustified. There have been only 11 occasions in the 32 years since the UK gave right of individual petition to bring cases to Strasbourg when it has been necessary to introduce primary legislation to change our law as a result of an adverse ruling.

The Lord Chancellor has stressed that such cases are likely to be rare, and that therefore there is no practical justification for the power. Even more importantly, it is wrong in principle. Our laws on human rights issues should be created and crafted by Parliament, with proper opportunity to debate and amend. Our laws are not to be

made by the courts or simply by the Government of the day through statutory instrument. To allow the fast-track procedure is to diminish the role of Parliament and to weaken our democracy. This is not just the appearance of a fig leaf, but no fig leaf at all, and my hon. Friend the Member for Gainsborough was right to draw our attention to that danger.

In amendment No. 144 and new schedule 3, the Government appear to recognise that there is some force in our criticism. Indeed, if the Home Secretary did not expressly say so, he at least implied that during a response to a recent intervention. The Government now propose a revised scheme under which the fast-track procedure will be used only if there are compelling reasons. Our amendment No. 64 proposes that any changes in the law should be by primary legislation,

"unless the Secretary of State considers that there are exceptional reasons which make it impracticable to proceed by Act of Parliament; and in that case he shall state those reasons in the report".

That is much preferable, because it is an objective criterion, not the purely subjective test proposed by the Home Secretary. After all, it is the Secretary of State, and he alone, who decides what are compelling reasons. It may simply be that he wishes to avoid any debate on what he knows is a contentious matter. If he replies that he would never use his powers in such a way, the proper course must be not to grant such powers in the first place. The common sense of that is inescapable.

New schedule 3 does not give us confidence that the very wide powers will not be abused. Paragraph 1(1)(a) shows how wide a remedial order can go. I shall return to that matter in more detail later. Such an order cannot merely remedy the incompatibility declared by the court and make incidental or consequential changes, which would be reasonable, but can make any supplemental provisions that the person making the order considers appropriate.

Paragraph 1(2) includes the power to amend, revoke or repeal primary or secondary legislation

"other than that which contains the incompatible provision".

In other words, smuggled into the new schedule—which will be presented as a generous, emollient gesture—is a Henry VIII clause of the widest proportions. I shall come back to that point in a moment.

Save in genuinely exceptional circumstances, for which the Opposition have responsibly provided, this fast-track procedure is wrong and should be expunged from the Bill. Such objections are not new to discussions about the Bill. At the outset, on Second Reading in the upper House, my noble Friend Lord Kingsland pointed out that the Bill—especially the provisions on the fast track—was a defining moment in our constitution.

9.30 pm

In Committee on 3 June, when we were discussing earlier clauses, I referred to a number of collision points highlighted by the Bill. I was concerned about the collision between the courts and Parliament represented by clause 4, under which certain courts can make declarations of incompatibility. We are facing another collision in clause 10, but this time it is between the Executive and Parliament.

My noble Friend Lord Kingsland put the point far more exactly and elegantly on Second Reading in the other place on 3 November 1997. He said that the Bill was a defining moment in the life of our constitution and as important in the history of our constitution, as the Parliament Acts of 1911 and 1949. He said that these matters

"lie at the heart of the doctrine of the separation of powers in our constitution, which has been the hallmark of our liberties throughout the centuries."—[*Official Report, House of Lords*, 3 November 1997; Vol. 582, c. 1235.]

I was perhaps not shocked, but none the less perturbed, when the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) said that the doctrine of parliamentary sovereignty was 100 years out of date. That merely shows that the Liberal Democrats are even more out of touch with the popular will that I thought, but I digress. There is much that the right hon. Gentleman—

Mr. Straw: He is not a Privy Councillor.

Mr. Garnier: Yes, he is. I think that the Labour Government made him one some time ago.

The right hon. Member for Caithness, Sutherland and Easter Ross should not be the butt of too much criticism, because he was helpful to the official Opposition at the outset of our deliberations when we discussed access to the courts.

Mr. Andrew Stunell (Hazel Grove): I am sure that my right hon. Friend the Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) is sorry that he cannot be present. Does the hon. and learned Gentleman agree that the Liberal Democrats have argued from first principles about what we should be seeking to achieve in the Bill? The hon. and learned Gentleman and his party have come late to the principles of the Bill. Perhaps that explains why he has fundamentally misunderstood the point that my right hon. Friend put to the House.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. We must keep to the amendment. The hon. and learned Gentleman has strayed from the amendment, as did the hon. Gentleman in his intervention. The debate is subject to a programme motion, so it is important that we keep to the amendments before us and not go any wider.

Mr. Garnier: I am glad that you intervened, Mr. Martin, because you have saved me from saying something that I might later regret.

For his part, the Lord Chancellor did not refer to clauses 10 and 12 in his opening speech on Second Reading in the other place. He said that the Bill is carefully drafted, and designed to respect our traditional understanding of the separation of powers.

It is significant that a Bill that was apparently so carefully drafted is now to be amended, if the Committee agrees, by the same Government who praised its original terms to take account, if only marginally, of our concerns. A comparative study of amendment No. 64 and those that flow from it, and Government amendment No. 144 and new schedule 3 tells a worrying story.

I shall not deal with amendments Nos. 64, 36 and 74 because I want to demonstrate, as quickly as I can, the problems in new schedule 3. I accept that the

[Mr. Garnier]

arithmetic of this Parliament means that new schedule 3 is most likely to find its way into the Bill in due course, so it is on that that I should concentrate.

Paragraph 1(1) of new schedule 3 states:

"A remedial order may—

(a) contain such incidental, supplemental, consequential or transitional provision as the person making it considers appropriate".

We all know that the person making it will be a Minister. Contained within the first three lines of new schedule 3 are extraordinarily extended powers to make legislation by secondary legislation.

Sub-paragraph (1) continues:

"(b) be made so as to have effect from a date earlier than that on which it is made".

Therefore, it will be not only widely configured but antecedent. The sub-paragraph continues:

"(c) make provision for the delegation of specific functions".

The Minister is not only amending primary legislation by secondary legislation, not only amending the primary legislation which has been held to be incompatible, but will be able to delegate the making of provisions for other specific functions. Sub-paragraph (1) concludes:

"(d) make different provision for different cases".

Sub-paragraph (2) states:

"The power conferred by sub-paragraph (1)(a) includes—

Mr. Leigh: I hope that, before my hon. and learned Friend sits down, he will refer to the even more worrying point that we are concerned not simply about the amending of primary legislation by secondary legislation, but about the fact that these matters will not be amended and will be debated for only 90 minutes, and, because of the Bill's timetabling, matters which could have been debated under clause 20 will not be debated. As the Bill passes into law, Parliament will not debate this critical change in our constitution. We shall not even reach clause 20 tonight.

Mr. Garnier: My hon. Friend is entirely correct, and that is why I am trying to make some progress. We are reaching a part of the Bill which should make our hair stand on end.

Sub-paragraph (2) continues:

"(a) power to amend or repeal primary legislation (including primary legislation other than that which contains the incompatible provision); and

(b) power to amend or revoke subordinate legislation (including subordinate legislation other than that which contains the incompatible provision)."

The only good thing that I can find here is sub-paragraph (3), which states:

"No person is to be guilty of an offence solely as a result of the retrospective effect of a remedial order."

That is very nice. But already, the first paragraph of new schedule 3 gives a Minister immense powers to deal with existing primary legislation and secondary legislation, and it is extremely doubtful whether it is proper for a Minister to take unto himself such powers.

Paragraph 2 states:

"No remedial order may be made unless—

(a) a draft of the order has been approved by a resolution of each House".

No doubt the Government will say that that is a benefit for Parliament, because it will be able to deal with this at the end of 60 days. Secondly, no remedial order may be made unless

"it is declared in the order that it appears to the person making it that, because of the urgency of the matter, it is necessary to make the order without a draft being so approved."

Again, the Minister can take unto himself powers which should be carefully considered.

Paragraph (3) deals with orders laid in draft. Sub-paragraph (2) states:

"If representations have been made during that period"—

the 60-day period—

"the draft laid under paragraph 2(a) must be accompanied by a statement containing—

(a) a summary of the representations; and

(b) if, as a result of the representations, the proposed order has been changed, details of the changes."

The problem with that provision is that it does not say that the Minister "shall have regard" to the representations or opinion of any Committee—as our own amendment No. 74 would clearly require—but merely says that he shall summarise the representations. It does not say that he should ensure that the representations are placed before Parliament, verbatim. We all know that one of the best ways of dealing with inconvenient matters is to summarise them in a manner that suits one's own argument. Who will draft the summary, and why is the Minister not required to have full regard to the representations?

The same fault can be found in clause 4, which mentions the "summary of the representations", and allows the Minister,

"if, as a result of the representations, he considers it appropriate to make changes to the original order",

to put into his statement details of the changes. The power to edit is one that editors are loth to give up. I dare say that the power to edit and to summarise given to Ministers by the new schedule is one that they will jealously guard, to the disadvantage of the parliamentary process.

I hope that, in those few observations on new schedule 3, I have persuaded the Committee that the new schedule is not what the Government undoubtedly will say it is—a meeting halfway between our concerns and their intention—but constitutes something else entirely. I suggest that the new schedule is not so much a Henry VIII clause—at the behest of Cardinal Wolsey—as a provision that would allow Ministers a huge extension of power to alter, repeal and redraft primary and secondary legislation connected directly not only with a clause 4 declaration of incompatibility but with further primary and secondary measures.

From now on, the expression "Henry VIII clause" will be inadequate to describe the Government's action. I suggest that, henceforth, new schedule 3 should be regarded as the birth of the Henry XVI clause. Constitutionally, new schedule 3 stinks.

Mr. Straw: In an earlier speech, the hon. and learned Member for Harborough (Mr. Garnier) spoke of the risks of hyperbole. Those risks were well evidenced in his most recent remarks. It is very unconvincing for Opposition

Members to work themselves into a lather over Henry VIII clauses unless that lather is preceded by an admission of guilt—a mea culpa—for introducing such clauses into legislation—*[Interruption.]*

The hon. Member for Gainsborough (Mr. Leigh) seems to accept that point. I simply remind the Committee that he was a Minister in the Department of Trade and Industry from 1990 to 1993, during which time the previous Administration introduced the Deregulation and Contracting Out Bill, with far fewer protections and safeguards against arbitrary use of subordinate legislation in overturning primary legislation than was ever contemplated in the first draft of the Human Rights Bill.

I thought that the hon. and learned Member for Harborough was uncharacteristically lacking in generosity in chiding the Government and me for—he said sarcastically—introducing a Bill that is so well drafted that it now has to be amended. In almost the same breath, he chided us for being reluctant to accept amendments tabled by the Opposition. I do subscribe to the view that Ministers are subordinate and subject to the will of the House. We did our best—and so did parliamentary counsel—with the drafting of the Bill, but it would be impertinent for any Minister to suggest that it was absolutely perfect.

It is our duty to listen to debates and, where we think that an argument has been made, to acknowledge it and to table amendments. For the record, I remind the hon. and learned Gentleman that the Government's acceptance of the exquisitely drafted amendment No. 62 is by no means the only occasion on which my Department has accepted Opposition amendments. Sometimes they are not quite in proper order, so we ask parliamentary counsel to put them in order. Two of the amendments that we made to the Crime and Disorder Bill on Monday, as I acknowledged, were only to put in order amendments that had been tabled by the official Opposition.

9.45 pm

I now turn to the issues that have been raised. I shall not go over the crucial concept of declarations of incompatibility that exist to recognise the sovereignty of Parliament. Most right hon. and hon Members on both sides of the Committee accept that and demur from the view of the right hon. Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan).

Having decided on the concept of declarations of incompatibility, we had to determine what procedures to put in place where such a declaration was made. One option available to Government and Parliament is simply to ignore the declaration of incompatibility, and we have discussed the possibilities that can arise in such a circumstance when no action is taken. However, in most cases when there is a declaration of incompatibility, any Government who are committed to promoting human rights will want to do something about that part of the law that the Judicial Committee in another place has declared outwith the convention.

It is certainly possible for primary legislation to be introduced and passed very quickly in certain circumstances, and the previous Government had an honourable record of introducing the necessary legislation to give proper effect to the judgments of the European Court of Human Rights. Successive Governments have always acknowledged that it is their duty to bring into law—and into effect—judgments of the European Court of Human Rights.

Opposition Members who have served in previous Parliaments have experience of the pressures on the legislative timetable that sometimes mean that it is not always possible to bring legislation into force timeously. The power to make a remedial order exists for cases—we do not think that there will be very many—when there is a very good reason to amend the law following a declaration of incompatibility or a finding by the Strasbourg court, but no suitable legislative vehicle is available.

Let me give an example that shows why the hyperbole by the hon. and learned Member for Harborough was quite out of place. A declaration of incompatibility might arise where the legislation in question had touched on the liberty of the subject. In most cases, the Judicial Committee in another place has said that primary legislation here is outwith the convention because it has taken the view that the rights of the subject spelled out in the convention have been unjustifiably interfered with by the primary legislation of this Parliament. Therefore, a remedial order aims to restore, or to give to the subject for the first time, liberties that the subject had previously been denied by Parliament.

In those cases, I believe that Parliament would wish to act swiftly, but it could well be that there was no criminal justice Bill before the House through which amendments could be made. In those circumstances, the power to make specific and necessary amendments by means of a remedial order could be useful.

We have to finish all our debates by 10 minutes past 10, so I shall not detain the Committee for much longer; but I should like to refer to the case of Mr. Chahal, in which the European Court declared that the arbitrary powers of the Home Secretary to deport an individual on the ground that his presence here was not conducive to the public good was not acceptable, and that there had to be a judicial element in the decision. Primary legislation has now been passed, but, because of the time that it took, individuals were left in limbo with no proper procedure for making decisions on whether people could be deported. Mr. Chahal was released, but in other circumstances such an individual would have to continue to be detained, perhaps for many months or a year, before primary legislation was passed. That is not acceptable, and a remedial order would be right for such a case.

I hope that the hon. and learned Member for Harborough will acknowledge our good faith. I have listened with great care to the arguments. I am sorry that the right hon. and learned Gentleman who used to sit for Grantham and now has an unmemorable and lengthy constituency—[HON. MEMBERS: "Sleaford and North Hykeham."] Sleaford and South Hykeham. [HON. MEMBERS: "North Hykeham."] It makes no difference to me whether it is North, South, East or West Hykeham. He and others made some important points on Second Reading, which I wanted to take on board. Our amendments and new schedule 3 constrain the circumstances in which remedial orders can be brought forward.

We are deleting the word "appropriate" in clause 10, and saying that a remedial order can be brought forward only if there are compelling reasons. We are setting a very

[Mr. Straw]

high test. Only the changes necessary to remove the incompatibility will be possible. We have also made provision for representations to be made about non-urgent orders. The appropriate Minister will have to bring before Parliament a clear statement of those representations and whether they have been accepted, with a provision for amending the original remedial order if appropriate.

Under amendment No. 64, if Parliament signified that it did not agree with a declaration of incompatibility made by the domestic courts, the case in relation to which the declaration was made would

"stand in abeyance, save for any appeal to the European Court of Human Rights."

As a declaration of incompatibility has no effect on the proceedings in which it is made, the provision would serve no purpose other than to stay the proceedings.

The amendment does not refer to only that part of the case in respect of which a declaration of incompatibility is made. Several points could be raised on the matter that went before the other place, some of which required relief, and for which relief should and would be forthcoming from a domestic court but for the operation of amendment No. 64. I do not believe that the hon. and learned Member for Harborough had that in mind, but the perverse effect of the amendment would be to stay the whole case, and therefore to stay the relief that would otherwise be available. For that reason, as for many others, I hope that the hon. and learned Member for Harborough will not press his amendment.

We have worked carefully on the amendments. I accept that they do not deal with all the concerns raised about remedial orders, but I suggest that we have listened with great care to those concerns and have sought to meet them as far as possible.

Mr. Grieve: I shall try to be brief. I should have liked to have longer, but I appreciate the time constraints, and I know that some of my hon. Friends wish to speak.

Leaving aside any party issues—the Home Secretary knows well enough my views on the thrust of the legislation—I believe that this is the key issue. It is perhaps also my cop-out clause. Given the views I take on this matter, and although I do not know exactly what will happen on Third Reading, if the legislation is acceptable to me in relation to what we call the Henry VIII clause, I would find myself delicately situated—if the matter were to be remedied to my satisfaction—were I not to support the Government. I say that frankly to the Home Secretary. I can see the Whip giving me a slightly baleful look, but I have been given an immense margin of appreciation in this matter by my own party, for which I am grateful.

As a general principle, it seems quite clear—the Home Secretary seems to accept it—that any declaration of incompatibility, as it is not binding on the House, should be followed by full consideration of any legislation by the House in the ordinary way. There are compelling reasons for that. If I had more time, I would touch on the Lord Chancellor's speech in the other place on 3 November. I found his approach to the way in which Parliament would react to such a declaration of incompatibility quite chilling. He seemed to be adopting the mantle of the advocate rather than of the judge. He seemed to imply that Parliament would automatically wish to follow the direction set by the judiciary.

Although I support the Bill because I wish to see the human rights convention incorporated in legislation in this country—that is an important matter—I also consider it exceptionally important to accept that Parliament may have good and compelling reasons not to want to follow the lead or the advice provided by the judiciary. That is our undoubted right. If our right to scrutinise legislation fully is not allowed for, we risk earning in the contentious matters that arise—I hope rarely—the opprobrium of our electorate, who would not understand why we were adopting a certain course.

The process by which legislation goes through the House is laborious, but one of the happy things that I have discovered during my 12 months here is that, as legislation is discussed in Committee and on Report, many of the initial issues and differences start to be ironed out. Public acceptance of legislation becomes greater precisely because it has been fully discussed. The danger of the rubber-stamp principle is that public acceptance is not obtained, and full discussion does not take place. As we know, even from today's proceedings, there are many occasions when amendments tabled by other parties, or even by the Government, improve the legislation.

The question at the root of all this is: given that I adhere to that principle, can there ever be exceptions? In fairness to my hon. Friends, it is clear from the Opposition amendment that it has been accepted that there may be such exceptions. If that was not the case, the amendment would not have made any reference to them.

There may be occasions when it becomes so clear that steps have to be taken quickly that a remedial order might be the appropriate way to proceed. However, the use of the word "compelling", worries me a little. I would prefer "exceptional" and I should be interested to hear at some point in this debate what the Home Secretary understands by "compelling" and how he would differentiate from it "exceptional". Although there may appear to be only a small difference between them, one may exist. I understand "exceptional" to mean something very pressing, which would command wide public acceptance.

Mr. Straw: I am answering ad lib and without the benefit of a legal dictionary, but the situation that I described in the Chahal case, where the liberty of a subject would be adversely affected by a delay in producing primary legislation, was a compelling case. I am not certain that it would be an exceptional case, because one could ask, "To what is it exceptional?" but it would certainly be a compelling case. Frankly, only in that situation would remedial orders be necessary and appropriate.

10 pm

Mr. Grieve: I am grateful to the Home Secretary for that reply. Even if the matter has to be reopened on some subsequent occasion, I shall now conclude by saying, as he has acknowledged, that there have been occasions—I remember one last autumn—when we have passed legislation through all its stages in the House in two and a half hours. True, the legislation in one of those instances referred to the Lord Chancellor's Department and the noble Lord's desire to have a permanent secretary who was not a lawyer, or whose qualifications were not with reference to some previous statute, but it was done. If it is widely accepted that something should be done, the House can do

it, and has done so before. If there is not that widespread agreement, that is the compelling reason why the matter should be debated and discussed in full by the ordinary procedure.

I await the Home Secretary's response. In an ideal world, I would prefer that there should be no exceptional or compelling reasons with respect to an appropriate course or action. Granted that my hon. and learned Friend the Member for Harborough has accepted that such an exception might exist, it needs to be defined; or we will have a fig leaf and not the reality that I want—the House and the judiciary co-operating to bring about the human rights set out in the Bill and discussing them frequently as and when matters arise in which there are incompatibilities or difficulties, so that the public can be aware of how the legislation works and of its limitations.

Mr. Lansley: I shall confine myself to two points. First, when the Home Secretary looked at the report of the House of Lords Delegated Powers and Deregulation Committee, which suggested that there should be something akin to the procedure used in 1994 on the Deregulation and Contracting Out Bill for considering those powers, did he conclude that there should be such a procedure? It is not in new schedule 3, and it should be.

Secondly, the Home Secretary, ad lib, talked about the word "compelling" and not using the word "exceptional". Amendment No. 64 uses "exceptional". Might I direct the right hon. Gentleman's attention to the Competition Bill, in which the words "exceptional and compelling" are used? The Minister of State, Department of Trade and Industry, said of that power:

"We have no plans to exercise that power, and we believe that its exercise should be subject to the high test of 'exceptional and compelling' reasons."

Later, he continued:

"We are genuinely trying to ensure that a serious test is applied to the Secretary of State's actions."—[*Official Report, Standing Committee G*, 9 June 1998; c. 296-97.]

If an exceptional and compelling test is the appropriate high test in that Bill, why is it not the test that should be used in relation to the exceptional and unusual power in this Bill?

Mr. Straw: In view of the time, I shall be very brief.

I accept the gravamen of what the hon. Member for Beaconsfield (Mr. Grieve) said. It is plainly more desirable for changes in respect of a declaration of incompatibility to be effected by primary legislation—there is no argument across the Chamber about that. There will be circumstances in which a speedier process is necessary—we should not have brought forward this power if we did not think so—but those circumstances will be limited and constrained.

I also accept that Parliament and the judiciary must engage in a serious dialogue about the operation and development of the rights in the Bill. I am sure that the Bill will develop, perhaps, as Machiavelli instructed us—and as the hon. and learned Member for Harborough (Mr. Garnier) reminded us—in ways that we do not fully anticipate. That dialogue is the only way in which we can ensure that the legislation is a living development that assists our citizens.

The hon. Member for South Cambridgeshire (Mr. Lansley) asked me two questions. First, he asked why we are not following the phraseology suggested by my colleagues dealing with the Competition Bill. I confess that I am not familiar with the last dot and comma of that Bill, but I gather that it contains a reference to exceptional and compelling circumstances. The hon. Gentleman gives the answer: he says that Ministers on the Standing Committee dealing with that Bill said that they had no plans to exercise the power. That raises the question why it is there, but I have no doubt that I shall receive an answer to that from my colleagues in Victoria street in the morning.

There can be dubiety about this—of course we anticipate circumstances in which the power in this Bill will be exercised; otherwise, there would not be much point in bringing it forward. I remind hon. Members who were in the House before the general election of the great discussion about the use of the word "exceptional" in the Crime (Sentences) Act 1997—the word has a particular meaning, and I think that "compelling" is better.

The hon. Member for South Cambridgeshire also asked about the Deregulation Committee. We took account of its recommendations, which is one reason—I should have explained this before—why we tabled new schedule 3.

Mr. Garnier: I shall be very brief, in view of the hour. I want first to thank all my hon. Friends who have contributed to the debates this evening. I have found them of great assistance, as I have both the Under-Secretary of State and the Home Secretary, who have, as is their usual custom, been polite, kind and helpful. I am sorry that we were unable to agree on everything, but politics is a rough old business. Machiavelli and Rab Butler were different, but they both understood that politics was the art of the possible, and, right now, I can see that it is does not look possible that we shall win a vote on the amendment. Rashly anticipating the result of a Division, I shall beg to ask leave to withdraw—

Mr. Leigh: Before my hon. and learned Friend does so, will he say whether he agrees that my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) made an important point? The Home Secretary ribbed us about what the Conservatives did in the Department of Trade and Industry over deregulation, but he did not properly answer my hon. Friend's question. The work of the Deregulation Committee is an important safeguard, and I am not sure that the Bill will provide for anything similar.

Mr. Garnier: My hon. Friend is right. I was not wanting to skate past what my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) said; I was worried about the time. There will be other occasions when we shall have a chance to debate that matter—one of the reasons why we are seeking leave to withdraw the amendment is to allow for that very possibility.

In that light, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: No. 144, in page 7, line 33, leave out from 'that' to end of line 36 and insert

'there are compelling reasons for proceeding under this section, he may by order make such amendments to the legislation as he considers necessary to remove the incompatibility.'.

No. 145, in page 7, line 42, leave out from 'that' to end of line 43 and insert

'there are compelling reasons for proceeding under this section,'.

No. 146, in page 7, line 45, leave out 'appropriate' and insert 'necessary'.

No. 147, in page 8, line 1, leave out from beginning to 'where' and insert—

'(4) This section also applies'.

No. 131, in page 8, line 4, leave out 'section 12(1)(b)' and insert

'paragraph 2(b) of Schedule (*Remedial orders*)'.

No. 132, in page 8, line 11, at end insert—

'( ) Schedule (*Remedial orders*) makes further provision about remedial orders.'.—*[Jane Kennedy.]*

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 disagreed to.

It being six and a half hours after the commencement of proceedings in Committee, THE CHAIRMAN, *pursuant to the Orders [1 and 17 June and today], put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Clause 12 disagreed to.

Clauses 13 to 20 ordered to stand part of the Bill.

Clause 21

INTERPRETATION, ETC.

Amendments made: No. 133, in page 13, line 19, after 'made' insert

'(other than by the National Assembly for Wales or a member of the Scottish Executive)'.

No. 134, in page 13, line 32, at end insert—

'(aa) Act of the Scottish Parliament;'.

No. 135, in page 13, line 40, leave out 'paragraphs' and insert 'paragraph (aa),'.—*[Jane Kennedy.]*

Clause 21, as amended, agreed to.

Clause 22

SHORT TITLE, COMMENCEMENT, APPLICATION AND EXTENT

Amendment made: No. 136, in page 14, leave out lines 23 to 26.—*[Jane Kennedy.]*

Clause 22, as amended, ordered to stand part of the Bill.

To report progress and ask leave to sit again.—*[Jane Kennedy.]*

Committee report progress; to sit again tomorrow.

PETITION

Pylons (Vale of York)

10.13 pm

Miss Anne McIntosh (Vale of York): I am delighted to present a petition signed by hundreds, with more signatures to come, on behalf of my constituents in Vale of York, demonstrating continuing strength of feeling and revulsion against proposed pylons. The petition states:

The Petition of the Residents of the Vale of York Constituency declares that we are concerned about the decision to allow electricity pylons to be erected down the constituency.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Trade and Industry and the Minister of State for Energy to reconsider this decision, and to prevent the blight of thousands of homes by the erection of these pylons.

As I am sure the House will appreciate, property prices will be blighted, but the owners will not be eligible for the same level of compensation that would have been awarded on a voluntary basis.

To lie upon the table.

Coastal Erosion

Motion made, and Question proposed, That this House do now adjourn.—*[Ms Bridget Prentice.]*

10.13 pm

Mr. Adrian Sanders (Torbay): Coastal erosion has been the subject of two Adjournment debates in the past two years. Neither made the important distinction between urban and rural coastlines. I hope this evening to correct that.

Approximately 8,000 sq km of land in England and Wales lies within 5 m of present sea levels. According to the Department of the Environment, Transport and the Regions, by the year 2050, sea levels will have risen by about 50 cm. Erosion rates vary across the country. For example, there is rapid erosion along parts of the coast of the east and southern parts of England, where relatively soft geographical formations are found.

Surveys are few, but surveys of the salt marshes along the north Kent and Essex costs were carried out in 1973 and 1988 to assess the loss of this habitat to factors other than development. They found that, over 15 years, between 10 and 40 per cent. of the salt marsh area had been lost in each surveyed estuary because of coastal erosion and land claim.

In 1994, the Conservative Government published the UK's first sustainable development strategy, in line with the commitments made at the Rio Earth summit in 1992. It referred to coastal erosion, and emphasised the need to promote the sustainable use of the coast so that it reflected its human uses as well as nature conservation. The previous Government rightly pointed out that, given the tremendous diversity of coastal formations, there can be no uniform approach to coastal defence. Coastlines recede or advance with changes in current, wind and tide, so it is unrealistic to expect to maintain every inch of coastline as it is today.

The previous Government's advice to local authorities was to look to a range of options, and consider the impacts of defending a particular stretch of coast so as to avoid, wherever possible, burdening future generations with the maintenance of unsustainable defences. That goes to the heart of the point that I want to make tonight—that Government funding is inadequate for that task. I shall return to that shortly. The present Government are consulting on plans for a revised strategy. The consultation paper has a section on freshwater and coastal waters, but concentrates on water quality. Coastal erosion does not appear to get a mention. Perhaps the Minister could reassure me about that.

The Ministry of Agriculture, Fisheries and Food has policy responsibility in England for flood defence and coastal protection. Its published policy objective is to reduce the risk to people and to the developed and natural environment from flooding and coastal erosion, by encouraging the provision of sustainable defence measures. It makes grant-in-aid funding available to local operating authorities for between 15 and 85 per cent. of the value of individual capital projects to provide sound and sustainable flood and coastal defences, as well as warning systems. In total, MAFF accounts for some 50 per cent. of the total capital expenditure annually. The rest is met by local authorities, internal drainage boards and the Environment Agency.

According to research by the Library, coastal defence schemes conducted by maritime district councils or unitary authorities under the Coast Protection Act 1949 receive a grant of 35 to 75 per cent. Flood defence works conducted by district councils or internal drainage boards under the Land Drainage Act 1991 attract flat rate grants of 25 per cent. for works on rivers, while works on tidal waters attract a further grant of 20 per cent.

Flood defence works conducted by the Environment Agency under the Water Resources Act 1991 attract different rates of grant, depending on region. Grants for rivers vary from 15 to 65 per cent. and for tidal waters from 35 to 85 per cent. However, limits are placed on all three types of grant.

Global warming has changed weather patterns, raised sea levels, and increased the ferocity of storms, rendering some old sea defences useless. As a result, coastal erosion threatens towns, villages and industry, as well as natural wetlands. King Canute famously thought that he could withstand the sea. At the time, he was wrong, but nowadays we can take measures to hold back the sea where necessary. However, the message to local authorities from Governments past and present appears to be adopt the King Canute approach, and will the tide to turn. Adequate funds in the right places are the missing element.

I accept the argument that we cannot protect the whole coastline, but a distinction needs to be drawn between rural and urban coastline. That is partially accepted by the Ministry in its application for funding for flood defence and coast protection, where urban areas get a higher score than rural areas in terms of the type of project proposed. However, they may lose if other scoring factors, such as cost benefit or standard of defence, are too low.

I question whether the administration of such grants should not be a DETR function, rather than one of MAFF, as the responsible bodies tasked with preventing coastal erosion are local authorities, most of which—especially those in urban areas—have little or no contact with MAFF but are in regular communication with the DETR.

My own local authority, the unitary authority of Torbay, has 22 miles of coastline, consisting of the three towns of Torquay, Paignton and Brixham, which are rightly described as the English Riviera; 127,000 people live in Torbay, which is the second largest urban conurbation in the far south-west; and tourism is one of the main sources of employment. Like the majority of local authorities, Torbay is unable to make a contingency provision in its budget sufficient to meet the costs of severe storm damage. When faced with a bill for coastal erosion, as it was last year when the severe winter storms destroyed an access way to Redgate beach and left sections of the cliff face to the rear of that popular beach in an unstable condition, the authority has few options available.

The cost of repairs in that instance was estimated to be £350,000. The standard spending assessment for coast protection in Torbay is £14,000, and its basic credit approval for capital expenditure for the current year totalled £140,000. The council had to conclude that it could not forgo any of its committed capital schemes or find savings of that amount from its already over-committed revenue budget, so it had no option but to close the beach area to the public. It is somewhat ironic that, if the council were able to fund the coast protection

[Mr. Adrian Sanders]

works this year, under the current arrangements it could expect the cost to be reflected in the standard spending assessment settlement for next year and the year after.

That is one example of several important elements in the coastal tourism infrastructure, which is under serious threat from erosion not only in my constituency, but throughout the country. Faced with the changes to the standard spending assessment formula in respect of visitor nights, which move money away from coastal resorts, the prospect of funding repairs and maintenance to redress coastal erosion is ever diminishing. I apologise to the Minister for the time I have spent on the subject of local government finance, but that emphasises the point that perhaps such matters should be a function of the DETR, not MAFF.

I am also concerned that funds tend to be made available only for protecting the coastline in emergencies, not for the on-going daily problems of coastal erosion. The Bellwin scheme provides special financial assistance to those local authorities which, as a consequence of an emergency, would otherwise incur an undue financial burden in providing relief and carrying out immediate works to safeguard life or property, or to prevent suffering or severe inconvenience to affected communities. As well as having responsibility for preventing erosion, local authorities have a statutory responsibility to deal with emergencies, yet there is no automatic entitlement under Bellwin to special financial assistance from central Government. The Bellwin scheme is discretionary.

Of course, many other communities are situated on the nation's coastline. The chairman of the north-east coastal authorities group, Mr. Riby, is also principal engineer for Scarborough council. He was quoted in *The Northern Echo* in May this year as saying, in reference to the amount of Government cash available:

"Scarborough Council alone could spend the annual allocation."

The Minister will recall that it was on that coastline that Holbeck Hall hotel tumbled into the sea, while the television cameras buzzed away and the world's media watched.

My point is that central Government should give greater day-to-day support to those areas which have communities by coastlines under threat from erosion. That should be reflected in the coastline element of the local authority grant formula, and it should be significantly greater for urban areas. Finally, the Bellwin scheme, or an alternative, should be available to assist local authorities with the cost of repairing coastline damaged by normal wear and tear, rather than by exceptional conditions.

I would like to thank you, Mr. Deputy Speaker, for allowing me this Adjournment debate this evening. I look forward to the Minister's response.

10.24 pm

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mr. Elliot Morley): I congratulate the hon. Member for Torbay (Mr. Sanders) on the succinct way in which he set out his concerns. He made his case very well on behalf of his constituents. I am responding as the Minister with responsibility for flood and coastal defence policy.

The hon. Gentleman showed a great deal of knowledge about funding and structure, and the way in which they operate within government. He said that the Department of the Environment, Transport and the Regions should take the lead on flood defence matters. I am not a Minister who is subject to departmentalitis; what is important is efficient and effective delivery. If there are other options, they should be properly considered.

Many flood defence and drainage issues are landuse issues. Much depends on co-operation with internal drainage boards, which are closely related to agriculture and coastal areas. In terms of land-use policy, there is a strong argument for the Ministry of Agriculture, Fisheries and Food having responsibility for those issues. However, there is a debate on that, and the Select Committee on Agriculture is currently reviewing all the various options.

The hon. Gentleman mentioned his concerns about coastal erosion and the loss of land and property. I understand those concerns. It is an emotive subject; coastal erosion can cause a great deal of damage and distress, not only in economic terms, to those who live in affected areas.

Natural events such as coastal erosion can never be entirely prevented. It is obviously right that public authorities that have the power to do so take whatever measures they can to alleviate the risk that people face.

The Ministry is responsible for the planning, design, the construction, maintenance and operation of defence measures, but those responsibilities are carried out by a number of operating authorities, including local authorities. Responsibility for protection of the land against erosion or encroachment by the sea rests with maritime district councils. As the hon. Gentleman said, that would be his local council.

Over the past decade, the Ministry has been developing an integrated and strategic approach to sea defence and coast protection. In 1993, it published a strategy for coastal defence, which set out a comprehensive framework within which the Government and the operating authorities can work. In particular, the strategy advocates that defence measures should be based on an understanding of natural processes, and, as far as possible, should work with those processes.

It is for operating authorities, such as the Environment Agency and local authorities, to assess what measures are needed to reduce flooding and coastal erosion in their areas, and to come forward with plans for dealing with it that are cost-effective and sound in engineering and environmental terms.

I listened carefully to what the hon. Gentleman said about the urban and rural divide in relation to flood and coastal defence. I find it ironic that, when I go as a Minister to rural areas, it is said that I am giving far too much attention to urban areas in relation to flood defence. I am now being told that I am paying far too much attention to rural areas.

It may reassure the hon. Gentleman if I tell him that funding for flood defence is based on a scoring system, and that we apply exactly the same criteria, whether it is a rural area or an urban area. I think that he will understand that the criteria are based on priority and need in relation to capital allocation.

As part of that approach, the Ministry has promoted the establishment of coastal defence groups, which provide a forum for discussion and co-operation. They help to

ensure that processes such as erosion that are occurring on particular stretches of coast are taken into account. To assist the groups in the strategic management of discrete stretches of coast, such as the area that the hon. Gentleman represents, the Ministry has encouraged the preparation of shoreline management plans. I am sure that the hon. Gentleman's local council will have been involved in the preparation of such plans. The Ministry has issued guidance on their preparation. The aim of the plans is to provide a basis for sustainable coastal defence policies and set objectives for the future management of the coastline, taking into account natural coastal processes and coastal defence needs, about which the hon. Gentleman spoke.

Plans should be the subject of wide consultation with all bodies with an interest in the coastline, and take due account of other coastal initiatives. Shoreline management plans combine with the work of local planning authorities with a view to avoiding problems in the future by discouraging inappropriate development. The plans are intended to be a living document, and will need to be reviewed at regular intervals. Indeed, a timetable for review should be included in the plans. That approach enables evolving knowledge of physical processes, environmental issues and land use to be drawn into the planning process.

It is important to recognise that, given the tremendous diversity of coastal formations in this country, there can be no uniform approach to coastal defence. Coastlines recede or advance with changes in current, wind and tide. It is therefore unrealistic to expect to maintain every inch of coastline as it is now. I appreciate that the hon. Gentleman made that point. Instead, authorities must consider a range of options and the impacts of defending a particular stretch of coast to avoid, wherever possible, burdening future generations with the maintenance of unsustainable defences; there is an issue of cost-benefit analysis and appropriate defence.

Although the Government's commitment to effective coastal defence remains unchanged, the techniques of putting that commitment into practice are constantly evolving and improving. We now have a much better understanding of coastal processes and other conditions on which to base our coastal defence policy. In the past, defences often consisted of concrete sea walls, but experience and research have shown that techniques that preserve natural features, such as beaches and salt marshes, can be more effective in absorbing wave energy. Such approaches also have environmental benefits.

I have spoken so far about the policy guidance that the Ministry provides. It also provides more tangible assistance to maritime councils. In 1993, the Ministry commissioned a coastal protection survey, which examined the extent, adequacy and state of repair of coastal defences, and which I am sure would have included the constituency of the hon. Member for Torbay. That report was published in 1994, and the Ministry has since asked the councils involved to update the results regularly. Their reports are included in our criteria for allocating capital funds.

We also fund a considerable research and development programme to examine the most effective way of predicting and preventing flooding and coastal erosion.

One of the hon. Gentleman's key points related to the resources that are made available for coastal defence. As he rightly said, the Ministry provides grant aid for flood defence and coastal protection. The schemes that we aid must be technically sound, economically worth while and environmentally sustainable. Funding takes the form of direct grants, which the hon. Gentleman mentioned. For local authorities, the Ministry also provides approvals to enable them to borrow the balance of the cost of approved schemes net of grant. In the past two years, the Ministry has paid almost £60 million in direct grants for coastal protection schemes.

As the hon. Gentleman will appreciate, there is an ever-increasing demand for MAFF funding, particularly for coastal and flood defence, so we introduced a priority scoring system in June 1997 on a pilot basis, with a view to optimising the allocation of available funds. If there is only a finite amount of money, it is understandable that schemes with the highest priority and the greatest need should take precedence. Those scores take into account criteria such as urgency and the cost-benefit ratio, which tend to favour urban areas because of the value of the property that will be protected by any expenditure on coastal schemes.

Under this Government, sites of environmental importance have been identified and included in the priority scoring system for the first time. We recognise the emphasis placed on the protection of life, and hence on those parts of the country where many people live and work. The priorities in the scoring system are, in descending order, flood warning; urban coastal and tidal defences, which meets the hon. Gentleman's point; urban flood defences and environmental assets of international importance; rural coastal and tidal defences, existing rural flood defences and drainage works, and environmental assets of national significance; and new rural flood defence works, and environmental assets of local significance.

During the past year, all Government Departments, including MAFF, have been conducting a comprehensive spending review of their spending programmes. As part of that CSR, we have established a working group specifically to consider flood and coastal defence issues. That group has included a representative from the coastal protection authorities—from local government—and it has produced a thought-provoking report covering the key issues relating to flood and coastal defence. We shall consider that report and others, and announce the decisions on the CSR later this summer, including the decision on the level of future funding.

The review will have to take account of the many competing priorities, but the need for expenditure on flood and coastal defence, whose importance we are aware of, will be very carefully considered.

As the hon. Gentleman is probably aware, the Select Committee on Agriculture is currently engaged in an inquiry into flood and coastal defence. We await its report with interest; that will be a very important contribution to the debate.

I shall now discuss the Bellwin scheme. The effects of coastal erosion can result in expenditure falling on local authorities; they are expected to budget accordingly. Where it seems to the Government that an undue financial burden would fall on local authorities as a result of taking action following an emergency that involves destruction

[Mr. Elliot Morley]

of, or danger to, life or property, it is possible for grant to be paid on qualifying expenditure under the so-called Bellwin scheme. The scheme is administered by the Secretary of State for the Environment, Transport and the Regions.

The Bellwin scheme can be activated when emergency works are necessary that will impose undue financial burdens on the local authorities concerned. Most recently, that scheme was implemented following the Easter flooding.

Mr. Sanders: The problem with the Bellwin scheme is that it does not take account of the drip, drip, drip effect of erosion. Grants are available only when an emergency occurs, as a result of natural phenomena or a surprise flood or storm. A rock fall due to general wear and tear does not entitle the local authority to a grant under the Bellwin scheme, and the local authority concerned does not have the resources to put things right.

Mr. Morley: The hon. Gentleman is right, but I reiterate that the Bellwin scheme exists for emergencies and for unforeseen expenditure. Routine coastal defence, which is planned and predicted, comes under the normal funding arrangements and the normal bids of local councils.

I appreciate what the hon. Gentleman said on the standard spending assessment issue. The SSA system is being reviewed by the Secretary of State for the Environment, Transport and the Regions, and I am sure that the review will address the issues that the hon. Gentleman raised, which I know are of concern to local authorities. Unfortunately, I suspect that the review will take some time because of its complexity.

In the meantime, I reiterate that the Bellwin scheme exists for unforeseen emergencies, and that it is not really relevant to normal planning in relation to shoreline management plans and coastal defence provision. Local authorities are aware of that. They do plan ahead for, and they do submit bids to MAFF in relation to, capital expenditure. They also have their SSA in relation to coastal erosion.

The hon. Gentleman has made some very important points. I hope that I have answered his questions. If he would like me to expand on any points, if he cares to write to me I shall be only too pleased to do so. Naturally, local authorities want more expenditure on those issues. A finite sum of money is available. We do need priorities, and I believe that the priority scoring system that we have addresses the issues that the hon. Gentleman has raised.

Question put and agreed to.

Adjourned accordingly at twenty-two minutes to Eleven o'clock.

House of Commons

Thursday 25 June 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

LLOYDS TSB BILL *[Lords]*

Order for Third Reading read.

To be read the Third time on Thursday 2 July.

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Inflation Targets

1 **Mr. James Gray** (North Wiltshire): When he last met the Governor of the Bank of England to discuss inflation targets. [46147]

The Chancellor of the Exchequer (Mr. Gordon Brown): I meet the Governor of the Bank of England at regular intervals to discuss a range of issues.

Mr. Gray: The right hon. Gentleman will remember that, on 1 May last year, inflation was on target at 2.5 per cent. and interest rates were 6 per cent. Since then, he has missed his inflation target 12 times out of 13. When will he start hitting it?

Mr. Brown: The previous Government missed their inflation target 43 times out of 55, so we will take no lectures from the Opposition. When we came to power, we found that inflation was going to rise substantially above target and that the action that the previous Government should have taken had not been taken, for all the wrong, party political, reasons. We immediately took action to move the economy from the violence of stop-go economic cycles—which had bedevilled us in the past and which, at the beginning of the 1990s, had given us the worst recession since the war—to a platform of sustainable and steady growth.

Mr. Denis MacShane (Rotherham): Did my right hon. Friend read the remarkably prescient article in the *Fabian Review* two years ago—it was written by someone I know—which pointed out that the rate of inflation left by the Tories would present us with real problems? It is quite ridiculous for the party of inflation—at least, those Tory Members who turn up to Treasury questions—to raise this issue. Will he, in the fight against inflation, consider a new golden rule—that people, especially those in the upper reaches of pay, should not give themselves pay awards ahead of productivity? We could start with the outside earnings of Conservative Members.

Mr. Brown: I am grateful to my hon. Friend. Wage responsibility all round, from the boardroom outwards, is necessary if we are to tackle inflation. He mentions the record that we inherited from the previous Government. I notice that, in a speech made only last night, the shadow Chancellor said that long-term interest rates in Britain were very low—below 6 per cent. That is because, over the past year, people have seen that we shall meet our inflation target, and long-term interest rates are now the lowest for 30 years.

Mr. Malcolm Bruce (Gordon): Does the Chancellor accept that two men are responsible for the inflationary difficulties we face—the previous Chancellor, who failed to put up interest rates before the general election, and the right hon. Gentleman himself, who used two Budgets to impose taxes on hard-pressed businesses rather than on free-spending consumers?

Mr. Brown: I do not accept what the hon. Gentleman says. If we had followed his advice, we would be taxing everything under the sun. The Liberal Democrats' policy is to raise taxes on everything and to increase public spending, whereas we have imposed strong discipline both on public spending and on taxation. We cut VAT on fuel, without a great deal of support from him; we have reduced corporation tax from 33p to 31p and now to 30p; we have reduced small business taxation; we have abolished the gas levy; and from next April, national insurance for every employee will be cut. We are determined to provide the resources to encourage both work incentives and the investment that is necessary in industry. We are taking measures for long-term stability and growth in the British economy, and it is about time that the Liberal Democrat party started to support us.

Mr. Geraint Davies (Croydon, Central): Is my right hon. Friend reasonably pleased that unit wage costs rose by 3.2 per cent. in the first quarter of this year—they rose by 3.6 per cent., which is much more, in the last quarter of 1997—and that the number of jobs advertised in the national press is up by a third on the peak during the 1980s boom?

Mr. Brown: There are many vacancies in the economy—more than 200,000 vacancies are registered with the Employment Service, and there are 75,000 vacancies in the hotel and hospitality industry alone. My hon. Friend is absolutely right. The public sector has contributed to wage responsibility with wage rises of around 2.5 per cent, but there must be responsibility all round in the economy. That is why I said in the pre-Budget statement in November that responsibility would be necessary in the boardroom and right across the private sector. We are determined to tackle the inflationary problem that we inherited from the previous Government, to put the economy on a long-term stable path for non-inflationary growth.

Mr. Francis Maude (Horsham): Why was the Bank of England's Monetary Policy Committee not informed of the Chancellor's plans to abandon his public

spending limits? Does the Chancellor agree with Professor Goodhart, who told the Select Committee on the Treasury that the Chancellor's spending plans would increase inflationary pressure even further, making it likely that interest rates would have to go up yet again?

Mr. Brown: I welcome the shadow Chancellor to his new job and his first Question Time. I also welcome him on his return to the Treasury brief following his period as Financial Secretary to the Treasury from 1990–92.

The Governor of the Bank of England has reported to the Treasury Committee—I hope that the right hon. Gentleman will confirm that he agrees—as follows:

"Of course we knew as everybody else knew that the Chancellor was undertaking his expenditure review."

He went on:

"I knew that the report was unlikely to change the fiscal outlook over the next couple of years."

Mr. Maude: It is not true.

Mr. Brown: It is a statement from the Governor of the Bank of England. If the right hon. Gentleman intends to contest a statement that is in the Treasury Committee's record, he had better think again. The fact is that there is a fiscal tightening in the economy of 3.5 per cent. over three years. That continues into next year, as I reported in my public expenditure statement.

Let us be clear on public spending prudence. The previous Government had a current deficit of 1.5 per cent. of gross domestic product over the cycle, the equivalent of a deficit of £12 billion a year. That is why we inherited a national debt that had doubled, and interest payments running at £25 billion a year. We have acted prudently so that there will be balance over the cycle in the current account. Instead of attacking us, the right hon. Gentleman should praise our prudence.

If the right hon. Gentleman says—and he does—that we are going on a spending spree, he had better tell us what he would cut. Would it be the health service, or education? Which public services would the Conservative party cut? Would it be transport, or social security? If the Conservatives think that our public spending figures are wrong, what will they cut?

Mr. Maude: The Chancellor has forgotten that this is Question Time for the Government. I am not attacking the Governor of the Bank of England, who has been put in an impossible position. He told the Treasury Committee that he understood that the Chancellor's plans would make no difference for the next two years. That was not true. The Governor was misled because the Chancellor's expansionary spending plans kick in—he may not know this, but we have spotted it—from April next year.

Is not the truth that inflation is up, strikes are up, savings are down, unemployment claimants are up and manufacturing is in recession? The Chancellor has created boom and bust at the same time. After 17 tax rises in only 15 months, is not the truth that hard-working people are paying an ever higher price to the Treasury's tartan tax army? After the Treasury team's own goal, should not they go home early as well?

Mr. Brown: I said at the beginning that the right hon. Gentleman had been Financial Secretary to the Treasury from 1990 to 1992. I will not take any lectures from a former Minister who was at the Treasury while interest rates rose to 15 per cent., inflation rose to nearly 10 per cent., public borrowing started its inexorable rise to £50 billion, the national debt started to rise—eventually doubling—and unemployment rose by 1 million people. The right hon. Gentleman should be ashamed of his record at the Treasury. It is no wonder that he was thrown out at the 1992 election.

National Insurance

2. **Ms Joan Ryan** (Enfield, North): If he will make a statement on the representations he has received on his plans to reform employees' national insurance contributions. [46148]

6. **Shona McIsaac** (Cleethorpes): If he will make a statement on the representations he has received on his plans to reform employees' national insurance contributions. [46152]

The Chancellor of the Exchequer (Mr. Gordon Brown): The reforms to employees' national insurance contributions announced in the Budget, together with the introduction of the working families tax credit, have been welcomed by a wide range of individuals and organisations. They will increase the return from working and the incentive to move from welfare to work.

Ms Ryan: I welcome my right hon. Friend's Budget measures on national insurance contributions. Will he outline how he expects them to help my 2,500 constituents in Enfield, North who are, by any definition, low paid, and the 2,375 adults who are registered as unemployed? That is some 5,000 people in my constituency alone who seek assistance from our Government and who got none from the previous one. *[Interruption.]*

Mr. Brown: I am grateful to my hon. Friend. When the Opposition groan as if they did not support what she said, let us remember that we are reducing national insurance for employees. If the Conservative party is going to oppose that as well, it is an additional problem that it will have with the electorate at the next general election.

Our strategy to help people to move from welfare to work, especially my hon. Friend's constituents, is based first of all on the national minimum wage, which we are introducing from next year. It is supplemented by the working families tax credit, which means that no one working full-time, with a family, will earn less than £180 a week, and they will not pay tax until £220 a week. That is complemented by the rise in child benefit for families, the improvement of child care with the new child care tax credit and the reduction of national insurance that we have achieved. This Government take seriously our contribution to the working poor, and we are doing our determined best to reduce poverty among working families. It is about time the Opposition started supporting us on these things.

Shona McIsaac: Will my right hon. Friend confirm that, if we take the changes to national insurance, the working families tax credit and the national minimum wage, for certain people—for example, a lone parent with

one child working 16 hours a week—the effective hourly rate of the national minimum wage will be about £11 per hour? Are my sums correct?

Mr. Brown: Yes, it is possible for a single parent going to work to earn decent wages, and a return from her work that will enable her to bring up her family. That is an important development. *[Laughter.]* Again, the Conservative party laughs when we are trying to help single parents get back into work. The Conservatives should support measures to deal with unemployment. We can build on these measures by making it possible for more and more people to find opportunities for work.

Through the national child care strategy, there will be child care to back that up. The child care credit means that people above the average wage will be able to claim help with child care so that they do not have to choose between their children and the work that they have to do. They can get proper help with child care. We are the first Government to introduce a national child care strategy, which is to the benefit of thousands of mothers and fathers.

Mr. Geoffrey Clifton-Brown (Cotswold): Can the Chancellor clear up a muddle? In his Budget statement, he said that no employee learning less than £81 a week would have to pay national insurance, yet when the Social Security Bill passed through the House, we found that the figure was £64 a week, in line with that in the Red Book. That dashed the hopes of many low-paid people that they would have their national insurance payments cut. They were under a false impression. Can the Chancellor clear this up once and for all?

Mr. Brown: The hon. Gentleman accuses us of falsehoods about national insurance. We have cut national insurance in a way that the previous Government did not: £1.26 a week for every employee. We also said that future reforms of national insurance will mean that no one will pay national insurance or income tax before £81 a week. When we announced the figures, we published them in the Red Book. The hon. Gentleman rightly attributes to the Red Book the correct information, which was also the information in the Budget speech. Again, the Conservative party should support cuts in national insurance, as they should support what we have done on child benefit and the working families tax credit, but it is impossible to get sense out of the Conservative Opposition.

Mr. John Whittingdale (Maldon and East Chelmsford): The published projections of the Chancellor in the Red Book take no account of the effect of the future cut in national insurance contributions for employees earning less than £81 a week. The Chancellor has now told the Treasury Select Committee that that is simply an aspiration. I repeat the question of my hon. Friend the Member for Cotswold (Mr. Clifton-Brown): when do the Government intend to make the cut, or is that pledge as worthless as Labour's other pledges?

Mr. Brown: I welcome the hon. Gentleman to the Front Bench, a move that was part of the changes in the Conservative Front-Bench team, but he should get his figures accurate. We have cut national insurance from next April, and any impression that the Conservative party tries to give to the contrary is utterly wrong. We are the party that has made it possible for people in work to have a lower tax rate through a cut in national insurance. Conservative Members should welcome it. As for what the hon. Gentleman says about the intentions of the Government, I refer him to my Budget speech, which is entirely accurate. The information on that is reflected in the Red Book. Instead of griping, the Conservative party should start welcoming the good things that we are doing.

Mr. Bill O'Brien (Normanton): May I thank my right hon. Friend for the support that he is giving to the constituents of Normanton in the form of help for the low-paid, and people who are in work and still living in poverty? It is commendable. May I put it to him that many of my constituents who rely on the state pension realise that national insurance contributions are for their benefit? What protection is he giving to people who rely on the state pension for their livelihood and quality of life? That is important to many people. Any contribution that my right hon. Friend could make would be most helpful.

Mr. Brown: I am grateful for what my hon. Friend says about his constituency and about the pension. He, like me, represents a constituency that had thousands of jobs in the mining industry and which has looked to the Government to sort out a policy for the coal industry. I am pleased that many hon. Members from mining areas are in the House of Commons today. Our obligations to pensioners are set out in our manifesto, and we shall uphold them.

We started by cutting VAT on fuel to 5 per cent. That helped every pensioner in the country. We abolished the gas levy to cut fuel bills. At the same time, we introduced direct help for winter fuel bills of £20 for every pensioner household in the country and £50 for households on income support. By those measures, taken with the changes in regulation, we have reduced the average pensioner household's fuel bill by about £100. The Government take seriously their obligations to the elderly, and we shall continue to meet all the commitments that we made in our manifesto.

Charities Taxation

3. **Mr. Tim Boswell** (Daventry): When he expects to complete his review of charities taxation. [46149]

11. **Mr. John Bercow** (Buckingham): What representations he has received regarding the taxation of charities. [46158]

The Financial Secretary to the Treasury (Dawn Primarolo): There has been an excellent response to the first phase of the review of charities taxation. We expect to publish a consultation document shortly.

Mr. Boswell: Yes, but, as the Treasury is fond of the long term, will the Financial Secretary concede that hard-pressed charities feel that they will have a long wait to know what will happen to them in the long term? Will she now at last concede that the compensation payments were offered to charities on a degressive basis against the loss of their dividend tax credits, and are a reflection of the damage that the Chancellor's proposals have already inflicted on the income of the charities sector?

Dawn Primarolo: No, I certainly do not agree with the hon. Gentleman. As he well knows, the charities have

been trying to persuade Governments for some time to undertake a comprehensive review of both direct and indirect taxation and the way in which it impacts on their ability to contribute to our society.

The Government have received more than 3,500 responses. It is important that we consider all of them and that the consultation document offers charities the proposals that they are looking for so that they can plan for the long term a system that is simple and easy to operate, and respects their contribution to society. Charities already receive direct and indirect relief of more than £1.8 billion from the Government, and the compensation to which the hon. Gentleman refers was very generous indeed.

Mr. Bercow: The Financial Secretary's reply to my hon. Friend the Member for Daventry (Mr. Boswell) will be a grave disappointment to thousands of charities the length and breadth of the United Kingdom. Why is the hon. Lady not prepared to commit the Government, when the formal period of transitional relief has come to an end, to the provision of some sort of continuing relief from which charities can benefit? If she is not prepared to make that commitment on the Floor of the House this afternoon, why does she not simply go away and rethink the unwarranted £400 million tax hit on the charities sector introduced by her Government?

Dawn Primarolo: The hon. Gentleman is out of touch with the charitable sector, which has widely welcomed the Government's review of both indirect and direct taxes and how they impact on charities. Far from being gravely disappointed, charities welcome the fact that there is now a Government who recognise the contribution they make to society and who are prepared to make plans with them for the long term.

Mr. John Home Robertson (East Lothian): Will my hon. Friend reflect on the fact that some charities are a great deal more charitable than others? As a survivor of the private education system, may I suggest that it is impossible to justify the current scale of tax advantages made available to schools whose main objective is to maintain the class system in this country?

Dawn Primarolo: My hon. Friend is quite right to identify the vast range of charities and charitable activity. What is important is that the review recognises that charities make a contribution, treats them fairly, and provides a tax system that will suit their needs into the next century, instead of one that matches what the previous Government thought their activities should have been in the last century.

Mr. Michael Fallon (Sevenoaks): Why should charities have to pay more tax to compensate for the Government's failure to control welfare spending? Has the hon. Lady seen the correspondence from the Thalidomide Trust, which has written to her about the £75,000 it lost through the withdrawal of tax credits last year, because Ministers drew up the compensation scheme so narrowly that they excluded the mixed funds in which the trust had invested?

Dawn Primarolo: In case the hon. Gentleman missed the point I made earlier, I shall repeat it: charities received £1.8 billion of tax relief from the Government. The compensation scheme that was established is generous, and lasts for five years. The hon. Gentleman should turn his mind to ways in which to support the Government in their proposals to provide a secure base for charities, instead of trying to make cheap points at their expense.

Debt Relief

4. **Mr. Andrew Love** (Edmonton): What progress he has made in securing international commitment to the Mauritius mandate targets. [46150]

16. **Mr. Patrick Hall** (Bedford): What progress he has made in helping to reduce the burden of debt of the world's most impoverished countries. [46163]

The Economic Secretary to the Treasury (Mrs. Helen Liddell): The Government have made progress on many fronts, as evidenced most recently in the G8 Birmingham summit communiqué, which encouraged all debtor countries to begin the process of securing debt relief by 2000 and looked forward to the speedy and determined implementation of debt relief in more countries under the highly indebted poor countries initiative.

Mr. Love: Real and effective debt relief is essential to countries such as Rwanda and Mozambique to provide them with the opportunity for economic development and social rehabilitation. Will my hon. Friend confirm that the measures promoted by the Government for debt relief will assist those countries in such efforts?

Mrs. Liddell: My hon. Friend makes a perceptive point: debt relief is not enough in itself. It might be a necessary precondition for economic growth and development, but it is essential in the long term that the indebted countries implement policies that will lead to economic growth and development, so that they never again return to the high levels of debt that exert such a drag on their economics and create the conditions in which poverty becomes endemic.

Mr. Hall: I should like to tell my hon. Friend that many people from Bedford and Kempston have told me that they support the Government's commitment to the flexible and speedy implementation of the heavily indebted poor countries initiative—*[Interruption.]* Unlike some Opposition Members, many people in this country do not find that initiative amusing. Does my hon. Friend agree with those commentators who say that, if only Governments would co-operate more effectively on the initiative, it would be of great benefit to as many as 300 million of the poorest people in the world?

Mrs. Liddell: My hon. Friend makes a very valid point, which contrasts with the mocking remarks of Opposition Members. Up to 20,000 people have written to the Treasury in support of the initiatives that my right hon. Friend the Chancellor has taken on the Mauritius mandate. It is critical that there is international co-operation on debt relief, and the United Kingdom Government have already established their leadership in seeking to provide assistance to countries, through not only debt relief but export credit guarantees for the next

two years, which will allow those countries to work their way through productive expenditure to growth and sustainable development.

Comprehensive Spending Review

5. **Mr. Bill Rammell** (Harlow): When he expects to announce the results of the comprehensive spending review. [46151]

The Chief Secretary to the Treasury (Mr. Alistair Darling): As I made clear last June when I announced the comprehensive spending review, its results will be published before the summer recess.

Mr. Rammell: When the outcome of the comprehensive spending review is announced, will particular attention be paid to the need for increased investment in social housing? The first phase of the release of capital receipts brought about a 33 per cent. increase in investment in one year, but my right hon. Friend the Chief Secretary will be aware that that must be viewed in the context of a 62 per cent. cut between 1992 and 1997 under the previous Tory Government. In fact, no area of public expenditure was hit as hard as social housing in 18 years of Conservative government. In the light of that, will the Chief Secretary reassure the House that the need for such investment, which affects some of the poorest people in society, will be a high priority for this Government?

Mr. Darling: The previous Government paid little attention to the needs of public sector housing. This Government have arranged for some £900 million of additional investment to be made available for the maintenance, repair and improvement of the public housing stock since the election. It is interesting to note that public sector investment fell from 8 per cent. of national income in the 1960s to 2 per cent. in the 1980s and 0.8 per cent. in the 1990s. As my right hon. Friend the Chancellor made clear in his statement two weeks ago, we are determined to ensure that the fabric of society will benefit from the level of public sector investment being improved prudently, and housing will be able to share in that benefit.

Mr. Nick Gibb (Bognor Regis and Littlehampton): Clause 1 of Labour's contract with the people says that Labour will cut social security spending and transfer the savings into education. Given the huge planned increase in social security spending, will the Chief Secretary now apologise to the British people for breaching that contract?

Mr. Darling: As the hon. Gentleman ought to be aware, the Government have taken several initiatives to ensure that people get off the dole and back into work. The welfare-to-work programme funded by the windfall tax on the privatised utilities is enabling many young people and long-term unemployed to get off the dole, so that they no longer cost the public money, and into work, where they start to make a contribution for themselves and their families.

The measures that we have taken to introduce the working families tax credit and reform the tax and benefit system will ensure that work pays, and will enable many more people to work and contribute. The Government have introduced several measures that encourage work and will reduce the number of people who are out of work. That will enable us to redirect resources into the public services that we need.

On education, the hon. Gentleman will be aware that we ended the assisted places scheme, which was a classic example of the few benefiting at the expense of the many. We have arranged for that money to be put into the education system to cut class sizes, which will help thousands of young children whom the previous Government neglected.

Mr. Derek Foster (Bishop Auckland): My right hon. Friend will be aware that Labour Members cannot wait for the spending review to hear further good news for education and health. Is he further aware that my right hon. Friend the Chancellor's recent far-sighted and shrewd statement on public investment was widely acclaimed in the northern region, because he gave Newcastle airport freedom to invest to underpin its future? I now urge him to go further and give the same full commercial freedom to the Post Office so that it can invest to underpin its global competitiveness.

Mr. Darling: My right hon. Friend will be aware that the Government are reviewing the position of the Post Office, as we made clear in our manifesto that we would. He is right to say that Newcastle airport, and Manchester airport, are to be given greater commercial freedom. These are profitable corporations, able to trade without having to rely on public funds. We are determined to make changes to the system so that organisations that can trade profitably and independently are given the commercial freedom that they need.

The Government are certainly committed to increasing investment in health and education. We have already increased the amount available to education by about £2.5 billion since the election, and a further £2 billion has been allocated to the health service. That is all much-needed investment. In the not too distant future, the comprehensive spending review will further set out the Government's spending priorities for the rest of this Parliament and beyond.

Mr. David Heathcoat-Amory (Wells): Even before the spending review, the Chancellor has already announced that he has abandoned the tight expenditure policies that he so proudly announced last year. Instead, public expenditure will now rise at the fastest rate since the 1960s—by 2.75 per cent. above inflation every year, and by more if all the fiddles and changed definitions are taken into account.

Does the Chief Secretary agree that this return to tax-and-spend policies will put more pressure on inflation and on the Bank of England to increase interest rates further, thereby pushing the manufacturing and exporting sectors even further into recession? Is the Chief Secretary content to preside over one policy that creates a boom and another that simultaneously creates a bust?

Mr. Darling: The right hon. Gentleman will be aware that a significant fiscal tightening was announced in my right hon. Friend's Budgets of the past two years, and confirmed again in his recent statement. It is a bit rich of

the Tory party to criticise our proposals, when the Conservative Government presided over an economic regime that resulted in interest rates of more than 15 per cent. and inflation of more than 10 per cent.; and when they doubled the national debt in the space of six years, with the result that £25 billion a year is spent servicing that debt when the money could be better spent on public services.

Mr. Francis Maude (Horsham): Answer the question.

Mr. Darling: Conservative Members do not like being reminded of their legacy, which we have had to clear up.

My right hon. Friend announced that our approach is to ensure stable public finances so that we can increase sustainable spending on public services. We will also ensure that current spending is met by income that we raise, and we will borrow only to invest prudently. That is what the former Government never achieved. We have sorted out the mess that they left us.

I notice that the shadow Chancellor last night addressed the Carlton club political committee and observed not only that taxes are lower in Britain, that corporation tax is down to 30 per cent. and that our long-term interest rates are lower than ever; he also said:

"government debt here is likely to be lower than most others."

If he was willing to endorse us last night, he ought to be willing to do so this afternoon.

Dr. George Turner (North-West Norfolk): My right hon. Friend will know that many Labour Members represent rural constituencies because the Tory party neglected their need for financial investment. My part of England is isolated from the national road network and our public transport is the worst imaginable. Will my right hon. Friend assure me that the spending review will, for the first time in two decades, take into account the needs of the rural as well as those of the urban economy?

Mr. Darling: My hon. Friend is quite right. For 18 years, the previous Government largely neglected rural areas. It is only in the past few weeks that the Tories have taken an interest in them—which is why so many of their former colleagues find themselves out of work: they were not aware of what the Tory Government were doing to rural areas.

The comprehensive spending review will address those problems. We made a start in the last Budget, recognising some of the problems that people faced with rural transport and the lack of it in many areas. When the Tories start complaining about our prudent spending plans for the next few years, when they accuse of us of going on a spending spree or of having too loose a fiscal policy, they really must tell us, what do they want to cut? Are we spending too much on health, too much on education, too much on transport? They must answer those questions.

The Government are determined to improve education standards in urban and rural areas throughout the country. We want to increase spending on health. We want to ensure that we have a transport system that is fit for this country as we move into the next millennium. The previous Government could never, ever do that, because of their approach to public spending and their incompetence in economic management.

Arms Sales

7. **Mr. David Heath** (Somerton and Frome): Under what circumstances he would be advised by Customs and Excise officers of an intention to prosecute for breach of United Nations sanctions, or an Order in Council, on arms sales. [46153]

The Financial Secretary to the Treasury (Dawn Primarolo): Where prospective prosecutions are important and likely to attract parliamentary, public and media attention, the Financial Secretary to the Treasury is advised by customs of intention to prosecute. Such advices are copied to the Chancellor's office.

Advices to Treasury Ministers are for information only—Treasury Ministers have no role in decisions on whether to prosecute a particular case.

Mr. Heath: I am most grateful to the hon. Lady for that reply. I have now discovered six Departments and their Ministers who seem to have a finger in the pie of arms control. Is it any wonder that we have such a muddled situation—why arms get into the hands of quite improper countries and destinations? Is it not time that we had a clearer, more transparent system, which provided for a committee of scrutiny in the House?

Dawn Primarolo: I regret that the hon. Gentleman did not listen to my answer. Treasury Ministers have no role in decisions on whether to prosecute particular cases.

Casinos

9. **Mr. Andrew Dismore** (Hendon): If he will make a statement on the taxation of casinos. [46155]

The Financial Secretary to the Treasury (Dawn Primarolo): Increases in gaming duty were announced in the March Budget. These changes increase the top rate of duty and reduce the gross gaming yield threshold for each band, raising an additional £20 million in 1998–99 and £25 million in 1999–2000.

Mr. Dismore: Is my hon. Friend aware that, after the Budget announcement on gaming duty, Mr. Alan Goodenough, chief executive of London Clubs International, informed his staff that their pay increases and promotion prospects were under threat, and asked them to write to their Members of Parliament to complain? Is she also aware that, as revealed by the *Daily Mirror* on 1 June, at the same time Mr. Goodenough was busy awarding himself a 110 per cent. pay increase, taking his earnings to £851,000, and awarding three other directors pay increases of 90 per cent. plus?

Does the Financial Secretary agree that that example of double standards in the casino industry reveals that it can well afford to pay the modest tax increases that she announced? Does she further agree that staff of London Clubs International would be best advised to say to their chief executive that what is good enough for him is good enough for them, and that the directors, instead of awarding themselves fat-cat pay increases, should look after the interests of their staff?

Dawn Primarolo: I am sure that those who heard my hon. Friend's words will draw their own conclusions

about Mr. Goodenough's pay rise. The Government's decisions to increase gaming duty on casinos were based on the fact that the industry could afford to pay more tax, and there is no reason why it should not pay it.

Sir Peter Tapsell (Louth and Horncastle): Has it occurred to Treasury Ministers how closely they now resemble the croupiers in a casino themselves, as they have decided to bet on future movements of interest rates when deciding on their fiscal policies?

Dawn Primarolo: I have never been in a casino. The Government base their decisions on taxing that industry on the economic evidence that is available to them. It makes a very comfortable profit, and the tax is totally justified.

Health Service Expenditure

10. **Mr. Simon Hughes** (Southwark, North and Bermondsey): What the implications are of the proposals set out in his oral statement of 11 June 1998, *Official Report*, columns 1195–201, for expenditure on health services over the next three years. [46157]

The Chief Secretary to the Treasury (Mr. Alistair Darling): Plans for the health services over the next three years will be set out in the comprehensive spending review. As I said a few minutes ago, the results of that review will be published before the summer recess.

Mr. Hughes: I thought that the Chief Secretary might give that answer. May I help him by pointing out that there is some money that does not need to wait for the comprehensive spending review? The economic and fiscal report published by the Chancellor on the day of his announcement a few weeks ago revealed that the underspend for the last financial year was £1.5 billion more than expected. Therefore, there is now sitting in reserve, unallocated for this year, between £1 billion and £2 billion. It would be entirely possible both to meet the pay recommendation in full for all those in the health service, instead of its being phased, and to put an extra £1 billion or more into the NHS this year without using any additional revenue, collecting any more money or waiting until the next financial year. Given that the money is available, why has it not been spent?

Mr. Darling: It is well seen, as one political commentator observed, that the Liberal Democrats have not been near the Treasury for some 80 years. The Liberal Democrats' attitude to public spending is such that, the minute they think they see any money, they believe that it should be spent. They pay no regard to any other claims that might come the Treasury's way during the next financial year.

The fact is that the Government have invested an additional £2 billion in the health service in our first two years in office. Incidentally, the Liberal Democrats promised to invest only £1.1 billion in the first two years, so we have invested in the health service twice as much as the Liberals planned to do. The comprehensive spending review, which will be published shortly, will set out how much the Government believe that they can invest in the health service over the next three years. The most important factor that the Liberals have yet to grasp is that, unless public spending is built on sustainable foundations and, unless we ensure that we can afford public spending in the future, we shall return to the stop-go funding of public services, under which the health service suffered considerably. The Liberal Democrats know absolutely nothing about that—which is why it is highly likely that it will be at least another 80 years before they have any chance of getting near the Treasury.

Mr. Stephen Dorrell (Charnwood): Can the Chief Secretary confirm that, from 1979 to 1997, Government spending on the national health service grew by an average of 3.1 per cent. more than inflation? Can the Chief Secretary commit the Government at least to matching that growth in the resources available to the health service? Failing that—more modestly—can he, at the very minimum, commit the Government to ensuring that the share of national income dedicated to the national health service is not allowed to fall? Will he commit himself to maintaining the higher share of national income that the previous Government committed to the national health service, over and above the record that we inherited from our predecessors?

Mr. Darling: Since this is a day of welcoming, I welcome the right hon. Gentleman to his unaccustomed place in the Chamber. As a former Health Minister, he will know that one of the mistakes that the previous Government made was certainly to spend more money, but to spend it on health service bureaucracy and not on front-line patient care. The Government took the early step of ending the internal market in the health service, which set hospital against hospital and saw an inordinate amount of money spent on red tape. We are now spending that money on front-line patient care.

As a former Treasury Minister, the right hon. Gentleman will also be aware that, because the previous Government mismanaged the economy and misread the economic signals in the late 1980s, in particular, they were not able to ensure that the health service had a sustainable base for future funding. The health service, like every other service, suffered because of the stop-go nature of public spending.

In his statement a week or so ago, my right hon. Friend laid down a clear and stable foundation for all future public spending. The comprehensive spending review—the results of which will be announced shortly—will make abundantly clear the Government's commitment to the health service, in its 50th anniversary year, for the rest of the Parliament. We set up the national health service, and we shall ensure that it carries on into the next century in a way that the people of this country want.

Millennium Compliance

12. **Mr. Nigel Evans** (Ribble Valley): What steps his Department has taken to resolve the millennium bug computer problem. [46159]

The Paymaster General (Mr. Geoffrey Robinson): I can inform the hon. Gentleman that the planned completion date for the Treasury for the year 2000 programme is the end of this year for most IT systems, with the remainder to be completed by the end of March

next year. The overall cost of work is £114,000, which will be funded from existing resources through rescheduling work programmes.

Mr. Evans: Will the Minister confirm that he is the lead Minister in his Department dealing with the millennium bug? Will he say how much of his time is spent each week dealing with the millennium bug problem? How many people in his Department are dealing with the problem full time? Is the right hon. Gentleman happy, following the Audit Commission's report last week, that the Department will be able to meet its time scale?

Mr. Robinson: I can confirm to the hon. Gentleman that we shall be able to meet our time scale, unlike the Opposition who, when they were in government, did nothing about the problem. We have a comprehensive range of activities at the Treasury and throughout all central Government Departments. We are committed to ensuring that this very serious problem, in which the hon. Gentleman has an interest and on which he had quite recently an Adjournment debate, is properly handled, which it was not when the Conservative party was in government.

Working Families Tax Credit

13. **Ms Rosie Winterton** (Doncaster, Central): What recent representations he has received on his decision to introduce a working families tax credit. [46160]

The Financial Secretary to the Treasury (Dawn Primarolo): The working families tax credit has been welcomed by a wide range of individuals and organisations.

Ms Winterton: Has my hon. Friend received any representations about the amount of working families tax credit that will be available to 18 to 21-year-olds, who will be on the lower level of the national minimum wage? Will my hon. Friend confirm that anyone with a family who is eligible for the working families tax credit will receive the same overall amount of income whether they are over or under 21?

Dawn Primarolo: I have not received the representations to which my hon. Friend has referred. However, I can confirm to her that every family working full time will have a guaranteed income of at least £180 per week. No family with earnings of less than £220 a week will pay tax. The new child tax credit, which replaces the failed family credit allowance, will be available to all families.

Mr. Ian Bruce (South Dorset): When will this wonderful tax credit come in? If it is so good, why is it not already in?

Dawn Primarolo: It will be introduced in October 1999. It is the democratic process and proper scrutiny by the House that dictate when it will be introduced.

Mr. Steve Webb (Northavon): Would the Minister accept that part of the reason why the tax and benefit system for the low-paid is a mess is that it developed piecemeal, with different bits being added at different times rather than a coherent overview being taken? Does the hon. Lady accept that the Government are in danger of making the same mistake again by introducing the working families tax credit without integrating help with housing costs?

Dawn Primarolo: No, I do not accept the hon. Gentleman's proposition. The Government are taking an overview, and are developing a comprehensive system.

Ms Gisela Stuart (Birmingham, Edgbaston): How will the self-employed be able to claim the working families tax credit, given that it will be coming through the wage packet?

Dawn Primarolo: The self-employed will be able to apply for the working families tax credit and the child care tax credit in the same way as anyone else. Discussions are taking place now between employers and representative organisations and between the Inland Revenue and those organisations with a view to developing the most appropriate way of delivering this mechanism.

Value Added Tax

14. **Jackie Ballard** (Taunton): What assessment he has made of the gender impact of the range of goods and services which are subject to VAT; and if he will make a statement. [46161]

The Economic Secretary to the Treasury (Mrs. Helen Liddell): There has been no specific assessment of the impact of VAT on expenditure by gender. However, Treasury officials are looking at how the analysis of Budget measures can be deepened—including by gender.

Jackie Ballard: Does the Minister agree that, for 15 million British women, sanitary products are as an essential part of the family budget as food or clothing? Is the hon. Lady aware that Britain has one of the highest rates in Europe of valued added tax on sanitary protection? Will she therefore respond positively to the 171 Members, many of whom are her hon. Friends, who signed early-day motion 683, and asked the Government to reduce VAT on sanitary protection to the European Union minimum of 5 per cent?

Mrs. Liddell: I am grateful to the hon. Lady for making that point, and I am well aware of the anxiety that exists not only in the House, but in women's groups; it has been well represented in women's magazines. Value added tax is levied on a wide range of other essential health and hygiene products that affect men or women, or both, and they have to pay VAT. The history of VAT on those products dates back to 1977, and there has been a debate about the matter. At the moment, there is no proposal to reduce VAT on sanitary products.

Cross-border Shopping

15. **Mr. Peter Atkinson** (Hexham): If he will make a statement on progress with the review of cross-border shopping and smuggling of alcohol and tobacco announced in his Budget of July 1997. [46162]

The Financial Secretary to the Treasury (Dawn Primarolo): My ministerial colleagues and I have seen and studied the review report, and value greatly the input by members of the trade in particular. However, in view of the possible public spending implications, the Government will announce their proposals as part of the outcome of the comprehensive spending review later in the year.

Mr. Atkinson: While the report has been gathering dust on the Minister's desk for the past six months, small retailers have been going out of business and criminals have been getting richer. The north-east of England is the bootlegging centre of Britain, and Kent police estimate that more than 1,000 north-easterners are involved in smuggling of one form or another. It is fuelling criminal activity throughout the region. Will she act, and publish the report to bring the problem out into the open?

Dawn Primarolo: I should remind the hon. Gentleman that the Conservative Government did not take any action on this issue. On revenue lost through the smuggling of beer, for example, the Government lose £120 million a year against £3 billion in revenue collected. It is a bit rich for the hon. Gentleman to accuse the Government of not taking any measures to counter smuggling when we have announced tougher prosecution policies, substantially increased the charges for returning vehicles and made it absolutely clear that any legitimate business that participates in the trade will have severe sanctions taken against it. We have repeatedly told hon. Members that smuggling is a criminal activity, that Customs and Excise is increasing its activities to prevent smuggling, and that they should all make it clear that smugglers, are taking money out of the back pockets of our schools, our hospitals and our public services.

Dr. Stephen Ladyman (South Thanet): May I bring to my hon. Friend's attention The Pipe Shop in Sandwich in my constituency, which is one of many businesses in east Kent that will be driven out of business by the resale of goods bought duty paid in France if we do not do something to curb that trade? Does she agree that, at no cost to the Treasury, customs officers could be allowed to reject the claim that people are bringing goods into the country for family or friends? People should be allowed a personal allowance set at a level appropriate for a normal person's consumption in three months, rather than at a level appropriate for the consumption of a chain-smoking dipsomaniac over 12 months.

Dawn Primarolo: The limits to which my hon. Friend refers are those to which the previous Government committed us in terms of the legitimate amount of produce that members of the public could bring into this country. That is non-negotiable, and the Government are not able to reopen it. It is a shame that Conservative Members did not think a little more carefully when they agreed those limits. My hon. Friend has made an important point which the Government bear in mind and pursue actively; however, we must not only prevent smuggling, but prevent the legitimate trade from being undermined by such activity. All hon. Members would want to join us in that.

Taxation

17. **Miss Julie Kirkbride** (Bromsgrove): How many representations he has received regarding his forecasts for the tax burden. [46165]

19. **Mr. Richard Spring** (West Suffolk): If he will make a statement on his Department's forecast for the future tax burden. [46167]

The Chief Secretary to the Treasury (Mr. Alistair Darling): The Chancellor receives many representations on issues relating to taxation. The tax to gross domestic product ratio is projected to be constant over the next two years.

Miss Kirkbride: I thank the Minister for that answer, but is he now prepared to come clean about the true state of the public finances? The working families tax credit will not be properly accounted for in inflationary revenue and spending statistics. Rather than being a public spending commitment, it will be regarded as a tax forgone, and therefore will not be truly affected by public expenditure.

Mr. Darling: The hon. Lady has misunderstood the position. The way in which we account for the working families tax credit is laid down by international accounting standards, by which this Government, like all Governments, abide.

Mr. Spring: Will the right hon. Gentleman confirm that the burden on the average family of tax and mortgage increases now amounts to some £1,000? How does he reconcile that with the disgracefully misleading statements about tax before the general election?

Mr. Darling: The hon. Gentleman will no doubt recall that he supported the previous Government, who imposed 22 tax rises in complete contradiction to everything that they had said at the election. I remind him of two central facts. Measured in whichever way one likes, taxes are lower in Britain than in continental Europe. Corporation tax in the United Kingdom is 30 per cent.—*[Interruption.]* It is all very well for Opposition Members to get upset about that, but I was not the first to say it. The shadow Chancellor said it last night at the Carlton club. If the shadow Chancellor knows that taxes are lower in Britain than elsewhere in Europe, it should be good enough for Conservative Back Benchers.

Energy Review

3.30 pm

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): With permission, Madam Speaker, I wish to make a statement about the Government's review of energy sources for power generation and the preliminary conclusions on which I am now consulting.

The review was set up following the crisis in the coal industry last autumn, amid claims that the electricity market was rigged against coal. In response, the Government set up a wide-ranging review of electricity generation. The review has looked widely at the issues, with the assistance of independent consultants, about 150 outside representations, and meetings with some 40 parties. It has confirmed that there are, indeed, serious distortions in the electricity market. As a result, prices have been higher than they should have been. New gas stations have entered the market, benefiting from those high prices, displaced coal and failed to bring prices down for consumers. Without action to address those distortions, prices for consumers will continue to be higher than necessary, and diversity and security of supply will suffer.

Some have pressed the Government to go further and guarantee a specific share of the electricity market for UK deep-mined coal. The Government have given careful consideration to those and all other proposals. We do not, however, believe that to identify a defined share of the market, regardless of other considerations, would be the right course to take. Our aim is to put all fuels on a level playing field, and not to give priority to any one. We do not propose to subsidise any part of the UK coal industry. Coal producers themselves have asked for fairness, not favours.

I must therefore make it clear, against a background of speculation in the press, that there is no deal with the generators by which the Government have offered to introduce new policies in return for the generators buying British coal. Nor are the Government's policy conclusions in any way conditional on their doing so. That, and the fact that coal purchase decisions are a matter for them, has been made clear to the generators.

I have asked the advice of the Director General of Electricity Supply, and his views are set out in our consultation document. He has identified significant problems both in the electricity pool and in the market structure. Those, and the high prices arising in the market, have been among the factors encouraging the growth of gas in electricity generation at the expense of coal. He has advised me that action is needed to reform the trading arrangements so that all plant plays a full role in competition, and to address the market power of the major generators. He also sees new entry as important. We agree with him that reform of the market is needed.

The review has confirmed that the main objective of our energy policy should be secure, diverse and sustainable supplies of energy at competitive prices. That includes our concern to achieve environmental improvements. Taking account of the advice we have received from the DGES, we intend to achieve that objective by creating a competitive electricity market, founded on diverse fuel sources, providing secure supplies and, into the bargain, delivering significantly lower electricity prices to customers.

The Government are therefore making the following proposals to remedy the market distortions. We shall promote competition by reform of the wholesale electricity trading arrangements, and by pressing forward with competition in electricity supply. We shall seek practical opportunities for divestment of coal-fired plant by the major generators. We shall establish separate licensing of distribution and supply, and ensure fair trade in electricity with our European partners. We shall ensure that all generators are fairly remunerated for the services they provide to the grid. Taken together, those measures should remove the current distortions, which work against coal.

Market distortions disadvantage consumers, but they also have an impact on fuel use. That could put our energy policy at risk from both high prices and the loss of diversity and security that the squeezing out of coal and the consequent loss of coal-fired power stations would produce. Projections by our independent consultants, based on the current operation of the market, suggest that gas-fired generation could rise sharply, accounting for over 75 per cent. of our electricity within 20 years. In our view, a properly functioning market could well produce a different result.

There are also technical issues that arise from the growing use of gas on the grid. Our independent electrical engineering consultants report that the present arrangements have failed to resolve them. The DGES has said that better arrangements are needed. We propose to take that matter forward.

There is a wide reform agenda to pursue. That will take time; our aim is that, once it is achieved, the market will operate in a fully competitive way. However, the risk is that, before market reform is complete, fuel choices will be distorted, and diversity and security of supply will suffer. Therefore, during this period, we propose to apply a stricter energy policy to power station consents. In fact, significant market entry is still likely. Additional gas-fired power stations in various stages of development, equal to about 10 per cent. of system capacity and owned by competitors of the major generators, need no further authorisation.

Although the DGES has reservations about restrictions on consents, he recognises the Government's responsibility for energy policy, including diversity issues. In my view, it is of primary importance to avoid the pre-emptive destruction of our scope for diversity and security while reforms are yet to feed through.

The new consents policy will be in place only while our reform agenda is being addressed. I have asked the DGES to keep me informed of progress in dealing with the competition issues. I would expect the new consents policy to be relaxed when, on the basis of his advice, we conclude that our reforms have been undertaken and the distortions removed.

I turn now to the details of the proposed policy. We propose to approach new and pending applications for consent under section 36 of the Electricity Act 1989 on the basis that new natural gas-fired generation would normally be inconsistent with our energy policy concerns about diversity and security.

However, combined heat and power projects have environmental and other benefits that may outweigh those concerns. They will do so if the project is properly sized to meet on-site or nearby heat and electricity requirements

and to deliver high efficiency, although each case will be examined on its merits. It will be especially important that the relevant heat and electricity uses are clearly identified.

Other applications likely to support our environmental objectives without compromising energy security or diversity should be consistent with the Government's energy policy aims. They are likely to include renewable energy projects, including energy from waste, in support of the Government's intention to launch a strong drive on renewables, proposals using clean coal technology and the fitting of flue gas desulphurisation equipment.

We shall take the same energy policy approach when considering existing and new notifications under section 14(1) of the Energy Act 1976 relating to the construction of gas-fired power stations. That will apply whether or not consent has been given under the Electricity Act. The consultation document gives further details of our proposals, including those on notifications under section 14(2) of the Energy Act 1976, dual-firing power stations and black start units.

Decisions on individual applications for consents under section 36 of the Electricity Act and notifications under section 14 of the Energy Act will take into account all the circumstances of the particular case. In particular, in applying the new policy to cases that are already before me, I would take care to weigh carefully the impact on the interests of the promoters against the wider public interest.

The policy that I am proposing today should lead to substantially lower electricity prices by promoting genuine competition and efficiency. It will also safeguard diversity and security while we, with the regulator, press on with making the market work. There have been suggestions that, in the absence of restrictions, real falls in wholesale electricity prices of at least 10 per cent. should be possible in the medium term. My hope and expectation are that prices will in fact fall under our proposed policy by even more than that. While the new consents policy is in place, I have asked the DGES to continue to monitor electricity prices and alert me to any further concerns he may have.

As I have said, coal purchase decisions are a matter for the generators. However, if UK coal—including Scottish and Welsh coal—can be competitive on price and other terms of supply, I see no reason why it cannot have a very positive future in the electricity generation market. Achieving that success is a matter for the management and work force of coal producers.

Decisions on any pit closures would also be a matter for coal producers. However, in the event of any closures taking place, the Government are firmly committed to taking early action to put effective regeneration programmes in place. Consideration will be given to establishing a regeneration fund to help affected communities.

My right hon. Friends are reviewing separately the planning policies for opencast coal developments in England, Scotland and Wales in the light of the pre-election 10-point plan, environmental and local concerns and relevant conclusions of this review. They expect to announce proposals following the final outcome of that review.

Safeguarding the environment is a priority for the Government. Sulphur dioxide emissions from the major electricity generators in England and Wales are already programmed to fall to 365 kilotonnes in 2005. That target, and significant interim reductions, must be achieved. We believe that coal-fired generators should take all reasonable steps to run their plant with flue gas desulphurisation more than their plant without it, and major coal-fired generators should be encouraged to have at least one FGD-equipped plant.

Against that background, the Environment Agency will be discussing with generators its proposals for revision of emission limits. We expect those discussions to encompass the implications of this announcement, such as for the likely lifetime and usage of coal-fired power stations and policy on flue gas desulphurisation.

On climate change, the Government remain committed to achieving our targets. Our policy remains consistent with a decline in carbon emissions from the electricity generating industry. We shall be consulting this summer on meeting our legally binding Kyoto target of a 12.5 per cent. cut in greenhouse gas emissions, and on how we can move beyond that towards our own aim of reducing carbon dioxide emissions by 20 per cent. by 2010.

The proposals that I have made today are open for consultation until Monday 20 July, and we intend to announce our conclusions shortly thereafter. Until then, I propose to defer decisions on power station consents and notifications. Where decisions are necessary and should not be deferred, I propose to apply the proposals announced today, subject to the circumstances of each particular case. A consultation document, with full details of our proposals, has been published today. Copies have been placed in the Vote Office.

Mr. John Redwood (Wokingham): I thank the President of the Board of Trade for that statement. We learn that the Government have laboured for a whole year to bring forward an energy policy. Today, they have brought forward a few more soundbites and another round of consultation. We were promised an elephant of a policy, and we have been offered a mouse. Over the past year, they have given us hot air. Today, it is more soothing oil than solid coal or cleaner gas. *[Interruption.]* Labour Members should not leave the Chamber now, but stay and listen. They know that we have been given no substance or policy, and that it is the mining jobs in their constituencies which are at risk.

In opposition, Labour said that it would save mining jobs with a radical plan for coal. In government, it embarked on the opposite policy—licensing gas power stations; announcing tougher environmental targets; and failing to step up clean coal technology. The Government soon faced the predictable large-scale pit closures and lost mining jobs. So they panicked, and went out to consultation.

The Opposition welcome the pool price review. I suggested such a review months ago. Why has it taken so long to come to conclusions? When will the Government make some decisions about that vital matter? Will they find a way that is fair not only to coal but to gas? How many mining jobs will go regardless?

The Government's proposals are not so much a U-turn as a skid and a spin. How long will it be before clean coal technology is used at more coal power stations? What is the future of the gas industry—which was expanding fast and doing well before the moratorium was imposed? Why is there no statement on the future of the nuclear industry, particularly in the wake of the report by the

[Mr. John Redwood]

Select Committee on Trade and Industry? We have heard a statement from the President which—by trying to face all ways at once—merely creates more confusion.

The Government's energy and environmental policies remain at loggerheads. The Prime Minister pledged the United Kingdom to tougher targets than the challenging ones that the previous Government had set and left in place. To hit them means burning less coal—a lot less coal—and turning to cleaner ways of generating power. Now the President wants us to believe that she will save some of the mining jobs that her own Government were threatening. That means that they will fail to hit their very own environmental targets.

It is no good the President replying that dirtier electricity will mean fewer cars on the road, because the Deputy Prime Minister is briefing to say that he will not be stopping us driving. Nor—I hope—will they force granny to turn down the central heating. Therefore, the Government must do something about power generation.

It has taken so long to produce such a sketchy policy because the Government have been at war over what to do. Those who wish to subsidise mining jobs have clearly been defeated. The Energy Minister has been sidelined once again. The Treasury has intervened liberally, and the President has been left with the unenviable task of playing across the line of the spin from No. 10 Downing street. Cricketers will know what happens next: the batsman gets caught out.

Ministers say different things to different audiences, to get through difficult days. They seem more interested in saving their own jobs than other people's.

Will the President today admit that, on this policy, the UK cannot hit its environmental targets, and that those targets will have to be changed? Will she promise to return to the House when she has made up her mind on all the issues that are so notably missing from the statement? The Government will have to understand that, by trying to be all things to all men, one ends up satisfying no one and closing a lot of pits.

Mrs. Beckett: The right hon. Gentleman talked about saving mining jobs. In December 1980, a total of 230,000 people were employed in Britain's coal mines; today, there are 12,000. We do not need any lessons from him about what can happen to mining jobs.

The right hon. Gentleman also said that he suggested the review months ago. He spent his first few months as Opposition spokesman complaining that the Government were reviewing too many things, and attacking us for proposing to review any more.

The right hon. Gentleman asked about the time scale on clean coal and renewables. Contrary to what he said, the Government have already increased investment in renewables. I am sure that he will be gratified to learn that we already have an application to build a suitable station, which we shall, of course, be considering with great interest.

The right hon. Gentleman seemed to be torn between wanting to know the future of the coal industry and wanting to know the future of the gas industry. On the future of both industries, we shall unrig the market that the Conservative party left rigged, so that both industries can fairly compete against each other.

Why nothing about nuclear power? Nuclear power currently is not economic—as I think even the right hon. Gentleman will accept—and the Government have no plans to proceed down that route. He further asserts that the Government set tougher targets for the environment. He has alleged that that is behind the problems, and that those targets cannot be hit. He is wrong again; they can be hit.

Finally, I note the right hon. Member's observations about various of my right hon. and hon. Friends, who have played an extremely important, worthwhile and supportive role throughout Government, ironing out the implications of those policy issues for a variety of Departments. The right hon. Gentleman seems incapable of taking on board the fact that Government colleagues can co-operate in that way. No doubt, that says more about the record of the Conservative Government than this one.

Mr. Martin O'Neill (Ochil): I thank the President for her statement. This is a complex issue, as my colleagues on the Select Committee on Trade and Industry and I found when we started looking into the energy industry. We recognised that it will involve not only Government policy but a degree of consensus throughout the various parts of the industry. Therefore, it is essential that the proposals should be put out for extended consultation. Does she also agree that the problem is not so much one of the existing owners of power stations not buying coal, but of getting people into ownership who are prepared to buy it? Therein lies the strength of the proposal for a divestment of ownership of some of the stations.

Secondly, does my right hon. Friend accept that many of us will welcome the flexible approach that she is prepared to take towards the moratorium? The blunt instrument that has been wielded for the past six months has not won any friends anywhere in the energy business. Those who want instant action today should not forget that coal is never bought in substantial amounts between June and September, and that there is time to get a proper deal to put the energy market on a proper footing so that the long-term security of miners' jobs can be guaranteed.

Mrs. Beckett: I am grateful to my hon. Friend for his remarks and for the important work of the Committee that he chairs. He is entirely right to say that it takes time to thrash out those issues. As he will have seen, we have allowed a further period of consultation so that people can take account of the Government's proposals. Of course, many people have already given us the benefit of their views during the review that has already been undertaken.

I am also grateful to my hon. Friend for what he said about divestment and the flexible approach to a stricter deferment policy on gas consents. The Government believe that all that offers a constructive way forward, and I appreciate his observations.

Mr. Andrew Stunell (Hazel Grove): May I thank the right hon. Lady for making the statement and for many of the things in it, although I must say something about those that, unfortunately, are not? We welcome the restraint on generation capacity and the removal of price distortion, although we will be interested to see precisely how that is to be achieved. Also, we welcome the reprieve for combined heat and power schemes, and the more flexible approach for the future.

There were many sweet words in a rather long statement, but not too much action. For instance, there is still no clear overall energy policy for the nation or the Government. When can we expect that? There is no clear support for declining coalfield communities, which must clearly face substantial economic problems in the next five years as a result of the statement. No clear help is set out for renewables, there are no proposals on fuel efficiency or energy conservation, and what of the subsidiary issues, such as opencast mining? There were many unanswered questions in a long statement, and I hope that the right hon. Lady can provide some supplementary information now.

Mrs. Beckett: I am grateful to the hon. Gentleman for welcoming some issues, although slightly surprised that, having welcomed a number of proposals, he said that there was nothing in the statement—he managed to find at least three things. He suggested that there was no clear overall policy. I said repeatedly throughout the statement that Government policy is to obtain diverse, secure and sustainable energy supplies at competitive prices. That is very much our underlying approach.

The hon. Gentleman asked me to say more about the detail of coal communities support. I do not share the view that he seems to take about the extent to which such support is likely to be needed, but he will appreciate that, if a regeneration scheme in the coalfields is required, that would be a matter for my colleagues at the Department of the Environment, Transport and the Regions. It is not a matter to which I would be referring today.

The hon. Gentleman also asked me about proposals for, among other things, fuel efficiency. Again, those issues are addressed elsewhere, but we have issued proposals on such matters in, for example, our Green Paper on utility regulation. As I said, we are increasing support for renewables.

Mr. Tony Benn (Chesterfield): In hoping that the President will disregard the totally hypocritical comments of the right hon. Member for Wokingham (Mr. Redwood), whose party consciously, deliberately and politically destroyed the coal industry throughout its period of government; and in thanking her for providing some alleviation to the short-term crisis afflicting the industry may I ask whether she recognises that any serious, long-term energy policy for Britain must take account of the fact that there is 1,000 years of coal under our territory, which is mined by some of the most highly skilled engineers in the world? It must also take account of the fact that nuclear power is much more expensive than coal, that opencast coal mining inflicts terrible environmental damage on mining areas—where people lose their jobs and their environment—and that up to 40,000 jobs in the mining manufacturing industry could be endangered if the domestic mining industry is allowed to collapse. Does she recognise that competitiveness, level playing fields and market forces are not the basis on which a nation can preserve its long-term policy, as the oil crisis of 1973 should have taught us all?

Mrs. Beckett: I am grateful to my right hon. Friend for his recognition of the ludicrous attitude of the Conservative party. He talks about a serious, long-term policy, the coal reserves that may be available and his concern about the mining manufacturing industry, and I completely understand that those issues arise. However, I do not share his view that the serious, long-term and sustainable energy policy that we have outlined today will not leave a place for coal. We inherited a market in which coal had no future—that was, indeed, a measure of the Conservative party's hypocrisy—but, in these proposals, the Government are creating the space within which the coal industry has a chance to make its case.

Mr. William Cash (Stone): Does the President recall that a few Conservative Members, including me, voted against the pit closure programme, and that, shortly after the general election, I had an Adjournment debate which, some may reasonably say, stimulated discussion on this subject?

I congratulate the Government on their intentions as set out in the review, but I deeply regret the fact that no decisions have yet been taken. The right hon. Lady speaks about competition and a fair deal, but what specific action will the Government take to deal with the disgraceful distortion whereby, in the context of European coal, the German coal mining industry receives £5 billion a year in subsidy, but there is no equivalent redress for the British coal mining industry? I congratulate the Government on their intentions, but the review is very short on specifics.

Mrs. Beckett: I remember and respect the hon. Gentleman's stance on the previous Government's proposals, which resulted in so many pit closures. However, I say—with respect—that, if he had taken his opposition further and opposed some of the other actions of the Conservative Government, he might not have needed to oppose those closures. The previous Government's programme did nothing to redress the distortions in the marketplace on which we are taking action. Today's proposals, our review and the pressure we are applying over subsidies in the European Union—on which we share the view of the hon. Member for Stone (Mr. Cash), and on which my hon. Friend the Minister for Science, Energy and Industry has again been in touch with the Commission today—are issues on which the Government have taken a stance, unlike the Government whom the hon. Gentleman supported. We believe that our actions will create the fair market for coal that did not exist under the Conservative party.

Mr. Michael Clapham (Barnsley, West and Penistone): Will my right hon. Friend take no notice of the comments by the right hon. Member for Wokingham (Mr. Redwood)? He is a classic case of Festinger's theory of cognitive dissonance, because he did one thing and says another. Can my right hon. Friend confirm that, during the period when the discussion document is out for consultation, she will apply the provisions of the Transfer of Undertakings (Protection of Employment) Regulations 1981 to protect men in the industry?

Mrs. Beckett: I am grateful to my hon. Friend for his remarks. I am not altogether sure I can even say cognitive dissonance without thinking hard. I recognise the importance of his point, but he will realise that TUPE conditions are a matter for the industry.

Mr. Peter Atkinson (Hexham): I heard the Minister for Science, Energy and Industry announce the Government's policy on the radio this morning, and I have listened to

[Mr. Peter Atkinson]

the President expand on the details. However, I must confess that I am none the wiser about what the statement was all about. As I understand it, the President will restrict development of gas-fired power generation, albeit on a temporary basis, and will allow coal-fired generators to purchase as much coal as they like, wherever they like and at whatever price.

To compete, however, the generators will have to buy coal at world prices. There is an awful lot of coal in the far east at the moment, and to get British coal prices down to world price levels, we would need more opencast-mined coal that we could blend with deep-mined coal. Yet the President says that there will be a further restriction on opencast mining, which makes no sense under the logic of what she is proposing. She must explain more fully for the benefit of the miners in my constituency exactly what she is proposing to do.

Mrs. Beckett: One thing is clear from what the hon. Gentleman has said: he has not understood the degree to which we inherited a market rigged by the incompetence of his party. Currently, gas and nuclear power have privileged access to the market. Coal was simply not able to compete fairly, and that is the source of the coal industry's difficulties. There are competition issues which the coal industry itself must address, but contracts have been signed for British coal in recent months, and it is clearly possible for UK coal to be competitive. That was not possible in a market that was deliberately rigged against the coal industry by the Conservative party.

Mr. Dennis Skinner (Bolsover): Is the President aware that pit closures in areas of high unemployment would be a dangerous step, now that unemployment is possibly beginning to rise? Will she assure me that there will be no pit closures until proper conclusions have been reached from the holding review? Will she take into account necessary measures such as cutting imports, opencast mining and the French electricity link? If those actions cannot do the job, will she remember that our coalfield area is tiny, containing only 20 large pits at the most after the disastrous Tory years? There is, of course, one easy way to ensure the industry's stability, and that is to take it back into public ownership.

Mrs. Beckett: I know that that is, and always has been, my hon. Friend's view, but he knows that it is not the Government's policy. He asked about potential pit closures. His expertise on the subject is such that he knows that I cannot give that assurance. Apart from anything else, matters of geology can arise at any time. I cannot give the assurance that he seeks, but I can say that I do not anticipate that we will, in the aftermath of today's statement, see anything other than a coal industry that is able to find its competitive feet and to make its way fairly in the marketplace. He knows that that is what the industry has sought.

My hon. Friend asked for a statement on opencast mining. He knows that that is a matter for my colleagues in the Department of the Environment, Transport and the Regions. They will make a statement when the further review that I announced today is concluded in a few weeks. He also mentioned the French interconnector. I assure him that, just as we are continuing to press the issue of subsidies elsewhere in the European Union, we are considering how we can tackle this issue. We hope that the electricity liberalisation directive will offer an opportunity for coal-generated electricity when it is in place.

Mr. John Gummer (Suffolk, Coastal): I am sure that the right hon. Lady knows that her statement will have been received with disbelief by the environmental community. Can she explain who among the plethora of advisers and specialist consultants were her environmental consultants? How much extra CO_2 will go into the atmosphere as a result of her policies? In what specific ways is she going to reduce CO_2 elsewhere? How is she going to produce a 20 per cent. cut in CO_2 when every Government policy has increased emissions, despite what they have said?

Mrs. Beckett: The Government are absolutely clear that what we are announcing today is consistent with the targets that we have set. The right hon. Gentleman himself has a contradiction to sort out. I understand that the right hon. Member for Wokingham (Mr. Redwood) has said that the reason why coal mining jobs are at risk is because we have tightened environmental targets more than the Conservatives would have done. I suggest that they come back when they have sorted out their difficulties.

Mr. Joe Ashton (Bassetlaw): Is my right hon. Friend aware that, at the two pits in my constituency, Welbeck and Harworth, the miners have made fantastic increases in productivity of up to 250 per cent. in the past few years, but still find their jobs in jeopardy? The harder they work, the more it seems that the EC imposes restrictions on their industry and favours cheap imports from north Africa and Russia. Why should the Germans be able to subsidise their coal and the French dump on us? Why should our miners always have to face supposedly fair competition that actually works against them? Can she not stop opencast mining, which destroys the environment? Can she set at rest the minds of miners now that the extra redundancy pay period has expired? If their jobs are going because of EC decisions, we should restore the redundancy pay that they were getting only a few years ago.

Mrs. Beckett: I respect my hon. Friend's long-standing expertise on this matter. We are continuing to press on subsidies, whether in Germany or elsewhere in the European Union, and on the French interconnector. A statement on opencast mining will be made later. He knows as well as anyone in the House that there are circumstances in which some opencast coal is needed to sweeten the use of deep-mined coal. It is not an altogether straightforward issue. I have taken on board his point about the miners in his constituency continuing to deliver higher productivity but still finding their jobs at risk. The simple reason, as he well understands, is that the market left by the Conservative party was deliberately rigged against them. It will not be in future.

Mr. John Butterfill (Bournemouth, West): The right hon. Lady says that she will conduct a price review. She knows that the problem is the structure of the pool and how it operates, and that gas is much more appropriate for interruptible supply than for base load, where it is largely used now. How will we deal with that problem?

She also said that she wants diversity and security of supply, and that she will reduce emissions by 2010, by which time virtually all, if not all, of the Magnox stations will have closed. They do not produce any emissions at all. How does she intend to replace those stations if, as she has said today, she does not propose to take any initiatives on new nuclear stations?

Mrs. Beckett: The hon. Gentleman is entirely right about the structure of the pool. That has been the nature and source of the problem, although I do not recall his saying so when his party was in government, but never mind.

Mr. Butterfill: Yes, I did.

Mrs. Beckett: He did. In that case, I take that back. I beg his pardon.

We are very well aware that the structure of the pool is the difficulty. That is the issue which we intend to tackle. One of the things that the hon. Gentleman will find when he has a chance to study the consultative document—I recognise that he cannot have done so yet—is that there are a number of issues surrounding the use of gas. He is right to say that it gives a more readily interruptible supply, but there are a number of issues related precisely to diversity and security of supply, and technical issues related to the way in which the market operates at present as a result of the operation of far more gas-powered stations, where there used to be a greater role for coal. The Government have received preliminary reports from consultants, and we shall continue to consider the issues.

Yvette Cooper (Pontefract and Castleford): The 1,200 miners and 33,000 electricity customers in my constituency will have a strong interest in my right hon. Friend's statement today. I welcome her recognition that the Conservatives did not merely shut pits but outrageously rigged the market against the coal from the pits that were left. Will she give an assurance that the pool will be radically restructured? It lies at the heart of many of our problems with coal. What does my right hon. Friend believe would have happened to the coal industry if we had continued with the policy of the previous Government?

Mrs. Beckett: Of course I recognise the importance of the mining industry to my hon. Friend's constituency and the wider concerns of her constituents. She is right about the rigged market. I certainly assure her that it is very much the Government's intention that the pool review will produce proposals that allow for radical restructuring. She will probably recall that we announced the pool review as long ago as October, if my memory is correct. It is our intention that it should proceed.

My hon. Friend asked what would have happened to the coal industry had the Conservative party remained in power. There is no doubt about it. The right hon. Member for Wokingham (Mr. Redwood) has made the point that the Conservatives would have taken a different attitude to some of these issues, but none of us has any doubt that, had the policy that the Conservatives left in place continued to operate, the coal industry in Britain would have simply disappeared. I doubt whether more than one or two Conservative Members would have cared tuppence.

Mrs. Margaret Ewing (Moray): In welcoming the right hon. Lady's statement and recognising that there has to be considered examination of the consultation document, may I ask what overall assessment has been made of the impact on employment? Reports are circulating in the Scottish press that the proposals could cause the loss of several hundred jobs in the gas industry in Scotland and beyond. Does the right hon. Lady believe that she has produced a sustainable policy that will reduce dependency on the nuclear industry?

Mrs. Beckett: I am grateful to the hon. Lady for her recognition. These are complex issues, and the impact on employment is not easy to assess. I am aware of some of the stories in the Scottish press. To be honest, we find it rather hard to understand the basis for them. It is not our expectation that those stories will prove to be soundly based. On the overall aspects of energy policy, it is the Government's intention to pursue diverse, secure and sustainable sources of electricity at competitive prices. Within that, there is a role for a variety of sources. That, we believe, could be one of the strengths of energy policy as a whole.

Mr. Kevin Barron (Rother Valley): May I tell my right hon. Friend how much I welcome her statement, which is the first bit of good news the deep-mined coal industry in this country has had for more than a decade? Does she agree that nobody on the Labour Benches argued that the coal industry ought to be subsidised? We said that it ought to have a fair chance—a level playing field in a market that had been rigged by the Conservatives when they were in office.

I am sure that many people in coal mining communities will thank my right hon. Friend and other members of the Government, who have been working for many months to give a bit of pride and honesty back to those communities. I am sure that they will deliver a sustainable deep-mined coal industry for many years to come, from which all the people of this country will benefit, not least electricity consumers, who will derive immediate benefit from the decisions that my right hon. Friend is taking.

Mrs. Beckett: I am grateful to my hon. Friend. The proposals in the review stem deliberately from our proposals for energy supply, but he is right to say that they will also have a beneficial effect in creating, for the first time in many years, a reasonable and fair market for coal. I am grateful for his recognition of that. As he reminded us, it is ironic that, because of their desperate efforts to rig the market against coal no matter what the cost, the Conservatives left us in a position where all customers—every family and every industrial consumer in this country—have been paying a higher price for electricity than they need to. That was the price of rigging the market against coal.

Mr. Eric Forth (Bromley and Chislehurst): What estimate has the Secretary of State made of the adverse environmental impact of her regime for coal-fired power stations? In giving that estimate, can she tell us how she proposes to meet the Kyoto targets, given the effect that coal-fired power stations will have; and in which areas other compensating reductions will take place?

Mrs. Beckett: The right hon. Gentleman cannot have been paying attention to recent statements by my right hon. Friend the Deputy Prime Minister. I assure him that

[Mrs. Beckett]

we have looked carefully at the issue and that we are clear that there is nothing in my statement that will prevent the Government from reaching the targets we have set ourselves—which are, of course, rather firmer targets than those set by the Conservatives.

Mr. Paddy Tipping (Sherwood): Will my right hon. Friend accept that her statement will be widely welcomed in coalfield communities, because it provides a framework that gives to coal fairness but no favours? Will not her announcements on the review of the pool and on tighter consent for gas stations give the opportunity for both coal producers and generators to come to new contract arrangements? Although that is a matter for them, is it not possible that a contract for, say, 25 million tonnes might be achievable? If that were achieved, there could be no question of any pit closures or job losses.

Mrs. Beckett: I know that my hon. Friend has campaigned long and hard on this issue, and that, with the Coalfield Communities Campaign, he has always argued for fairness rather than favours. He has recognised the impact of the proposals announced today.

My hon. Friend asked me whether there are specific tonnage implications in the statement, but he also said, correctly, that the contracts to be made between generators and coal producers are a matter for them, so he will understand why it is for them and not for us to come to that judgment. All I can say is that I am in no doubt at all that the proposals we have announced today and the way in which we are unrigging the market, which was biased against coal, give a real space for coal in this country, which has not been present for many years.

Mr. Nicholas Winterton (Macclesfield): Having represented a coal mining area in local government some years ago, I have long had a loyalty to the industry and those wonderful men who work in it. Having said that, and appreciating its long-term role in energy in this country—picking up the point made by the right hon. Member for Chesterfield (Mr. Benn), who said that there is 1,000 years of indigenous energy sourcing under our very earth—may I ask what specific measures the right hon. Lady has announced this afternoon to give the mining industry confidence that there will not be further coal mine closures and redundancies in an industry which I believe is of essential importance to this country? I was one of the few Conservative Members who voted against the decimation of the industry by the right hon. Member for Henley (Mr. Heseltine).

Mrs. Beckett: I am grateful to the hon. Gentleman for his comments about the coal industry and those who work in it. I hope that I will not harm his career by saying that I recognise his loyalty not only to that industry but to British manufacturing.

Mr. Winterton: It is too late.

Mrs. Beckett: That may be true.

The hon. Gentleman asked whether we believe that today's statement will create confidence in the mining industry. I believe that it will. I remind him that, as several of my hon. Friends have pointed out, the industry has not asked for subsidy. It has asked for a fair, unrigged marketplace within which it can compete. That is what we are delivering in the statement. That, and the understanding that we shall remove the bias against the industry—against which it has fought, although, as the hon. Gentleman will be aware, many Conservative Members denied that it existed—is doing more to create confidence than anything else that we could do.

Caroline Flint (Don Valley): I very much welcome the statement, and I am sure that the miners at Rossington pit in my constituency will also welcome it. We now have a Government who say that there is a future for coal.

Will my right hon. Friend's Department promote the image of the new coal mines in this country? During the past year, there has been a portrayal of an old industry with old skills, and new industries such as gas have been promoted against that. The pit in my constituency has some of the finest technology and engineering skills in the world which are not only used to produce coal in this country, but are marketable abroad where they create jobs for British people. I hope that her Department will ensure that that image of coal is conveyed, rather than the images of the past.

Mrs. Beckett: My hon. Friend is entirely right, and I welcome her words. As she says, coal is in many senses a new industry, as is mining support. There are technologies of the future for which there is a potential substantial market elsewhere in the world. We would have been unable to take advantage of that if we had followed the policies pursued by the Conservative party and allowed our own industry to disappear. I entirely accept my hon. Friend's point that the industry has a future in the United Kingdom and elsewhere, and I shall bear it in mind.

Mr. Michael Jack (Fylde): The President may be aware that, in my constituency, British Nuclear Fuels plc manufactures all the fuel for Britain's nuclear power stations and operates the Magnox stations that provide electricity at the lowest marginal cost. Her statement was silent on the effect of her proposals on the nuclear industry. Many of my constituents would like to know what estimate she has made or received about the impact of her proposals on the market for nuclear-generated electricity.

Mrs. Beckett: Our proposals are for competition in the market that is fair between nuclear and other fuels, so there was no need for further comment on that. We inherited a market that was rigged against coal. Steps to advantage the nuclear industry have already been taken. This is not the first action that the Government have taken on the energy market; we have taken a series of actions since we came to power, and my statement does not change the basic position of the nuclear industry.

Mr. John Grogan (Selby): Following the comments of my hon. Friend the Member for Don Valley (Caroline Flint), does my right hon. Friend agree that coal is now a modern, flexible, high-tech industry with a highly skilled and highly productive labour force? In many ways, it is a new Labour dream and is well able to compete on the level playing field to which my right hon. Friend referred.

Does she agree that there is not only an opportunity but a responsibility for RJB Mining and the electricity generators to make use of the breathing space that the Government have given them and to invest for the future, particularly in clean coal technology?

Mrs. Beckett: My hon. Friend is entirely correct, and I am grateful to him for his observations. He is right to say not only that the industry is modern, flexible, high-tech and able to compete, but that the market in this country has been given opportunities and a responsibility to seize them. In addition, given that coal will now have a level playing field in the UK, there are opportunities in overseas markets which, having a sound domestic basis, the industry will be in a better position to seize.

Mr. Tony Baldry (Banbury): The President has said several times this afternoon that energy prices are higher than they need be. Will she be so kind as to place in the Library the evidence supporting that assertion, and give it to the Select Committee on Trade and Industry? It is slightly surprising, in that all the electricity consumer organisations, the CBI, the Select Committee and others are concerned that Government interference in the energy market will put up prices, to the detriment of consumers.

Mrs. Beckett: I do not think that the hon. Gentleman has been following what has been going on. There is no dispute that energy prices are higher than they need be. The Director General of Electricity Supply and the major energy users agree with that. The hon. Gentleman will find some supporting material in the consultation document that I have already placed in the Library—but I can assure him that the assertion is not contested, even by those who have benefited from the fact that energy prices are indeed higher than they need be. They have just kept quiet, but they do not dispute the fact.

Some people may have assumed—perhaps even hoped—that the Government would interfere in a way that raised prices. I stress that the Government are interfering to unrig the market that the Conservatives left. That will lower prices, because the rigging was keeping prices up.

Mr. Bill O'Brien (Normanton): I thank my right hon. Friend for her statement. As a miner who worked underground for 30 years, I welcome transparent and open statements from Ministers. We have heard it accepted that there has been a serious distortion in the energy market in favour of gas; I welcome the fact that we now have a Government who are being honest.

I consider that the regulator and the Environment Agency have played a part in the distortion of the energy market. Will my right hon. Friend ensure that that cannot happen again, to show that fairness and honesty in the energy market are the Government's intentions for the future?

Mrs. Beckett: I am grateful to my hon. Friend, whose long experience in the industry I know of, for his observations and his welcome to the background of the Government's proposals. It is clearly not altogether understood—if it were, the hon. Member for Banbury (Mr. Baldry) would not have said what he did—that the review and the study done by the consultants have clearly exposed the fact that everything said by the coal industry and the coalfield communities down the years about how the market was unfairly and deliberately rigged against coal, resulting in higher prices for customers, was absolutely true.

The Director General of Electricity Supply has himself recognised that the way the market now operates has resulted in higher prices, and he is seized of the need to take action to redress that.

Mr. John Bercow (Buckingham): Does the President accept industry estimates that about £3 billion of investment in new gas-fired power stations is at risk from an extended moratorium? If she does not accept those estimates, will she tell the House what hers are, and on what they are based?

Mrs. Beckett: There have been a lot of estimates based on a lot of rather wild rumours about what policy the Government might pursue. The Government are now putting these proposals in the public domain for consultation. No doubt people will have the chance to respond, and we will have the chance to assess their responses. We are determined that the coal industry should get a fair place in the market, and that consumers and the coal industry should both be fairly treated. That does require a deferment policy on consents, if justified.

As I have made clear—it will certainly be pursued over the weeks ahead—we shall look carefully, case by case, at any of these issues, should they need to be raised.

Ms Joan Walley (Stoke-on-Trent, North): May I tell my right hon. Friend how much I welcome what she and her ministerial team have done in taking this important step toward a sustainable energy policy? However, there are major concerns from coalfields such as that in my constituency, where, because of what the previous Government did, it is already too late to safeguard coal mining. People are anxious that there should be no confusion between the concerns about a level playing field for deep-pit coal and those about opencast, and a licence should not be given to opencast. Will she meet anti-opencast campaigners, to ensure that concerns get fed into the review for the Department of the Environment, Transport and the Regions?

Mrs. Beckett: I thank my hon. Friend. I well recall the circumstances in her area and constituency—the implications for what were quite modern pits there, and the stance that she and her colleagues in the city took on the matter. I also thank her for her words about the ministerial team. One of the rewarding features of this whole consideration of policy has been the way in which Ministers within my departmental team and across Departments have worked so constructively and well together. I am deeply grateful to my hon. Friend the Paymaster General and to the Minister for the Regions, Regeneration and Planning, and others, for the way in which everyone has worked co-operatively together.

[Mrs. Beckett]

My hon. Friend asked me a question about opencast mining. As I have said, there will be a subsequent statement about opencast in the light of the outcome of the further review. I am always willing to hold meetings or discussions where an issue is directly relevant to my own portfolio and concerns. The issue that she raises may be a matter for my colleagues, but no doubt that will become apparent in due course.

Business of the House

4.31 pm

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): With permission, Madam Speaker, I wish to make a statement on the business for next week.

The business for next week will be as follows.

MONDAY 29 JUNE—Opposition Day (15th allotted day).

Until about 7 pm, there will be a debate which the Opposition have called "The Government's mishandling of the economy", followed by a debate which they are calling "The Government's broken pledges on class sizes". Both debates will arise on Opposition motions.

TUESDAY 30 JUNE—Progress on remaining stages of the Finance (No. 2) Bill.

WEDNESDAY 1 JULY—Until 2 pm, there will be debates on the motion for the Adjournment of the House.

Completion of remaining stages of the Finance (No. 2) Bill.

Consideration of Lords amendments to the Teaching and Higher Education Bill *[Lords]*.

THURSDAY 2 JULY—Conclusion of consideration in Committee of the Human Rights Bill *[Lords]*.

Remaining stages of the Data Protection Bill *[Lords]*.

FRIDAY 3 JULY—Private Members' Bills.

The provisional business for the following week will be as follows.

MONDAY 6 JULY—Estimates Day (1st allotted day).

There will be a debate on further education, followed by a debate on the Government's proposal for a freedom of information Act.

The question will be put on the relevant estimates at 10 pm.

TUESDAY 7 JULY—Opposition Day (16th allotted day).

There will be a debate on an Opposition motion. Subject to be announced.

WEDNESDAY 8 JULY—Until 2 pm, there will be debates on the motion for the Adjournment of the House.

Remaining stages of the Competition Bill *[Lords]*.

THURSDAY 9 JULY—Debate on the national health service, on a motion for the Adjournment of the House.

FRIDAY 10 JULY—The House will not be sitting.

The House may also be asked to consider any Lords messages which may be received.

The House will also wish to know that on Wednesday 8 July there will be a debate on the 1999 preliminary draft budget in European Standing Committee B.

[*Wednesday 8 July: European Standing Committee B—Relevant European Community document: SEC(98)800, 1999 Preliminary Draft Budget. Relevant European Legislation Committee report: HC 155-xxx (1997–98).*]

Sir George Young (North-West Hampshire): I am grateful to the right hon. Lady for giving the House next week's business and for indicating the business for the week thereafter.

The right hon. Lady has not found time for a debate on the first special report of the Foreign Affairs Select Committee, and I make no apologies for returning to this subject in light of the publication this morning of its second special report. The right hon. Lady will know that today's special report criticises the Executive for imposing restrictions on the release of information properly sought by a Select Committee. That can frustrate the work of the House in its primary role of holding the Executive to account.

Yet again, the Select Committee seeks the views of the House at an early date. I hope that the right hon. Lady will end her boycott of those requests and listen to what the Chairman of the Select Committee, the highly respected hon. Member for Swansea, East (Mr. Anderson), said when he called for a debate to be held as soon as possible, and warned that the issue was reaching a "high noon" between Ministers and Members of Parliament. The hon. Member for Thurrock (Mr. Mackinlay) said at this morning's press conference that not only should there be a debate in Government time but there should be a free vote on the matter. Will the right hon. Lady respond to the all-party requests for a debate, which goes to the heart of our role as Members of Parliament?

The need for that debate on holding the Executive to account has been made more urgent by the use by one of the right hon. Lady's supporters on the Select Committee of a device, which has not been used for 60 years, that can guillotine any line of questioning by any witness or any member of the Select Committee on any subject. That is simply unacceptable. I hope that the right hon. Lady will support the representations being made by my right hon. Friend the Member for Tonbridge and Malling (Sir J. Stanley) to the Chairman of the Procedure Committee seeking to end the device.

Also on foreign affairs, the right hon. Lady may have seen that, in another place on 19 June, the Parliamentary Under-Secretary of State, Foreign and Commonwealth Affairs, Baroness Symons, reaffirmed the commitment to debate NATO enlargement, which was first given nearly a year ago. When might we have that long-overdue debate?

The right hon. Lady has not announced time in the next two weeks for a debate on a Bill to ratify the Ottawa treaty on land mines. We have given a commitment to assist that legislation, contrary to the assertion yesterday by the Secretary of State for Defence. Legislation could have been introduced earlier in the Session, so is it not a sign of panic that the Government have introduced it so late in the session? The right hon. Lady has said that she will not invite the House to sit on a Saturday in order to consider normal business. As the ratification of an international treaty such as this constitutes normal business, I suggest that we consider it instead on a non-sitting Friday.

Finally, the right hon. Lady would not expect me to sit down without asking her, in the interests of all those who work in the building, about her latest plans for the summer recess.

Mrs. Taylor: I shall go through the right hon. Gentleman's points in order. He asked me about the first special report of the Foreign Affairs Select Committee. He will know that, following the publication of that report, further discussions between the Committee Chairman and my right hon. Friend the Foreign Secretary led to some progress on the matter, which is acknowledged in today's report.

I know that the Foreign Affairs Select Committee has issued a report today, but I have not yet been able to go through it with the Foreign Secretary. However, I am aware that it contains some praise for the Foreign Secretary's actions. We shall examine that report carefully, but I remind the House that the Legg inquiry is well under way, and we do not want to do anything that might prejudice its outcome.

My right hon. Friend the Foreign Secretary has announced his commitment to publishing that report and to making more information available at that stage if necessary. In those circumstances, I am not sure that it is unreasonable to ask the Committee to contain its impatience a little longer. I assure the right hon. Gentleman that there has been no change in the ground rules regarding information to Select Committees. On that basis, I am slightly surprised that he should ask me to comment on the actions of a member of a Select Committee, because if I did so, he would accuse me of interfering in the activities of that Committee.

I would still like to find time for a debate on NATO enlargement before the summer recess, and I have not ruled that out absolutely. However, it is difficult to have such debates when we are providing time for other matters.

Indeed, the right hon. Gentleman asked me to do that again when he mentioned the land mines issue. As he knows, although the commitment predates his position as shadow Leader of the House, we have been saying all along that we would like to find time to ratify the Ottawa convention as soon as possible. It has been difficult to find time, not least because of the important progress which has been made on Northern Ireland, which I think we all welcome.

The Bill on land mines has not yet been introduced. It is being drafted, and I expect that it will be ready for introduction in the near future. We have heard very recently that the Leader of the Opposition has said that his party would be willing to help with the progress of that legislation. We are asking all parties if they are willing to do that, and we shall be seeking assurances on exactly what that means in terms of the progress of legislation in the House and in another place.

The question of the summer recess depends on the progress of business. All the requests that we receive for extra debates make the start date of the recess more likely to be later than earlier.

Mr. Jim Marshall (Leicester, South): May I for once unequivocally congratulate my right hon. Friend and other members of the Modernisation Committee on its recently published excellent report on the scrutiny of European legislation? If the Committee's recommendations are fully implemented, the ability of the House to scrutinise legislation coming from Brussels will be greatly enhanced. However, we need speedy implementation. When does my right hon. Friend propose to have a debate on these matters that will enable the House to vote on the recommendations?

Mrs. Taylor: I am grateful for my hon. Friend's comments. I think that I can say on behalf of the Modernisation Committee that I am grateful for the work that has been done by the European Legislation Committee. We are glad that it has been so supportive of our recommendations.

[Mrs. Taylor]

I should like to find time for an early debate on the report and on the changes that are proposed. I know that some of the changes can be introduced without any alterations to Standing Orders. I know also that there has been at least one pre-Council meeting of my hon. Friend's Committee, where the Minister involved talked through the issues that would be coming up. I understand that that was very successful. I hope that we can continue to make progress, and that it will not be too long before we can make progress on other matters. We shall be discussing them further through the usual channels.

Mr. Paul Tyler (North Cornwall): Does the Leader of the House recall that, on behalf of my party, I offered our fullest co-operation to achieve ratification of the Ottawa convention some weeks ago, so that it could be achieved before the anniversary of the Princess of Wales's death? The right hon. Lady may recall that I suggested that, if necessary, we should meet on a Saturday. I believe that the matter is uncontroversial, and I hope that the right hon. Lady will find time for it. Can she confirm the briefing, following the Cabinet meeting this morning, that that is what the Cabinet has in mind?

Turning to the vexed question of the way in which the Select Committee on Foreign Affairs has been treated, may I invite the right hon. Lady to take off her hat as a member of the Government and put on her hat as Leader of the House? May I remind her that both the Committee's first report and the second report, which has been published today, seek not the views of the Government but those of the House? It is the House that is being asked to express a view. By preventing the House from having a view, I believe that the right hon. Lady is not doing her duty to the House as Leader.

I remind the right hon. Lady that there is a Government majority on the Select Committee on Foreign Affairs, and that we are not talking of a partisan matter. The majority of the Committee believes that it is an extremely important issue. I invite the right hon. Lady to comment on the relationship between the Select Committee and the House. Complaints have already been made to the Procedure Committee about the way in which the Government are treating the views of Select Committees.

Finally, I remind the right hon. Lady that, in the business that she has announced for Monday 6 July, there is an opportunity for a debate on the Select Committee's report. I ask her to ensure that that debate takes place.

Mrs. Taylor: I know that the Select Committee has asked for the views of the House. I know also that there are guidelines, which have been laid out for some time, about the obligations on Government to provide information to Select Committees. As far as I can see from the examination that I have carried out so far—as I have said, I have not read in detail the report that came out today—there has been no departure from the guidelines. I would have to be convinced that there was some need to debate the issue further. There is a code of practice, and I believe that it has been followed.

I can confirm that the hon. Gentleman has raised the issue of land mines with me at business questions in the past, as have a number of my hon. Friends.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): My right hon. Friend has been in the House long enough to know that all Governments manage to give themselves legislative indigestion from time to time. It will not come as a surprise to her that there is a lot to be done. Will my right hon. Friend accept that the easiest way out is not to keep suggesting that there is some magic way round the difficulty, but simply to abandon non-sitting Fridays and do what previous Governments have done, which is to take Government business on those days?

Mrs. Taylor: I think that non-sitting Fridays are much appreciated by Members who want to plan constituency engagements. I said that I had no plans to take the normal business of the House—the programme that we outlined in the Queen's Speech—on days other than those when we would normally be sitting. I think it is appropriate to consider the possibility of sitting on days other than those that are already scheduled for matters that have come up recently, such as the land mines issue.

No decisions on that have been made. My right hon. Friend the Prime Minister has written to the Leader of the Opposition, and other parties are being consulted. We shall make decisions through the usual channels so that we can make best use of what time may be available for new issues that have arisen.

Sir John Stanley (Tonbridge and Malling): Does the Leader of the House agree that the resurrection this week of the antique objections procedure, last used in the House in the 1937-38 Session, is incompatible with the proper functioning of modern Select Committees? Does the right hon. Lady further agree that this is a matter that she, as both Leader of the House and Chairman of the Modernisation Committee, should be supporting for reference immediately to the Procedure Committee? I shall be copying to her this afternoon my formal reference, which I trust she will support.

Mrs. Taylor: I shall look at the right hon. Gentleman's letter when I receive it.

Mr. Ernie Ross (Dundee, West): As the person who invoked this procedure, Madam Speaker, I hope you will allow me just for the record to say that I was asked at the press conference—

Hon. Members: What is this?

Madam Speaker: Just a moment. I cannot hear the hon. Member for Dundee, West (Mr. Ross). Is the hon. Gentleman putting a question to the Leader of the House?

Mr. Ross: I am indeed.

I was saying that in the Select Committee on Foreign Affairs there are major disagreements. Those major disagreements involve the obsessional look of some members of the Committee. As on all Select Committees, when there are differences, those who are in disagreement have to use the methods that are open to them. The method I used was not intended by me to stop discussion in Committee.

Madam Speaker: Order. The hon. Gentleman is making a statement, and this is not the time for statements. If he is putting a question to the Leader of the House about next week's business, I ask him to do so precisely.

Mr. Ross: My point to the my right hon. Friend the Leader of the House is that she should encourage the

Select Committee to take up the offers made by my right hon. Friend the Foreign Secretary to carry out an investigation when all the information is available.

Mrs. Taylor: I will certainly bear in mind the point that my hon. Friend has raised when I receive the letter from the right hon. Member for Tonbridge and Malling (Sir J. Stanley). I know that it is true to say that both reports are split reports, and that there have been differences of opinion in the Committee. I think that it would be wrong for me to go into too much detail in terms of how any Select Committee works in practice. Obviously, if the Modernisation Committee were to turn its mind to these matters, they could all be examined.

Mr. David Davis (Haltemprice and Howden): Will the Leader of the House reconsider her answers to my right hon. Friend the Member for North-West Hampshire (Sir G. Young) and to the spokesman for the Liberal party, the hon. Member for North Cornwall (Mr. Tyler)? The actions taken on the Select Committee on Foreign Affairs, particularly the use of an internal inquiry to fend off information being sought by the Committee, have implications for all Select Committees, and as a result undermine the ability of the House to hold the Executive to account.

Mrs. Taylor: I must correct the right hon. Gentleman. The inquiry is independent, and the Government have not said that information cannot be available—it is a question of timing.

Mr. John Cryer (Hornchurch): It is about time that we had a debate on the coal industry in Government time, in the light of today's statement.

May I request a debate on the relationship between the European Union and third-world countries? The EU is trying to foist on third-world nations trade treaties which are deeply exploitative and detrimental to their economies. It is also trying to force third-world nations into groups in which there will be big free market areas that could be exploited. It is about time that that sort of practice was exposed. If we do not have time for a debate in July, we should run into August, and perhaps stop the grouse shooting.

Mrs. Taylor: I cannot possibly comment on the summer recess any further than I have done. I agree that a debate on the coal industry is a good idea, but my hon. Friend knows that there is a shortage of time. He also knows that the Government have been active in seeking to protect third-world countries, and my right hon. Friends the Foreign Secretary, the Secretary of State for International Development and the Minister of Agriculture have been working hard to co-ordinate the Government's approach on these matters—with some success, I hope. I cannot offer a debate in the near future, but International Development questions are on Wednesday.

Mr. Charles Kennedy (Ross, Skye and Inverness, West): May I direct the attention of the Leader of the House to the report of the Public Accounts Committee, which was published last weekend, on what can only be described as the disgraceful fiasco surrounding the private finance initiative forerunner—the Skye bridge toll contract.? The report says some damning things about previous Ministers and people who continue to be civil servants.

There will obviously be a response from the Scottish Office in due course and an opportunity for a debate, but may I none the less draw the attention of the Leader of the House to the fact that I prayed against the toll order—the Invergarry-Kyle of Lochalsh Trunk Road (A87) Extension (Skye Bridge Crossing) Toll Order (Variation) Order 1997? To be fair, the Government introduced it in good faith, although it has not yet been possible to secure a debate on the Floor of the House or in Committee on the issue.

Given the damning nature of the PAC report, does the Leader of the House agree that we should debate the order with alacrity, so that Ministers can rehearse the background to what is an extremely sorry situation for my constituents?

Mrs. Taylor: I understand the hon. Gentleman's concerns, and I realise that he understands the problems that the Government have—that was the situation we inherited. As he acknowledges, the Government will study the PAC report carefully and put out a formal response. The lessons from the Skye bridge have already informed our best practice guidance for subsequent public-private partnerships, but there is certainly no room for complacency. I shall consider the specific matter of the order, without any promise of a debate, and I shall be back in touch with the hon. Gentleman.

Mr. Clive Efford (Eltham): May I congratulate my right hon. Friend on the timing of the debate on the national health service, especially as this year is its 50th anniversary? Furthermore, the debate will take place a day before an important 40th anniversary—my birthday—and the Department of Health is to produce a document stating that life begins at 40. We should celebrate the 50th anniversary of the NHS on the Floor of the House, because it is one of the important issues that underline the difference between Labour Members and Conservative Members. I congratulate my right hon. Friend on allowing time for the NHS to be debated on the Floor of the House.

Mrs. Taylor: I am glad that my hon. Friend has welcomed this debate. It is important that we recognise the 50th anniversary of the NHS, and, as he points out, there is a great difference in approach between the parties. We should never forget that the creation of the NHS was opposed by the Conservative party, which is why my right hon. Friend the Secretary of State for Health is looking forward to the debate, and to getting a few facts on the record.

Mr. John Butterfill (Bournemouth, West): Will the right hon. Lady reconsider the urgency of the matter of the Select Committee on Foreign Affairs and the procedure used by the hon. Member for Dundee, West (Mr. Ross)? Regardless of the merits of the subject that was being inquired into, it has raised profound areas of importance for the operation of Select Committees—indeed, all Committees in this House. Surely it cannot be appropriate for a procedure that is more than 60 years old to be used in respect of Select Committees which were set up fewer than 20 years ago.

[Mr. John Butterfill]

As the right hon. Lady is hiding behind Sir Thomas Legg's inquiry, will she ask the Prime Minister to reply to my written question, which I tabled more than six weeks ago, asking whether he would extend the scope and terms of reference of the inquiry to include intelligence reports sent to No. 10 Downing street and copies of telegrams sent from Sierra Leone to the Foreign Office, which were copied to 10 Downing street? [HON. MEMBERS: "Line to take."] The Prime Minister has not confirmed that that will fall within the terms of reference of the inquiry.

Mrs. Taylor: I have nothing to add on the hon. Gentleman's first, specific point. In terms of his written question, it was made clear from the beginning that it would be perfectly possible for there to be an extension of the terms of reference, if the Legg inquiry wanted that to happen.

Conservative Members made a sedentary intervention about whether the line to take was being put on my pager; I can tell the House that Holland and Mexico are through, and that Belgium is out of the world cup.

Mr. Andrew Mackinlay (Thurrock): The Leader of the House said that she would be having discussions with the Foreign Secretary about this morning's report. Will she urge the Foreign Secretary to make available forthwith the information sought by the Select Committee? We are meeting next Tuesday at 9.30 am, and it would be in the mutual interests of the House and the Government if such documents were made available.

Will my right hon. Friend reflect on the fact that there is a void in our procedures? There should be a fast-track way for Select Committees, when faced with an impasse, to be able to report such matters to the House. I remind her that, because Legg is independent, we have no way of knowing when he will be able to report. The summer recess is coming up, and it would be wholly unsatisfactory for the matter to be put off until the autumn.

Mrs. Taylor: Again, I have nothing further to add, except that my understanding of the timing of the Legg committee is that we are hoping that the report will be available next month.

Mr. Nicholas Winterton (Macclesfield): Is the Leader of the House aware that, as Chairman of the Procedure Committee, I was gravely concerned to learn what transpired at the Select Committee on Foreign Affairs on Tuesday 23 June? Does she agree that the archaic procedure which was used could negate and frustrate all the work of the Select Committees of the House of Commons? Select Committees are not independent of the House; they represent the House, and their valuable work could be frustrated on many occasions if an individual member of a Committee chose to use that procedure.

I shall ensure that my Committee gives the matter consideration at the earliest possible date, but does not the Leader of the House believe that it is of such importance that it might be the subject of a special debate on the Floor of the House—before the Procedure Committee considers it?

Mrs. Taylor: If the Procedure Committee chooses to look at the matter, I shall consider its report with great interest. I note what the hon. Gentleman says about procedures being somewhat ancient, but he is usually the first to defend our traditional procedures.

Mr. Michael Clapham (Barnsley, West and Penistone): Despite the tight timetable, will my right hon. Friend consider squeezing in a debate on occupational health and safety, so that we might discuss the implications of the health and safety report published today by Her Majesty's inspectorate of mines? The report shows that accidents in mines have been under-reported to a substantial degree—52 per cent. If that is the case in the mining industry, which is extremely tightly regulated, it could be much worse in other industries.

Mrs. Taylor: My hon. Friend raises an important issue. We should all be concerned about occupational health and safety. I was not aware that there has been under-reporting of 52 per cent. That is very alarming. Given that my hon. Friend represents a mining constituency, I understand why he is extremely concerned by that, as we all should be. I cannot promise a debate in the near future, but perhaps my hon. Friend and colleagues with a particular interest in the matter could apply for an Adjournment debate, which would be one way of taking the matter further.

Sir Patrick Cormack (South Staffordshire): First, may I make it quite plain that the Opposition's support for the Ottawa agreement has never been in doubt? My right hon. Friend the shadow Foreign Secretary made that clear to the Minister of State many months ago.

May I return the right hon. Lady to the subject of the Select Committee on Foreign Affairs? Will she, in her capacity as Leader of this House, take on board the point made by the hon. Member for North Cornwall (Mr. Tyler)? It is crucial that Select Committee reports are debated. There is no more important Select Committee, nor a more respected Chairman than the Chairman of the Foreign Affairs Select Committee. He has asked the House to give its views. It is the right hon. Lady's duty to find time for a debate, even if we sacrifice a second non-sitting Friday, to ascertain the views of the House. Will she make sure that that is done?

The rather arcane procedure was perfectly legitimately used, but it nevertheless raises many important questions, given that departmental Select Committees were not established until 1979 and that procedure was last used in 1937. Will right hon. Lady, at the very least, give an unequivocal assurance, in her capacity as both Leader of the House and Chairman of the Modernisation Committee, that she will have immediate discussions with my hon. Friend the Member for Macclesfield (Mr. Winterton) to decide how the matter can best be resolved at the earliest possible opportunity?

Mrs. Taylor: On the hon. Gentleman's first point, on the Ottawa convention, we look forward to receiving more details about what the Opposition's offer of co-operation means. Obviously it must apply to both Houses, and must not prejudice the hard work on legislation in which Members of this House have been involved over the past year. That is why I said that we needed greater clarification, and why the Prime Minister has written to the Leader of the Opposition.

I have nothing further to say on the other matter that the hon. Gentleman raised. The hon. Member for Macclesfield (Mr. Winterton) made it plain that the

Procedure Committee intended to look at one aspect of the issue. Obviously I look at every Select Committee report, and I always consider what I should be doing. However, when it comes to debates on Select Committee reports, it would normally be for the Liaison Committee to decide. Governments respond to Select Committees. The Select Committee is entitled to make any recommendation it wishes, but, as Leader of the House, I must make a judgment about what business should be conducted on the Floor of the House.

Several hon. Members *rose—*

Madam Speaker: Order. I am going to move on now, because I have the minority party interest to consider in this House.

Points of Order

5.3 pm

Dr. Liam Fox (Woodspring): On a point of order, Madam Speaker. As you are more than aware, there has been much comment in the House on the Government's policy of financially discriminating against students from England, Wales and Northern Ireland when they seek to attend universities in Scotland. You are also aware, from what the Leader of the House has said, that the issue will shortly come back before this House.

In the House on 23 June, in column 821 of *Hansard*, the Scottish Minister responsible said that the number of applicants to Scottish universities from the rest of the UK was down to 33,081. The following day, the Prime Minister said:

"the number of English students applying to Scottish universities is up, not down. It is actually 33,000."—[*Official Report*, 24 June 1998; Vol. 314, c. 1047.]

Even in this Government, "down" cannot mean "up". This matter is very important, and I wonder whether you have had any requests for a statement from the Scottish Office or No.10 to clarify it. If not, is it not reasonable for the House to expect clarification before we attend to this important matter next week?

Madam Speaker: As the hon. Gentleman is aware, I am not responsible for policy matters or for comments made by various Ministers. If he believes that there is a discrepancy, he can pursue the matter by raising it with the Ministers concerned, but he should raise no further points of order. I am not responsible for Ministers' comments. I am sure that the hon. Gentleman will find a way to raise the matter with the two Ministers concerned or via the Order Paper.

Mr. Damian Green (Ashford): On a point of order, Madam Speaker. I seek guidance on a related issue. I have received a written answer from the Under-Secretary of State for Education and Employment, the hon. Member for Pontypridd (Dr. Howells), which says that the Government do not collect the statistics on which the statements by the Prime Minister and the Scottish Office Minister were based. Thus, other parts of the Government say that they do not collect the figures that allow them to decide whether the figure is up or down. Which should I take as a more authoritative statement: a written answer from a Minister in the relevant Department; or an oral answer from the Prime Minister to the House?

Madam Speaker: Why does not the hon. Gentleman have an Adjournment debate and get the Minister at the Dispatch Box to sort it out?

Opposition Day

[14TH ALLOTTED DAY]

Private Members' Bills (3 July)

Madam Speaker: I have selected the amendment in the name of the Prime Minister.

5.5 pm

Mr. Paul Tyler (North Cornwall): I beg to move,

That this House supports the Energy Efficiency Bill and the Private Hire Vehicles (London) Bill, as amended and properly scrutinised in Standing Committee; trusts that they can now complete all remaining stages on Friday 3rd July; and urges the Select Committee on Modernisation of the House of Commons to re-examine the procedure for Private Members' Bills.

This is an opportunity briefly to look at how we handle private Members' legislation. The Leader of the House will agree that there is a widespread view in the House that we need to think about the issue carefully. I hope that, in what will be a comparatively brief debate, we can do just that. Naturally, I look forward to taking the discussions further in the Modernisation Committee. As the Leader of the House will know, I have said in the past that this issue would be high on our priority list, and representations have been made to her from other quarters that that should be the case.

I make no apology for spotlighting two particular Bills that have received considerable cross-party support in the House. One has only to look at the early-day motions signed by Members of all parties in support of those Bills, and at the letters received by organisations supporting the Bills, not least from the Prime Minister in the case of the Private Hire Vehicles (London) Bill, sponsored by the right hon. Member for North-West Hampshire (Sir G. Young).

Both Bills are extremely important, and because they have received such considerable support, we make no apology for drawing special attention to them this afternoon. Some may ask, "Why not look at other Bills in that context?" We would answer that, having looked carefully at the Bills at the top of the list, no two others have all the criteria that we consider important.

First, those Bills are totally uncontroversial, as far as we can detect. Secondly, they have received all-party support, including ministerial support. I would be the first to acknowledge the assistance that has been given in both cases by the Government Departments concerned.

Thirdly, and extremely importantly, the Bills have been fully considered in Committee. However, the big change that has taken place—I pay tribute to the Government in a spirit of amicable co-operation, which is my hallmark—is that the Government responded to the motion when we first tabled it by immediately moving to get the Private Hire Vehicles (London) Bill into Committee.

Moreover, with unprecedented speed—unique in my experience—they tabled a sittings motion to ensure that rapid progress was made in Committee on Tuesday this week, with the result that the Bill has completed its Committee stage. That is a direct result of our initiative, and I am delighted by it. It is extremely valuable. It immediately disposes of the view that had been expressed in one or two isolated quarters in the House that such Bills, particularly that Bill, had not received proper scrutiny in Committee. It has.

In addition, we set two further criteria. There is strong public support outside the House for progress on those two Bills, because it is recognised that they would have real benefits. There is an urgent need to make progress on the Energy Efficiency Bill promoted by my hon. Friend the Member for Torridge and West Devon (Mr. Burnett) and the Private Hire Vehicles (London) Bill. It is obvious that we shall not be able to complete the process for all private Member's Bills, but we believe that those two Bills deserve the special attention that we have given them, because they meet all those criteria.

In the past, the Government have argued that, if we were to improve or accelerate the process for private Member's Bills, it would set a precedent. I understand that argument: it is often used in the House. I suggest that on this occasion that fear is misguided and misconceived. Everyone agrees—the Government make reference to this in their amendment—that the Modernisation Committee should examine this issue. We cannot have a temporary precedent: that is absurd. Clearly, as soon as the Modernisation Committee was able to turn its attention to this matter, such a precedent would swiftly go. I emphasise the point that hon. Members on both sides of the House and on both sides of the Committee want to make progress on this front.

It has been suggested that this debate is a waste of time because these Bills will get stuck in the other place. If that is so, what was the point of taking the Private Hire Vehicles (London) Bill in Committee on Tuesday? That was a charade, a farce: the Government were just playing to the gallery. Either it is possible for those Bills to complete their passage through Parliament in the current Session or that was a waste of time.

Moreover, what is the point of having a discussion on Friday 3 July if these Bills are doomed to failure because of some absurd Machiavellian plot in the other place. I believe that the process can and should be speeded up, and that that argument is not valid. There is a real chance of progress in the other place. I am assured by people who have a greater knowledge of these matters than I that there are no fundamental objections either to these two Bills or to most of the other private Member's Bills at the top of the list for Friday 3 July.

Our revised motion does not seek to push the House into taking a view that it may find difficult. It does not impose some new mandatory timetable on the consideration of Bills on 3 July. I was surprised by the Government's reaction to our initial rather more forthright motion. It was as if the Government thought that they were the arbiters of how the House should handle its business. The House decides how it should handle its business. The so-called business managers have an extremely important function to play, as do the usual channels, of which I am but a minor part. The House must decide how it wants to make progress on legislation and on other matters. There was a hidden hint of amour propre and false pride in the Government's apparent reaction to the idea that anyone else should come up with suggestions about accelerating important business.

I hope that during this short debate my hon. Friend the Member for Torridge and West Devon will catch your eye, Mr. Deputy Speaker, to speak briefly about the merits of the Bill of which he is the promoter, so I do not propose to enter into that discussion. I hope that my hon. Friend the Member for Taunton (Jackie Ballard) will have an opportunity to wind up the debate.

All hon. Members—of any party and of no party—have a responsibility to reflect public concern about the way in which we handle our business, including private Member's Bills. There is considerable anxiety among the public, the press and viable and effective organisations. They have a perfect right to express their views on how we handle our business.

Those concerned with the business of Parliament at present feel that the process by which we consider extremely important proposals is inadequate, and that it is our business to improve it. We all need to reflect that anxiety and concern. I hope that the right hon. Member for Dewsbury (Mrs. Taylor), who is here in her capacity, not only as Leader of the House, but as Chairman of the Modernisation Committee, will also reflect those concerns in her response to the debate.

5.14 pm

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): I welcome this relatively short debate. In view of the changed motion tabled by the Liberal Democrats, I shall not move the amendment that we had thought necessary. We have no difficulty reaffirming our support for the Energy Efficiency Bill and the Private Hire Vehicles (London) Bill, as amended. We think that the whole House should be able to agree with the terms of the motion. Unfortunately, one or two hon. Members may still intend to object to those Bills on 3 July, but it is important that they should be aware of the strength of feeling in the rest of the House.

The Government are happy to be associated with the Energy Efficiency Bill and the Private Hire Vehicles (London) Bill, not least because we have given the hon. Members involved assistance with drafting, and we are anxious that those Bills should make progress. I see no reason why they cannot make progress if people examine the issues in the cold light of day rather than seek to make themselves noticed through some maverick activity.

I was somewhat concerned, as were some of my hon. Friends, that the hon. Member for North Cornwall (Mr. Tyler) has chosen to highlight two specific Bills, and has not mentioned any of the other significant measures on the agenda for 3 July. For reasons that will be obvious to the hon. Gentleman, I must mention the Breeding and Sale of Dogs Bill, which he might well have included in the motion. I am keen to see that Bill on the statute book. I receive many welcome letters about it, regardless of any indirect lobbying from other quarters on that issue. Other important Bills will be coming up on 3 July. If hon. Members co-operated, there would be time for several of them to complete their passage through the House on that day. I hope that several Bills will proceed to the House of Lords.

It is difficult to achieve a correct balance of rights on a range of issues. The vast majority of hon. Members are supportive and want private Member's Bills to go through, but one or two hon. Members are able to prevent that and to frustrate the will of the majority. We often have to balance rights. Past attempts to change the procedures for private Member's Bills have often been driven by one particular Bill and one particular interest. If we are to consider changing the procedures for private Member's Bills, we should not take as our starting point what has happened to one particular Bill. Far too often, people's views about changing procedures are prejudiced according to whether they support the Bill in question.

When we get round to discussing procedures for private Member's Bills, we must all remember that the rules for the Bill that we support must be the same as the rules for the Bill that we oppose. We cannot have different rules: we cannot cherry-pick or deal with certain Bills in certain ways. We must establish rules that apply in all circumstances.

The motion mentions the Modernisation Committee, and I am happy—both as Leader of the House and as Chairman of the Committee—to acknowledge that the Committee should look at private Members' legislation in the future. We are involved in other inquiries at the moment, and it will not be possible for us to make progress this side of the summer recess.

The Committee made clear on previous occasions—not least in our first report on the legislative process—that we would want to return to the issue of private Members' legislation at some point. It is appropriate that we should revisit the issue through that Committee, and I hope that we can consult other hon. Members. However, we must have consistent rules for all private Members' Bills; otherwise, we will create more difficulties than we solve.

I hope that we can make progress on many of the Bills on 3 July. The hon. Member for North Cornwall said that some may get stuck in the House of Lords. It is virtually impossible to predict what will happen to any of the Bills, but a good number—which have a high level of support in the House—have merit and would make the law better in a range of different aspects. Private Members' Bills have an important role, but hon. Members can be over-ambitious in what they seek to achieve through them. It is always possible for the Government to help in drafting or providing advice on these matters.

I wish the right hon. Member for North-West Hampshire (Sir G. Young) well with his Bill on 3 July, and we will have to see what happens. It is too late to change the rules before then. It would be unwise to change any rules hastily—and, in particular, because of our personal views of any Bill. I hope that the two Bills highlighted by the Liberal Democrats make progress, as I do about a good number of other Bills—such as the Road Traffic Reduction (National Targets) Bill, the Breeding and Sale of Dogs Bill, the Local Authority Tenders Bill and the Local Government (Experimental Arrangements) Bill.

I am sure that the hon. Member for North Cornwall, when tabling the motion, used the two Bills as examples, not as an exhaustive list of the Bills he wanted to make progress on 3 July. We will have to see what happens then. We must come back to the issue of private Members' legislation, and it is appropriate that the debate should take place within the Modernisation Committee. After that, the House will have some time to consider any alterations we might wish to make.

5.22 pm

Sir Patrick Cormack (South Staffordshire): In this wonderful spirit of cross-party accord, I begin by congratulating the hon. Member for North Cornwall (Mr. Tyler) and the Leader of the House on the admirable lucidity and brevity of their speeches, which I shall try to emulate.

The hon. Member for North Cornwall has done the House a service in moving the motion—although I was somewhat wryly amused, on looking at my Order Paper

[Sir Patrick Cormack]

today, to see that the motion that appeared upon it was decidedly different from that which had appeared earlier in the week. I can understand why the Leader of the House said that she had no difficulty in accepting the motion and that she would not be pushing her amendment. I certainly have no intention of seeking to divide the House, and I am equally happy to accept the terms of the motion.

It is important that the Modernisation Committee looks at the matters. It would be quite absurd if the Committee, having decided to look at Government legislation, did not turn its attention to private Members' legislation. I sincerely hope that the Committee will do so at a reasonably early date and will come forward with a unanimous report—as it did last year on Government legislation—which commends itself to the House.

I endorse what the Leader of the House said. We cannot have cherry-picking, and we need rules that apply to all Bills. We must remember the rights of minorities also. I wish my right hon. Friend the Member for North-West Hampshire (Sir G. Young) well with his Bill. I very much hope to see it on the statute book because it would be to the advantage of many people. I wish success also to some of the other Bills mentioned by the Leader of the House.

There is no reason why those Bills should not go through on 3 July, as the right hon. Lady said. All it requires is an economy of words on the part of those who speak and a generosity of spirit on the part of those who attend. If both those qualities are in evidence, the Bills should see their way on to the statute book without greater delay.

Whenever we debate this subject, I should declare an interest. In the 27 years that I sat on the Back Benches, I promoted something like 15 private Members' Bills. I have suffered, as others have done, from having "Object" shouted when I had a measure of enormous importance for the welfare of the nation. A couple of years ago, I co-operated to allow the Civil Rights (Disabled Persons) Bill to have an airing. I then had one of my Front-Bench colleagues shout, 'Object,' to a Bill that the then Government were most anxious to see on the statute book. In the end, it got there, but other Bills of mine have been delayed.

If only the House, and the Government of the day, had accepted the Bill on criminal records that I proposed on the one occasion when I drew a place in the ballot, 10 years ago, we would have had a paedophiles register for a long time. We all suffer the rough with the smooth, and sometimes the rough with the rough. Sometimes in this place, as one door closes, another shuts in your face. I have found that on a number of occasions.

It is important that we have brief speeches today—again, that could be a trend-setter. I entirely endorse the remarks of the Leader of the House, and I accept the remarks of the hon. Member for North Cornwall in the spirit in which they were made. It is important that the Modernisation Committee should look at those procedures. It must do so in the round and come forward with proposals which commend themselves to the whole House. The proposals should be so framed as to make the maximum use of time for private Members' Bills.

The Government should consider a self-denying ordinance, and restrict the number of Bills that they bring forward so that private Members have a little more time at their disposal. I see from the frown by the Leader of the House that that might not entirely appeal to her. It is important that proposals are well thought out and that they protect the rights of majorities and minorities. Above all, we must give those truly non-controversial measures—of which the Bill proposed by my right hon. Friend the Member for North-West Hampshire is a shining example—a better chance to get on the statute book. With those words, I am delighted to add my commendation of the motion.

5.28 pm

Mr. John Burnett (Torridge and West Devon): I understand that one of the keys of this debate is brevity, and I shall gallop through the advantages and provisions of my Bill as swiftly as I can.

The Energy Efficiency Bill proposes that every purchaser, or mortgagor, is told how energy-efficient their property is when they have a survey. The Bill proposes that a rating be made of the property, which is that measure. When one buys a car, one knows how many miles per gallon one can get out of it. The Bill proposes that when one buys a house, one knows how energy-efficient it is. The Bill would inform purchasers or mortgagors of what steps they could take to make their property more energy-efficient. The Bill proposes that the approximate cost of taking those steps, and the approximate pay-back time, be provided.

The Bill has had a lengthy airing in the House—one morning for its Second Reading debate and an hour or two in Committee—and has widespread support. Some 266 hon. Members signed the early-day motion in support of the Bill. If one deducts the payroll vote and those persons who do not customarily sign early-day motions, it can be seen that a significant majority support the Bill. I am grateful to hon. Members for their support, not just for the early-day motion but throughout the passage of the Bill so far.

The Government have supported my Bill. I am grateful to the Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Wallasey (Angela Eagle) and her officials, who have taken considerable time in ensuring that the Bill's drafting is correct. We have also had the time of parliamentary counsel as well as of ordinary officials in the Minister's Department.

I have received many letters supporting my Bill from the public, local authorities and the private sector. There has been much consultation on it, and the Council of Mortgage Lenders has signified to me on many occasions—and as recently as this morning—its support for the Bill.

I should like to give only one, quick example of the benign effects that my Bill would have. Last month, I opened a housing estate at Burwash Common, in Sussex. The developer, Millwood Homes, makes every endeavour to construct energy-efficient homes. Some of its competitors are not so scrupulous or conscientious.

My Bill would highlight the advantages of buying and investing in energy-efficient homes, and it will sort out the wheat from the chaff—homes that have that benefit and have had that investment from those that do not. My Bill is supported by many people in the construction industry.

My Bill has the twin advantages of saving individuals money in the medium and long term and of helping to reduce the use of fossil fuels and to save our environment. I hope that time will eventually be found for my Bill to be passed.

5.30 pm

Jackie Ballard (Taunton): I have only just finished writing my speech—as you may have seen, Mr. Deputy Speaker—but, as I am supposed to be replying to the debate, perhaps that is not such a bad thing.

As my hon. Friend the Member for North Cornwall (Mr. Tyler) said, we have deliberately chosen in our motion to highlight the two Bills that have genuine cross-party support and have had no credible opposition—except for the reaction of a single hon. Member, who I notice is not in his place today.

Although both Bills would very significantly affect the lives of millions of people for the better, I shall speak only to the Private Hire Vehicles (London) Bill, which has been supported by hon. Members of all parties, both Front Benches and a wide variety of organisations representing cabbies and their passengers, not to mention the many hon. Members who signed an early-day motion in support of it. Moreover, before the general election, the Conservatives in another place announced their intention of introducing similar measures if they were to form the next Government.

I congratulate the right hon. Member for North-West Hampshire (Sir G. Young) on his efforts to keep the Bill moving through Parliament. I am pleased that, at long last, it has finished its Committee stage, when helpful amendments—which were supported by the Minister for Transport in London—were made to it.

In the Bill's Second Reading debate, the right hon. Member for North-West Hampshire seemed to sum up the mood of the House when he spoke of his

"opportunity to return to some unfinished business"

in his former Department. There was almost universal support for the Bill in that debate. However, in his speech, he noted with some foresight:

"It is always possible that, as this Bill tries to cross the legislative bridge, a parliamentary troll will appear from underneath and gobble it up".—[*Official Report*, 23 January 1998; Vol. 304, c. 1253.]

I did say "foresight", not "Forth" sight—as I should not for one moment suggest that the right hon. Gentleman had in mind the right hon. Member for Bromley and Chislehurst (Mr. Forth).

The Bill is a measure of considerable importance to many people, not only in London, but nationwide. My hon. Friend the Member for Richmond Park (Dr. Tonge)—who would have liked to be in the Chamber for this debate—has presented to the House a petition bearing the signatures of 8,000 people who support the Bill. Furthermore, as I said, an early-day motion supporting the Bill has been signed by many hon. Members.

In a letter to the Suzy Lamplugh trust, the Under-Secretary of State for Women said that the Bill's provisions would

"increase the safety of women passengers".

The Suzy Lamplugh trust, among many other bodies, has been working hard to ensure that progress is made on the issue. I pay tribute to Paul and Diana Lamplugh for their extraordinary energy and effectiveness in working on the matter. They have done much to ensure that it remains high on the agenda.

The Government's position on the issue has been confused. On Second Reading, they announced their support for the Bill. Ministers have spoken out in favour of legislation, but failed to come up with any clearer commitment than the classic fudge about "when parliamentary time permits". We have heard that many times before. Although the Government announced their intention to set up a Standing Committee to consider the Bill, that did not happen immediately. It has now happened—in response to the Liberal Democrat motion that we are debating—and the Bill was passed by the Standing Committee, after two sittings.

The Bill will remove the anomaly whereby London's minicabs are left out of legislation covering all other cabs in the United Kingdom, and it addresses an urgent matter of public safety. Last year, 67 people were assaulted and 18 people were raped in minicabs in London. I am told that the figures are even higher this year. Tragically, only last night, a young woman was abducted and sexually assaulted in a minicab in London.

The Bill would greatly increase the security of many Londoners, not to mention the millions of visitors to our capital city.

Today's debate is not only about two vital pieces of legislation. It is about the urgent need to change the way in which this place works. Perhaps because I have been an hon. Member for only a short time, I do not have the patience of my hon. Friend the Member for North Cornwall. I share the public's feeling that this place is surrounded in mystery. The public wonder why the Government are reluctant to let hon. Members have time to pass a Bill that has such widespread support, both in this place and elsewhere. They wonder what that says about the Government.

Mrs. Ann Taylor: The hon. Lady said that she has not been an hon. Member for long. Perhaps I could presume to remind her that the Government do not decide how much time is allowed for consideration of private Member's Bills. At the beginning of each Session, the House decides how much time will be available.

Jackie Ballard: I thank the right hon. Lady for pointing that out to me. Nevertheless, in my short time here I have found it difficult to see how the Government have always pursued the House's interests.

What message does preventing the passage of such Bills send to the public about the Government's commitment to modernisation or their commitment to parliamentary democracy? The Government have managed to find time to legislate on matters that were not in their manifesto—such as imposing tuition fees on university students, and taking benefits away from single mothers—but, after 13 months, say that they cannot change the system, to allow the will of the House to be done on private Member's Bills.

Our democracy will not be valued or respected unless the House finds ways to do its business more sensibly. Liberal Democrat Members are pleased to be able today to devote some our time to debate the subject.

Mr. Mike Gapes (Ilford, South): In the spirit of being non-controversial—as the hon. Lady said—will she tell us

[Mr. Mike Gapes]

why the original Liberal Democrat motion mentioned two specific private Members' Bills but did not mention the Wild Mammals (Hunting with Dogs) Bill?

Mr. Deputy Speaker: Order. We cannot debate a motion that has not been put before the House.

Jackie Ballard: Thank you, Mr. Deputy Speaker, but I did not need help to get out of that situation. As the hon. Member for Ilford, South (Mr. Gapes) knows, I am a strong supporter of the Wild Mammals (Hunting with Dogs) Bill. However, even I would have to admit that that Bill has attracted controversy and has not received the widespread support that the two Bills that we are debating have had. I would have wished it to be otherwise.

As I said, we are pleased to have given some of our time for today's debate. I am also delighted that the Government will not oppose our motion. I hope that, from 3 July, people in London will be able to travel more safely, and that history will record today as the one on which Parliament changed from being the Government's poodle and the filibusterer's paradise to being the home of common sense and genuine plural democracy.

Question put and agreed to.

Resolved,

That this House supports the Energy Efficiency Bill and the Private Hire Vehicles (London) Bill, as amended and properly scrutinised in Standing Committee; trusts that they can now complete all remaining stages on Friday 3rd July; and urges the Select Committee on Modernisation of the House of Commons to re-examine the procedure for Private Members' Bills.

Social Welfare

Mr. Deputy Speaker (Mr. Michael J. Martin): I should point out to the House that Madam Speaker has selected the amendment in the name of the Prime Minister.

5.38 pm

Mr. John Swinney (North Tayside): I beg to move,

That this House notes that Britain spends less on welfare as a percentage of GDP than many of its European partners; believes that economic growth and enterprise must be matched by policies designed to promote equality and social justice, and in this light expresses concern over the Government's recent actions in respect of benefits for single parents and claimants of disability living allowance; and calls on the Government to ensure that any further reform of the welfare system focuses on the needs of the most vulnerable in society rather than the demands of the Treasury and is neither discriminatory, economically inept, morally repugnant or spiritually bereft.

I have to thank the Liberal Democrats for rapidly accelerating the time scale for today's debates. The Government Whips Office told our Whips Office that the Minister for Welfare Reform would reply to this debate, but, because of the accelerated time scale, he has not yet arrived. *[Interruption.]* I was going to say—I hope that my comments are appropriate—that no debate on welfare reform would be complete without the Minister for Welfare Reform, and I see him arriving excellently on cue. My longer-serving colleagues advised me that it is unusual for a Minister in a Department other than the Scottish Office to reply to a Scottish National party Supply day debate, so we are particularly grateful that the right hon. Gentleman is here. I hope that he can catch his breath as quickly as I have had to catch mine.

I shall cover four areas: the reality of Labour's welfare actions since May last year; the proposals in the welfare reform Green Paper; the vision that the SNP offers for improved social welfare through the Scottish Parliament, when the Scotland Bill has finished its passage; and, finally, the outlook for meaningful improvements to the welfare system in an independent Scotland.

My colleagues will pick up on part of the detailed critique of existing Government welfare priorities and offer some advice on the fine tuning, which Ministers may wish to take into account. As Labour Members will be aware—some of them may not be quite as aware as they are about to be—the Government have some problems in Scotland just now, not merely in the opinion polls but in local authority by-elections.

Some Scottish electors who voted handsomely for the Labour party in Scotland in May last year are beginning to find that what they got was not exactly what they were expecting. Ministers may want to listen and learn from criticisms made on the doorsteps of central Scotland, where seats have been changing hands—from the Labour party to the SNP—in by-elections. The Government should start to listen to some of those criticisms, because the more they continue down their present road of welfare reform, the more out of step they will become with what many of us would acknowledge to be the accepted values of the mainstream community in Scotland.

Perhaps more than in any other area, in welfare the Labour Government have pursued a definitive direction since the general election, but that direction has put them at odds with their grass roots in Scotland. When they

came to power last year, they did so with upbeat political support behind them. People expected things to get better. They are now realising that, in so many respects, things have not got that much better in respect of welfare. For that matter, things have not been much different from the policy that the previous Government were intending to pursue.

There was general surprise that one of the first actions of the Labour Government on welfare was to pursue a Social Security Bill that tampered with entitlement to back payments of housing and council tax benefits, leaving the most vulnerable worse off. The new Government even took the previous Tory Government's proposals one damaging step further. Who would have thought that the centrepiece of that legislation would have been cuts to benefits for lone parents? At the time, the Government justified their decision by talking up limited packages of welfare to work for lone parents and child care, but the Government ignored the warnings from both sides of the House that their schemes did not protect all the losers.

The Government emphasised that the benefit changes would not affect those already on benefit. What about those who go into work through the new deal and then, unfortunately, return to the dole queue? What about those who find the opportunities for child care inadequate—with levels of financial support well below what is required, especially for parents with more than one child—and who are forced to choose to concentrate on their No. 1 priority, which is looking after the children? Those mothers and fathers find themselves losing out as a result of their efforts to get back into the workplace. When the Department of Social Security publishes the figures for that area later in the year, I am confident that our assertion will be supported by hard evidence.

Welfare to work for lone parents is undoubtedly a step forward, and the measure has received a general cross-party welcome, but it does not match the damage caused by the reduction of single parent support. I hope that the scheme will develop through improved support for child care and wider options, including for study or training. In itself, however, it does not recognise the reality that not all parents are or will be in a position to enter the workplace. That group—often the most vulnerable single parents—is the one that has been and will be most damagingly affected by the lone-parent benefit cuts.

The Government cannot run from that reality, and it is the most powerful indictment of the philosophy that runs through their welfare reform efforts, which seem intent on creating a division between the so-called deserving and undeserving poor. The Government's philosophy is increasingly that of sink or swim. Unfortunately, the cuts in single-parent benefit mean that some people are undoubtedly sinking.

The other main area of welfare reform on which there has been Government action rather than the preliminary work of proposals, as we have seen in the Green Paper, is the benefit integrity project review of those on disability living allowance. That is where we see the clearest evidence in the Government's approach of the use of budgetary controls as a means of deciding welfare priorities.

Most of the criticisms surrounding the benefit integrity project to date have been of the administrative failings, the inadequacy of procedures and the rather cruel abruptness of the review process. I am glad to say that, after sustained pressure from both sides of the House, some of those technical failings in the procedure are slowly being ironed out. The Select Committee on Social Security applied pressure with a particularly well-produced report, and I am glad to see the Chairman of that Committee here tonight. I hope that he will contribute to the debate. I hope that he is much recovered from his sore back, which we all read about in *Hansard*. We hope that mobility will still be extended to him, if to no one else—it certainly has returned to him, at least.

The report highlighted the advantages of the Select Committee process in looking into an issue that has caused genuine concern to all our constituents, regardless of our party. The fact that Labour Members of the Select Committee, with all the pressures involved in being on the Government side, were prepared to associate themselves with a report so critical of the benefit integrity project was particularly helpful in forcing action over the weaknesses of the project.

Interestingly, many of the criticisms made and questions raised by my hon. Friend the Member for Moray (Mrs. Ewing) in her Adjournment debate on the benefit integrity project some months ago were repeated in last week's debate. My hon. Friend's debate revolved around whether the project should be suspended temporarily, pending a review, or amended as we went along. The debate last week did not appear to have moved much further forward, although the desire for a cessation of the project was certainly as vociferous on both sides of the House then as in our earlier discussions.

There has been movement in the Government's response to some of the details of the project. In February, the Secretary of State for Social Security confirmed in a written answer to me that new evidence requirements were to be introduced to ensure that no claimants lost benefit purely on the basis of information supplied by them in their assessment forms. In recent months, there have been further concessions. In a parliamentary answer to my hon. Friend the Member for Moray, the Government confirmed that disability groups would be more closely involved in the preparation of the letters and forms used in the project, and that there would be improved training for visiting and assessment officers and improved access for disabled groups to the departmental decision-making process. Those are all welcome steps.

However, I think that the Government have accepted that that still leaves many questions as to how a project of that seriousness and sensitivity was allowed to wreak such havoc within our community without the process of government drawing it to account and delivering a more soundly based initiative.

I accept that there is some uncertainty about who has ownership of the benefit integrity project. I suspect that more of it lies with the previous than with the present Government; we could take until 10 pm to debate that, so I shall leave it there. The project was first mooted under the previous Government, but the present Administration have continued with the scheme because of a flawed analysis of the problem. The Government have asserted that the review will ensure that claimants receive the benefits to which they are entitled, but even a cursory examination of the categories covered by the review process shows that that is not the whole story.

[Mr. John Swinney]

The benefit integrity project focuses on those disability living allowance claimants who receive the higher rates of care and mobility allowance. If the process examines only those who receive the most money, there is likely to be a disproportionate number of cases in which benefit is reduced. If one genuinely wants to ensure that all people receive the benefit to which they are entitled, the process must look at those on the lower rates, so that their assistance can be increased if necessary.

The one-sided nature of the benefit integrity project gives the public the perception that it is, more than anything else, about cost saving. From listening to the individuals who come to my constituency surgeries to tell me about their difficulties with the disability living allowance, I believe—I am no medical practitioner—that mistaken judgments have been made, based on a desire to contain expenditure of DLA rather than pay that benefit to the people who are entitled to it.

The Conservatives triggered the benefit integrity project on the flawed assumption that fraud was widespread among those claiming DLA. The results of the project so far clearly disprove that theory, but the mechanisms employed are still those negative procedures of a drive to root out cheats in the benefits system. That approach insults the vast majority of honest recipients; it is designed to erect hurdles to claimants and to put unnecessary and unjustifiable fear and stress on vulnerable people. The lesson is that benefit fraud should be tackled as an administrative problem, rather than as a structural problem in some benefits.

If the project is an example of the thrust of future welfare reform, many people in Scotland and the rest of the United Kingdom will be left with a nasty taste in their mouths—they will believe that there is real reason for concern about the development of welfare reform and its implications for our citizens. With cost saving at its core, and with claimants having to jump through administrative hoops before they receive what they are entitled to, the reform means that we are moving away from one of the basic requirements of a decent society.

The values of such an approach are divisive; they are not the values of that modern, progressive, social democratic society that we should all seek to create. That approach belongs to a party and Government whose strategy on welfare is founded not on the need to establish the support structures of a comprehensive welfare state, but on two glaring misconceptions.

Mr. Desmond Browne (Kilmarnock and Loudoun): I am grateful to the hon. Gentleman for giving way, and I apologise to him and to the House for not being present at the start of the debate—it took me somewhat by surprise.

The hon. Gentleman talks about a strategy for welfare benefits reform; in anticipation of this debate, I took the trouble to try to research the welfare benefits strategy of the Scottish National party. Unfortunately, the only information that the SNP website provides is that all policies are currently under review, so the only available document is the SNP's manifesto for last year's general election. Having studied it carefully, however, I cannot see one word in it about welfare benefits reform or about an overall strategy for welfare benefits. Perhaps the hon. Gentleman will take this opportunity to explain his party's strategy.

Mr. Swinney: The hon. Gentleman apologises for being absent from the Chamber at the start of my remarks. If he had been here, he would have heard me having to apologise for the fact that I, too, was almost absent because of the speed with which the previous debate collapsed. I welcome his presence and his intervention—I am sure that there will be many more such interventions. The hon. Gentleman will not be surprised to hear me say that I shall deal with my party's priorities on welfare reform strategy later in my speech, so perhaps he will allow me to make progress—if I do not deal with his point, I am sure that I shall hear from him again.

The Government are pursuing a strategy that is, I believe, based on two misconceptions: first, that the United Kingdom spends too much on welfare support; and, secondly, that we face a demographic time bomb. The Government must explain how a nation that spends less per head on welfare support than 12 of our European Union partners can be deemed to be spending at an unsustainable level.

Mr. Browne: I am grateful to the hon. Gentleman for very generously giving way again. The hon. Gentleman's statistics were in *The Scotsman* this morning; although they were not directly attributed to him. Again, in anticipation of this debate, I researched those statistics, and found that they were wrong. The hon. Gentleman's office told me that the basis for the figures was a document published by the Scottish Association for Mental Health. I have a copy of the document, which, indeed, cites those statistics, but does not give their provenance. Perhaps, before he moves on, he could tell us where they come from.

Mr. Swinney: The hon. Gentleman digs into some of the background to the debate, which I am about to fill in.

The figures show, for example, that the United Kingdom spends on social security £2,000 less per head than France and £4,000 less per head than the small independent nation of Denmark, and that, in terms of percentage of gross domestic product, the United Kingdom spends less than many western nations.

Mr. Browne: Will the hon. Gentleman give way?

Mr. Swinney: No. I have already given way to the hon. Gentleman twice, and I want to make progress on what is a substantial speech.

The Government's priorities have led them to make choices about the level of welfare expenditure and to insist that the welfare budget is out of control, but, in comparative terms, we do not spend nearly as much as other countries, despite the fact that we can find resources to spend on defence—indeed, we are third from the top of the European league in terms of defence spending as a percentage of national wealth.

The Government frequently state that we face a demographic time bomb, with a rapidly increasing elderly population draining the national wealth. That ignores the important contribution that our elderly population make to the generation of wealth. For many years, people have

argued that there is a demographic time bomb and that we face a looming crisis, yet they ignore the fact that, according the Office for National Statistics, we spend a smaller proportion of our welfare budget on the elderly than we did in the early 1950s. They should ask why spending for social security for the elderly has remained static—at about 5 per cent. of GDP—for the past 20 years. Indeed, spending on the elderly is far lower in this country than in many European Union nations. We need to ask why the Government have not made moves to improve the financial support to ensure, for example, that the basic state pension is increased in line with earnings rather than with prices.

Ms Sandra Osborne (Ayr): Does the hon. Gentleman agree that up to 1 million pensioners do not claim the income support to which they are entitled, and that welfare reform should focus on how financial support can be given in a more practical way?

Mr. Swinney: I am happy to associate myself with what the hon. Lady says. From our constituency contacts, we all know about people's lack of awareness of the benefits to which they are entitled.

The perceptions that we allow people to have about claiming benefits are important to the welfare reform debate. If claiming benefits is stigmatised, and we all know that it can be, people will be put off claiming their benefits. I do not want a single person to receive anything that he or she is not entitled to, but I want those who are entitled to benefits to have them. We must not create a climate in which people believe that they are not entitled to claim certain benefits because of our attitudes to them.

Mr. Browne: The hon. Gentleman will hear no dispute from us over those remarks, but the starting point for any debate on welfare benefit should be the Government's Green Paper. Why has he not yet mentioned the principles set out in the Green Paper?

Mr. Swinney: This Supply day debate is the first time since I became a Member of Parliament that the Scottish National party has had parliamentary time in which to pursue its own argument. If the hon. Gentleman will allow me to finish what I am saying, he will be satisfied by my comprehensive coverage of the anxieties that trouble him.

Choices must be made about priorities within the Government's choice of public expenditure priorities. They have chosen to continue with substantial expenditure on, for example, Trident nuclear missiles. They have failed to adopt a sufficiently progressive taxation strategy; abolishing the ceiling on employees' national insurance contributions, for example, would return some progressiveness to the system. They have made their choices, but, if they were prepared to make different choices, we could divert some of what are described as the burgeoning public finances into a social security system that could end the dependency of the means test and guarantee a basic income for everyone. That is the basic question hanging over the Government's welfare reform agenda.

As we have seen, the Government's actions create unease among those on the receiving end of benefits. The Government's strategy in the Green Paper—can the hon. Member for Kilmarnock and Loudoun (Mr. Browne) hear me?—seems to be built around the notion of a welfare contract under which the state accepts certain obligations, mainly the provision of access to opportunities for work, while the citizen accepts the obligation to seek work.

However, the concept of a contract implies that, if one party breaks its terms, the other party's obligations cease or are radically abridged. That does not lie easily with traditional notions of social obligation, drawn from family, religious and non-religious backgrounds in our civic society. It has been assumed that society has an unconditional obligation to support its weakest members, an assumption fundamental to any discussion of welfare reform.

Mr. Steve Webb (Northavon): The hon. Gentleman is reaching the part of his motion that refers to the Government's policy being "spiritually bereft", which is an intriguing phrase. I do not think that the Minister for Welfare Reform can be described as spiritually bereft. What does the hon. Gentleman mean by the phrase?

Mr. Swinney: The source of that remark was a motion put to the Labour party's Scottish conference in March, which reflected on the Government's position on lone-parent benefits.

Mr. James Wallace (Orkney and Shetland): The motion was carried.

Mr. Swinney: The hon. and learned Member is right. The motion brought an uncharacteristically ferocious reaction from the Secretary of State for Scotland; perhaps each of us would be angry to have our own party say that about us.

I have two main criticisms of the agenda set out in the Government's Green Paper. Where their actions are not misplaced, they are mis-focused. I want to discuss welfare-to-work initiatives, the integration of the tax and benefits systems, the focus on fraud, welfare in 2020, and the proposals for a stakeholder pension.

Many of us have often accused the Chancellor of the Exchequer of being a one-club golfer whose economic policy rests solely on the interest rate decisions of the Bank of England's Monetary Policy Committee. The Government's social security policy appears to take a similar tack in its dependence on welfare to work. Only 25 per cent. of benefit goes to those who may be able, economic climate permitting, to transfer from benefits to employment. Welfare to work is not a big idea, but a small part of what should be a broader reform strategy. Many people who receive benefits will never be able to work, and there is a danger that welfare to work will structure the Government's alternative to a well-funded benefits system.

The strategy is limited in detail, and in what it ignores. There are clearly identified weaknesses in the various schemes on offer, the details of which my hon. Friends will develop. Perhaps most seriously, the strategy of getting people back to work is trumpeted and pursued, almost to the detriment of any other aspect of reform. That sidelines the equally important idea of keeping people in work. When key support benefits for the disabled can be accessed by the unemployed only to help them back into work, rather than by the employed to keep them in work, something does not quite work. Early reports on the

[Mr. Swinney]

success, or otherwise, of welfare-to-work schemes suggest that the rate of access to jobs is increasing. We shall be in a better position to judge that following a full economic cycle.

My main criticism focuses on the philosophy underlying the scheme. Everyone agrees that it is important to maximise access to work, and to remove barriers created by high marginal tax rates caused by means-testing and the sudden removal of benefits such as free school meals and assistance with council tax or housing costs. Such moves are steps in the right direction, but the Government must not demonise those who are unable to return to work, whether or not that inability results from disability, caring or parenting. To promote paid work as virtuous, and dependence on benefits as morally suspect, is to stigmatise those who must, for good reasons, depend on benefits. The current effort focuses assistance on those who can move back to the workplace, but the rhetoric sets apart those who, through no fault of their own, cannot do so.

The Government's proposals for linking the benefits and tax systems to encourage people back to work are welcome as far as they go. However, they offer little to those who are not in a position to return to the workplace. The Government's approach is unbalanced; they offer tax incentives for those on low incomes, through packages such as the working families tax credit, but they do not refocus their spending policy on extending the tax responsibilities of those with high incomes who receive universal state benefits.

Much more should be done. The closer integration of the tax and benefits systems should provide an opportunity to provide a minimum guarantee for our citizens that is tied into greater redistribution of the resources available in the welfare pot. We should give more to those at the bottom, and less to those at the top. There should be more streamlined and efficient administration and distribution systems for benefits. The Government seem to fall between two stools: they are unable fully to grasp the thistle of their initial steps into a more co-ordinated welfare and taxation system because of their electoral dependence on voters who are perceived not to be prepared to pay for the system.

Mr. Michael Connarty (Falkirk, East): Will the hon. Gentleman give way?

Mrs. Margaret Ewing (Moray): Don't give way to him. He has just come in.

Mr. Swinney: I am well into my speech, and the hon. Member for Falkirk, East has just arrived, so I will not give way to him.

We must not forget that 75 per cent. of those who receive benefits do so because of age or some degree of disability. Welfare support cannot, and should not, be avoided. That group feels increasingly marginalised and threatened by the rhetoric of the Government's welfare strategy, which implies that people are getting something for nothing, or claiming more than they are entitled to.

Miss Anne Begg (Aberdeen, South): The hon. Gentleman says that the Government should focus on the needs of the most vulnerable in society. How are the Government to do that without getting people back to work, giving people a minimum wage and making savings in other parts of the welfare system to spend more money on the very group that the hon. Gentleman describes as the most vulnerable? Does the Scottish National party propose means testing to make sure that vulnerable people get the benefits that they deserve? If not, how would the SNP do it? The hon. Gentleman cannot merely criticise the Government without telling us what the SNP would do.

Mr. Swinney: I shall advance our solution in due course. The hon. Lady must say what parts of the welfare budget she is prepared to cut. We delude ourselves if we believe that the welfare budget is at an appropriate level. We must recognise our society's difficulties, and ensure that resources are applied appropriately for individuals.

The Green Paper contains much that should concern people. Much of that is encapsulated in the Government's vision for welfare in 2020. It is a statement of intent that does not show a clear and positive vision of the future of our welfare state. The Government state that, by 2020, they hope:

> "Welfare will be provided by three channels: our Active Modern Service, based on a single work-focused gateway into the benefit system; mutual organisations and private providers, delivering a substantial share of welfare provision, particularly for pensioners; and high quality health, education and other welfare services."

Cut through the language, and that means that the poor will be justified only by work, and private provision will be at the heart of welfare provision. The Government give the sense that their social obligation to the weakest in our society is not as great as it has been in the past. *[Interruption.]* That child's cry shows that my argument about the dangerous future for welfare reform if left in the custody of the Labour party was far too compelling.

Let us consider the welfare reform agenda as it relates to the dimension created by the Scottish Parliament. I want to set out what could be delivered by a Scottish Parliament, with its limited powers, and under independence, the preferred policy of my party. The Government had the opportunity earlier this year to join welfare rights organisations across Scotland in supporting amendments to the Scotland Bill to allow devolution of the administration of social security to Holyrood. That would have allowed the Scottish Parliament more flexibility and the chance to reform and streamline the structure of benefit delivery. The Government opposed those measures. It is left to individuals and the Scottish Parliament to find a meaningful role for the Parliament in assisting in the provision of welfare support.

Over the past few months, the SNP has been preparing our proposals for the Scottish parliamentary elections. One of the policies that I shall outline today would have a direct and immediate impact on the most vulnerable sections of Scottish society. It has always been our central philosophy that the interests of the people of Scotland come first. In the Scottish Parliament, we want to develop a best deal department that has as its core the identification of measures that will get the best deal for Scotland from the framework set out in the Scotland Bill. It would find opportunities in Westminster legislation and European directives to secure the best deal for the people of Scotland. The team will interpret directives and legislation in the best interests of groups in Scotland. Welfare reform offers an important focus for it.

It has been estimated in parliamentary answers that more than £300 million of social security benefits remain unclaimed in Scotland. A few years ago, the SNP-controlled Grampian and Tayside councils vigorously promoted measures to help pensioners with their fuel bills that resulted in substantially increased uptake of benefits.

Miss Begg: Will the hon. Gentleman give way?

Mr. Swinney: I have spoken for some time. I want to allow other hon. Members to say their piece.

An SNP Administration would conduct a programme of benefit-boosting reviews nationwide. It would be the team's job to seek additional money for Scotland's pensioners, single parents and disabled people.

Miss Begg: Will the hon. Gentleman give way?

Mr. Swinney: No, I want to make progress.

Unlike the Department of Social Security's reviews, ours would focus only on those who are entitled to claim more benefits. For a small investment, the door is open to a financial boost of potentially hundreds of millions of pounds for the poorest sections of Scottish society, with the burden borne by the Treasury rather than the already limited Scottish budget.

That is only one way in which the Scottish Parliament can advance the social welfare agenda in Scotland. There is little doubt that any strategy for pushing forward welfare frontiers must include efforts to co-ordinate our work through improved availability of social housing and better community health care. Initiatives in residential care, care in the community and so on should also play a part. For the first time, Scotland will have a scrutinising, investigating, legislating, innovating Parliament which can pull together the threads of reform and co-ordinate our activities to ensure that the best possible support is given to the people of Scotland.

The radical welfare provision changes that I believe are required will come only when the people of Scotland have the ability to use all their own resources and have powers on all aspects of policy making at their disposal. Under independence, the SNP would pursue priorities that would improve the delivery of the benefit system. The first step would be much closer integration of the tax and benefit system, going further down the road tentatively embarked on by the Chancellor in his most recent Budget. That would partly involve returning the progression removed from the taxation system by the Conservatives. That strategy is based on the underlying philosophy that the waste in the system does not lie in welfare support to people. We must ensure that we have a fair and progressive system that applies to all groups.

Mr. Ian Davidson (Glasgow, Pollok) *rose—*

Mr. Swinney: To be fair to the hon. Member for Aberdeen, South (Miss Begg), who was formerly one of my constituents, I shall not take any more interventions.

I have three further points on our proposals. First, welfare strategy must seek simplification of the tax and benefits system. There is much more room for linking the operations of the Inland Revenue and the various benefits agencies, and integrating administration and delivery to cut the bureaucratic jungle of 12 different agencies and numerous forms, procedures and access points. Integrating those systems is essential to allow improved assessment of benefit needs based on existing tax liabilities.

Secondly, our approach must allow more effective targeting of benefit fraud without the excesses of schemes such as the benefit integrity project. Designing tighter schemes should remove the room for abuse. Thirdly, closer integration of benefit payments and taxation would open the door to more efficient targeting of resources, diverting them away from those at the upper end of the income scale towards those on the lowest incomes. The money in the system should be focused on those with the greatest need, but not through the crude mechanisms of means or affluence tests. There should be a general calculation of tax liability that pays out benefit and pays in tax as required. That is the substance of progressive taxation.

The focus of any welfare strategy in Scotland, or the UK, should be on the faults in the system, rather than on the faults of those who claim. The debate must avoid, at all costs, stigmatising and deterring the poor and focus on opportunities for more sensible solutions. Regrettably, the Government's welfare strategy is a new Labour fix based on Tory foundations. It is little wonder that the words read out by the hon. Member for Northavon (Mr. Webb) were used by the Labour party's Scottish conference. The Minister for Welfare Reform is a fair-minded man. He knows that the words came from his political friends, not his political enemies. They are words of warning that the Government should heed.

As we look at the future economic development of our society, it is clear that we shall be part of a highly competitive international economy. Some individuals in our society will be able to prosper in that economy; others will not. As that pattern emerges, we must be prepared to distribute resources to those who cannot prosper. It is far from clear in the Government's thinking that they recognise the consequences of that economic inequality. The reforms proposed by the Government and the thinking that they display suggest that there will be a diminishing role for the state, rather than a continuing and demanding role, which is what we perceive. The Government appear to be moving in the opposite direction to that which the public require.

6.20 pm

The Minister for Welfare Reform (Mr. Frank Field): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

'welcomes the Government's comprehensive approach to welfare reform around the principle of work for those who can, security for those who cannot, which was set out in the Welfare Reform Green Paper; notes the Government's commitment to consultation with organisations of, and for, disabled people, and the substantial safeguards included in the Benefit Integrity Project; notes the Government's commitment to helping today's and tomorrow's pensioners and welcomes the establishment of the Pensions Review and the action taken already to help today's pensioners through cutting VAT on fuel and paying winter fuel payments to all pensioners, notes that the new Deals for Lone Parents, for the Young and Long-Term Unemployed and for Disabled People are the largest assault on worklessness and social exclusion ever undertaken in Britain; and welcomes the action taken by the Government in the Budget to support families and children through increasing child benefit and the family premium in income support and by the proposals to introduce a working family tax credit and a disabled person's tax credit .'.

[Mr. Frank Field]

As a fair-minded person, I pay compliments to the hon. Member for North Tayside (Mr. Swinney) for opening the debate. This is the first debate that we have had on welfare reform in the round. The official Opposition have not chosen to use any of their time to stage such a debate, so this is the first opportunity that I have had to come to the Dispatch Box to set out the Government's views. I am grateful to the hon. Gentleman for that.

As you know, Mr. Deputy Speaker, Opposition day debates usually allow Back Benchers to participate fully both in criticism and in the development of policy. In the previous Parliament, the then Secretary of State for Social Security was the then right hon. Member for St. Albans. He has moved to another seat, which shows that on this topic he had certain judgment, which one respects. The right hon. Gentleman built up a reputation for taking almost an hour to open such debates on behalf of the Conservative Government. The hon. Member for North Tayside, in his enthusiasm to engage us in a debate on welfare reform, almost broke that record. I shall be as brief as I can.

The structure of the Scottish National party motion is clear, although it was not always followed in the opening speech. The hon. Gentleman was at liberty not to do so. I wish to take each of the main ideas and comment on them, and then move to the amendment in the name of my right hon. Friend the Prime Minister and other right hon. Friends. I shall comment on each of the main points in our amendment. Before I do so, perhaps I may say a word about the Green Paper.

The hon. Member for North Tayside, no doubt being a fair-minded person like me, failed to mention the Government's approach to welfare reform. The Green Paper is not a shopping list of ideas that we brought into office and intend to ram through irrespective of the comments and views that people hold. It is not a laundry list that we have gathered up from somewhere and which we think can be commended to the House and the nation without the most careful thought. It is understandable that some people have not immediately understood what we are about in the Green Paper.

For the first time ever, the Government have laid down the principles that should govern welfare reform. Likewise, the Green Paper has listed 32 success measurements so that the Government can audit their affairs internally and stand accountable to the electorate as the Parliament unfolds for our success in achieving those objectives. The Government have not waited, as some parties might have done, until near an election date to name the success measurements. We have laid them down at the beginning of the Parliament so that we can turn them into clear measurements to guide our policy and be held accountable for it.

When the period for consultation is over, we shall introduce more detailed policies within the framework of the principles of reform to help fulfil the success measurements that we have outlined.

While I welcome the motion, I checked before I came here whether the welfare reform unit had received the comments of the Scottish National party on the Green Paper. They have not yet arrived. I await them anxiously. No doubt the hon. Gentleman can rightly say that he has begun that contribution in this debate, but, if he wants to add anything, I am happy to give way.

Mr. Swinney: I can assure the Minister that he will have a submission from the SNP before his deadline.

Mr. Field: I am immensely grateful for that undertaking.

There are five main assertions in the motion. The first is that the country and the Government should move to spending on welfare something similar to the proportion of gross domestic product that other countries spend. I take issue with such a simplistic view of what welfare expenditure should be about. The previous Administration could boast that they increased welfare expenditure by double the rate of increase in GDP. If we look at the consequences, we find that there was a doubling of the number of people living in households drawing means-tested assistance. Merely to spend more is not necessarily better, and does not necessarily achieve the objectives that we want to achieve.

The United States spends double the proportion of GDP that we spend on health. Does anyone think that Americans are twice as healthy as people in Britain? Surely this debate is about what the money is spent on and the objectives of welfare expenditure in the round.

Mrs. Margaret Ewing (Moray): I have a high regard for the right hon. Gentleman's comments on the subject. His record speaks for itself. I seek from him clarification of the definition of expenditure on the welfare system. Is it household income, family income or individual income? That comes into the general debate, and it would be helpful if we could have that guidance.

Mr. Field: I have spent many Parliaments debating these issues with the hon. Lady, and she knows perfectly well the answer to that question. It depends which aspect of welfare spending one is looking at.

Of course the Government are spending more, but we are concerned with why we are spending what we are on welfare and what the outcome of such expenditure will be.

The second assertion in the motion is:

"economic growth and enterprise must be matched by policies designed to promote equality and social justice".

That is one aspect of the motion to which we fully subscribe. If we look at the Government's record to date, we see that there is a growing insistence on, for example, equality of the respect that should be accorded to individuals. Similarly, there is a massive concern in the Government about equality of opportunity—not just one opportunity but a renewal of opportunity through individual lives. The hon. Member for North Tayside alluded to that.

While we do not sign up to the view that there should be equality of outcome—that is not achievable this side of paradise—there is a duty endlessly to re-offer opportunities to those of our fellow citizens who have not been able to make the most of opportunities that occurred early in life. I hope that one of the great themes of this Government is the extension of social justice. When I discuss our amendment, I shall try to persuade doubters—if there are any in the House—of our intent on that score.

The third assertion in the motion is an expression of

"concern over the Government's recent actions in respect of benefits for single parents".

The hon. Member for North Tayside, being a fair person, listed at least some of the opportunities that the Government have offered and are continuing to offer to single parents who are currently on benefit. However, I wish to affirm today, from the Dispatch Box, that the Government believe that the stance we have taken on lone-parent benefit is right. It is a policy with which I agreed when I was in opposition; I spoke in favour of it then—there are hon. Members here who were present in the Chamber when I did so—and the hon. Gentleman could hardly expect me to do otherwise now that I sit on the Treasury Bench.

Mr. Simon Burns (West Chelmsford): I respect what the right hon. Gentleman has just said, but will he confirm to the House that his right hon. Friend the Secretary of State for Social Security and other Ministers in the Labour Government changed their minds from their pre-election rhetoric, in which they utterly condemned the policy that they have now implemented?

Mr. Field: The hon. Gentleman is clearly running a campaign to present himself to the House and the country as a non-serious person. I knew that I should not give way, as he cannot resist saying things like that. We all have a job on our hands to protect his image and prevent his views from gaining wider currency. The answer is simple: the Government's intention is clear and if Ministers change their minds to the point where one agrees with them, one should stand up and say, "Well done," instead of nitpicking and trying to undermine them. Our objective is to equalise support for children. I advanced that view in the previous Parliament, and it is now being advanced by the Labour Government.

Mr. Burns: Will the right hon. Gentleman give way?

Mr. Field: I shall not give way again—I have to try to protect the hon. Gentleman from himself. If he behaves himself, he might be able to catch your eye later, Mr. Deputy Speaker.

The motion also expresses concern about claimants of disability living allowance, but the hon. Member for North Tayside found it hard to disagree with the Government's stance. The DLA was one of the elements of the benefit integrity project, which was introduced by the previous Administration. We had been concerned about the operation of the project, we listened to the House, and we made changes. I was not sure what other changes the hon. Gentleman wanted us to make, other than scrapping it and starting again.

Mr. Webb: Will the Minister give way?

Mr. Swinney: Will the Minister give way?

Mr. Field: I shall happily give way to both hon. Gentlemen in a moment.

The crucial fact that the House has to face is that the benefit integrity project is being run in respect of all the major benefits. The Public Accounts Committee wishes us to carry out those reviews, because it is concerned about the delivery and accuracy of our benefits. If hon. Members think that the Government should be doing other things and ignoring what the Public Accounts Committee requires us to do, they should say so.

Mr. Webb: Is not the scandal about the benefit integrity project not so much that the Government knew nothing about it until the infamous phone call at Preston station, but that when they did find out about it, it took them the best part of a year to sort it out? The hon. Member for Moray (Mrs. Ewing) had an Adjournment debate and Sunday newspaper headlines pushed them on a bit, but the Government had to be forced, inch by inch, to introduce a halfway decent system. Should they not have acted last summer and not taken so long to listen?

Mr. Field: The answer to that is no.

Mr. Swinney: The right hon. Gentleman asked what more I should like to be done. One issue that has been continually raised is that all those who had their DLA reduced before the 9 February changes in the rules should have their cases reviewed on a mandatory basis. I believe that the Government are moving in that direction, but if the Minister would take this opportunity to confirm that, no one would be happier than I.

Mr. Field: If the hon. Gentleman had read the debate that we had not so long ago in the House, he would already know the answer to that. The Government are as concerned as he is about that matter, and we have acted.

The last of the assertions, facts, beliefs, opinions—whatever one wishes to call them—in the motion is that

"the Government should ensure that any further reform of the welfare system focuses on the needs of the most vulnerable in society rather than the demands of the Treasury"—

which is a euphemism for cuts. I remind the House of what I said when announcing the Green Paper, with the authority of my right hon. Friend the Prime Minister and the whole of the Government: this is a reform of welfare that is not cuts-led. I made it clear at that time what was negotiable and what was not negotiable in respect of the reform programme. We said that our historic commitment to the poor was not negotiable. We said that our wish to reform was also not negotiable, but that how we reform was negotiable. That is why I am so anxious to receive the SNP's comments on our Green Paper, because they will help to inform the next stage of our debate.

Referring to the Government amendment, I shall merely draw the attention of the House to the main actions that we have already taken to fulfil our election commitments. In doing so, I want to emphasise—it is right that our amendment does so—that we say that we shall consult at each stage of the reform programme, not because we think that it is an easy option, but because, no matter how much one thinks one knows, no matter how clever one thinks one's civil servants are, no matter how much expertise one might think one brings into government, a reform programme that is open and inclusive, and which listens and learns, will clearly be a more effective programme than one that reforms by ambush. The Government's commitment to consult is real, and it will continue throughout the whole of our reform programme.

I am disappointed that, despite the brevity with which the hon. Member for North Tayside spoke when commending his motion to the House, he did not find time

[Mr. Field]

to highlight the actions that the Government have already taken to fulfil our election promises and to carry out the wishes of the House. No mention was made of our review of pensioners' income, which is to be used as the foundation both for deciding what action we take to help today's pensioners and for ensuring that we have in place policies to prevent many of today's workers from becoming poor, as did their parents, grandparents and great-grandparents.

The hon. Gentleman made no mention of our action on VAT on fuel, of our winter fuel payments, which were universally given and designed to help the poorest pensioner households most. No mention was made of the Government's determination to take seriously our responsibility to counter fraud, and our equal determination, unlike the previous Administration, diligently to seek out those who are eligible for benefit but not claiming it. There was little about that in the hon. Gentleman's speech.

Mrs. Ewing: As the right hon. Gentleman knows, I have pursued the issue of fuel poverty over many years in the House and, while I do not want to detract from the action that has been taken, does he admit that there were serious flaws in the implementation of that scheme this winter? Many pensioners became extremely confused, as some were paid twice, while others were not paid at all. There is still a need for further action on ensuring automatic payments to those vulnerable people during the cold winter months.

Mr. Field: Of course there is. The Government are learning and we want to learn from that huge initiative, which no other Government had undertaken. There was no machinery in place—we had to start from scratch. If the hon. Lady is trying to tell the House that many of her pensioners were confused, I have to say that, happily, that confusion was not shared by Birkenhead pensioners, at least not by those I have met.

There was some mention of the opportunities now being offered to lone parents. The hon. Member for North Tayside said that that was undoubtedly a step forward, but he made little mention of our efforts, particularly those of my right hon. Friend the Secretary of State for Social Security, to ensure that our proposals are successful.

There was little talk, other than negative, carping criticism, of the opportunities that are being offered to young people through our welfare-to-work proposals. There was no mention of the medley of measures that we have unveiled for the long-term unemployed. I may have missed it, but I heard no mention of the pilot projects for which we have sought bids to extend employment opportunities to the long-term sick and disabled.

It was as if, for the Scottish National party, there had been no Budget. There was no talk about the Chancellor's announcement of the biggest ever increase in child benefit or the increase in the scale rates of income support for younger children. There was no mention of next year's change in the family premium or of the minimum wage, which was mentioned by one of my hon. Friends. There was no talk about the working families tax credit proposals, which will ensure that people with children will be better off in work than on benefit.

As I said before, the motion refers to a policy that is

"neither discriminatory, economically inept, morally repugnant or spiritually bereft."

I shall deal with each of those points. We plead guilty to having a discriminatory policy. Almost all the measures that we have introduced discriminate in favour of the poor and those who are excluded from the labour market. If we are charged with discriminating in favour of the poor and ensuring that, in spending taxpayers' money, we most favour those who have least, we plead guilty.

We are told that our proposals have been economically inept. Those words are on the Order Paper; they may have been used elsewhere, but I am happy to answer them. The Government have introduced the biggest ever programme to extend opportunities and access to the labour market. If that is economically inept, we plead guilty to that charge. Our programme will continue to be guilty of that.

We are told that our policies are morally repugnant. The Chancellor has levied more than £5 billion from the privatised utilities to offer opportunities to individuals who, under the previous regime, faced, at best, a blighted future. The Chancellor has significantly reshaped national insurance contributions to make it more advantageous to employ those who earn least rather than those who earn most. If that is morally repugnant, we plead guilty.

We are told that our policies are spiritually bereft. If a Government who begin the biggest ever crusade to combat social exclusion are spiritually bereft, we plead guilty. If it is spiritually bereft to initiate the most significant ever crusade to offer hope to people who had blighted lives, we happily plead guilty to that charge. If it is spiritually bereft for the Government to begin the most determined ever crusade to raise educational standards in all our schools, we want to plead guilty. If it is spiritually bereft for the Government to initiate the most fundamental ever crusade to extend lifetime opportunities, we want to plead guilty.

If the Scottish National party wants to go into the election for the Scottish Assembly or any other election on that ticket, claiming that we discriminate in favour of the poor, that we are so economically inept that we have offered the unemployed the most ever opportunities and the most access to the labour market, that we are morally repugnant by significantly redistributing wealth through the Chancellor's two Budgets and that we are spiritually bereft, the fight is on. Many of us will greatly enjoy the battle ahead.

6.44 pm

Mr. Simon Burns (West Chelmsford): I congratulate the hon. Member for North Tayside (Mr. Swinney) on securing the debate. However, as I listened to his fairly long speech, I began to think that even some Labour Members might be thinking, "Come back, Bill, all is forgiven."

I welcome a debate on the strategy for social welfare in this country, even if, at times, the strategy is somewhat blurred and difficult. I shall begin by stating some basic principles that I suspect do not divide the House in any way.

I believe, as I suspect does every Member, that the state has a fundamental duty to provide a safety net to help those in our society who are genuinely less well-off. In any civilised and decent society, it is the duty of those

who are more fortunate and successful to make a contribution to ensure that those who fall on hard times for part of their life or who have difficulties throughout their life are provided with help through the state to enhance their standards of living.

I believe also that it is crucial that any Government, regardless of their political complexion, do all that they can to minimise the evils of unemployment. There is nothing more disastrous than people who desperately want to work, but who, though no fault of their own, are unable to do so. The concept that is abroad in far too many parts of this country, that people on welfare are simply scroungers, is obscene, and it would help if we could educate people out of the ignorance of making such trite comments, which are bandied around far too often in our pubs and on our highways and byways.

Mr. Field: There is more rejoicing in heaven over the repentance of one sinner.

Mr. Burns: I deliberately hesitated for that intervention from the right hon. Gentleman, but, if he had read more of my speeches over the past 11 years—sadly, I know that that is low on his list of priorities—he would understand that I have not once changed that original view.

Mr. Field: I have read all the hon. Gentleman's speeches. I notice that he was promoted only after a period of silence.

Mr. Burns: I am confused by that remark, because I was not promoted from being a Trappist monk straight to this position; I had a job in between, and it certainly did not require me to be silent.

I suspect that the motion tabled by Scottish National Members is part of their war with the Labour party which will continue until the Scottish Assembly elections next year. Their motion will obviously be attractive to many Labour voters in Scotland—and, indeed, in England—because many of them believe that, after Labour has been in power for one year, they have been betrayed. Nothing shows the starkness of that betrayal more than the rhetoric on lone parents before and after the general election.

The Minister for Welfare Reform's speech, particularly the second half of it, was eloquent—not to say impassioned. But however clever and endearing the speech was, I have to say it was long on soundbites and short on substance. Indeed, the Government amendment is the same, tending to gloss over—we would expect this of any Government—some of the glaring failures of Government policy.

Take, for instance, the new deal for lone mothers. Of course its aim is laudable: no one in his right mind would criticise an initiative to help lone parents, by means of advice and so on, back into work, thereby enhancing their standard of living and that of their children. What has marred the new deal is the soundbite politics that has accompanied it. I acquit the right hon. Gentleman of that charge, but there have been too many grandiose claims of success during the early stages of the new deal.

Last October, the Secretary of State got into terrible trouble on the "Today" programme and on "Newsnight", because she was too eager to claim success after the first three months of the new deal, trying to use figures cleverly to portray a triumph that was not all it was cracked up to be. That is regrettable; it brings the whole process into disrepute and causes problems for the Secretary of State's credibility and the credibility of her policy.

We face the same problem now. Government statistics show that a monthly average of 75 per cent. of the 22,402 letters being sent out are not responded to—

Mr. Field: What changes would the hon. Gentleman make to the scheme?

Mr. Burns: I am glad the right hon. Gentleman asked me that—I had anticipated it. I shall come to the answer shortly.

Of all the people who have received letters, about 7.5 per cent.—on the latest monthly figures—have got into work, but, at the same time, there has been a 15 per cent. drop-out rate among the lone parents who have found work. If the Government stick to their original budget for the new deal, some 6,000 lone parents will get back into work, at a cost of just under £30,000 a job. Ironically, that works out at about £15 an hour—just over three times the national minimum wage which the right hon. Gentleman's party plans to bring in.

I have been asked what changes I would make if I had the power to make them. I would make two variations to the scheme. First, I would make it compulsory for lone parents in receipt of an invitation to attend a first interview. I would not make the whole scheme, like Wisconsin's, compulsory: that would be wrong and draconian. A compulsory first interview, however, would enable lone parents to learn more at first hand from a personal adviser exactly what the new deal is, what it may have to offer them, and how it can help them into work. At present, some of them may cynically dismiss this as just another unhelpful Government scheme.

Secondly, I would carry out more research into the 75 per cent. who are not replying to their letters, by chasing them up and finding out more about why they think the scheme is not relevant to them. Taken together, those two changes would advance the aims and aspirations of the policy.

Mr. Webb: Uncharacteristically, the hon. Gentleman is making a measured and constructive contribution. He criticises the new deal for lone parents for the low response rate, but he must know that it was modelled on Parent Plus, initiated by the Conservatives, who budgeted for an even lower rate of response than the Government have achieved. So how can the hon. Gentleman criticise the Government scheme?

Mr. Burns: We monitored the Parent Plus pilot schemes with a view to detecting the problems and weaknesses in them so as to be able later to enhance the performance of the plan. I hope that, as the new deal progresses, the Government will also try to learn from some of the problems that have emerged, and will work out some of the reasons why the new deal does not attract more people into work. That would enable them to fine-tune the scheme.

The benefit integrity project is mentioned in laudatory terms in the Government amendment, as one would expect—but what has been going on behind the scenes? Throughout the second half of last year and early this

[Mr. Burns]

year, there were the problems with the disability living allowance. Recipients of that allowance were petrified and confused by the rumours and counter-rumours, the briefings and counter-briefings, about what was to happen. Would it be means-tested; would it be taxed?

Then the benefit integrity project gave rise to even greater concern and hardship. *[Interruption.]*

Mr. Deputy Speaker (Mr. Michael Lord): Order. There is a general buzz of conversation in the Chamber. I ask hon. Members to listen to the Member who is speaking.

Mr. Burns: A significant number of the appeals heard before 25 March were successful. That shows that the decision to go ahead with the project was wrong and taken in haste. I cannot yet put my finger on exactly what happened, because I have not yet had an answer to my questions on the subject—I have been waiting for a week but have received only a holding answer from the DSS. No doubt I will get a proper answer shortly.

I find it extraordinary that, two days before polling day, following pilots, but without a ministerial decision, civil servants could decide to launch such a scheme nationwide. It is even more extraordinary that, for 26 or 28 days after coming to office, Ministers seemed oblivious of the benefit integrity project. It is particularly odd that the junior Minister in the other place, who has close links with disability lobby groups, was oblivious of the scheme until that extraordinary phone call on Preston station on 29 May.

I look forward to answers to my questions. I should like to know the extent and content of the briefings Ministers were given by civil servants on first entering the Department last year. It seems incredible to me that such briefings did not mention the project—a massive project which, as many people now know to their cost, had a significant impact on their lives. How could it have been unknown to Ministers; how could it proceed without their direct authority?

As has been said, it seems extraordinary that, as the problems became greater as the number of people affected increased, nothing was done until the Secretary of State for Social Security took action in February 1998. As I said in the debate initiated by the hon. Member for Moray (Mrs. Ewing) in February, and again in last week's debate on the Social Security Select Committee report, I do not believe that the Select Committee's approach—to put the scheme on probation until 31 July—is the best one. We shall go into recess shortly after—or, if we are lucky, shortly before—that date, which effectively means that no action will be taken to assess that probationary period until we return to Westminster in the autumn. The Government should have accepted that there was a serious problem, and that more fundamental things were needed than those that the Secretary of State had done, and suspended the project until they had ironed out the difficulties.

Behind the words of the Government's amendment is the inescapable fact that the Government have, in the minds of many of their supporters in many parts of the country, broken their election promises and done things—especially on child benefit—that supporters who, in good faith, voted for Labour candidates on 1 May 1997, never believed that a Labour Government would do.

I exonerate the Minister for Welfare Reform, because, as he said, he always took the view that the way that the previous Government were proceeding on equalisation of child benefit, in particular, was the right way to proceed, even if it was politically unpalatable to some. I also think that we have been witnessing the confused emergence of a policy that is still emerging, because so many things have been kicked into the long grass through reviews—and, in some cases, reviews of reviews. We have the extraordinary situation regarding pensions—which, to the best of my knowledge, no one has discussed in detail tonight—where the Prime Minister stepped in, a month or so ago, and told everyone to get together and come up with a policy in the autumn, when we had been expecting one in the first half of the year.

There is confusion, there are reviews and there have been broken promises. On the fundamental issue, however, I cannot believe that anyone in the House would disagree that the state has a duty to enhance the quality of life of those less well off in society, although we may disagree on some of the avenues of approach and the fine detail of how to achieve it.

7.1 pm

Mr. Archy Kirkwood (Roxburgh and Berwickshire): I wish to make a short speech—*[Interruption.]*—unless I am provoked, in which case I might speak for a long while.

It is important to have prime time debates on social security issues. I want to spend 10 minutes reflecting on some of the problems north of the border. The Government have broken new ground in some areas and in some of the approaches that they have adopted in exchanges across the Chamber. My position on some of those approaches is clear: the Government should be encouraged in the main thrust of their strategies. Some of the ideas in the Green Paper are well worth considering and promoting. Nevertheless, there are peculiar problems, some of which are found north of the border.

I want to put one or two ideas into the head of the Minister for Welfare Reform; the Under-Secretary of State for Scotland, the hon. Member for Strathkelvin and Bearsden (Mr. Galbraith), might address some of them when he replies to the debate.

I was a wee bit disappointed earlier in the debate. I have a lot of time for the hon. Member for North Tayside (Mr. Swinney), the Scottish National party spokesman who opened the debate, who I know thinks about these matters a lot—although perhaps not for the style and approach of the hon. Member for Kilmarnock and Loudoun (Mr. Browne), who was pushing his luck with interventions—but it is difficult to know what the shape of Scottish National party policy would be were there ever to be an independent Scotland.

I would never want to promote an independent Scotland—I will die in the ditches arguing against it—but it is a perfectly honourable political position. We, north of the border, will be hungry for high-quality debates about social security and other matters that introduce into the debate some better statistics and better arguments. I look forward to crossing swords with the hon. Member for North Tayside in the coming months to discover what the Scottish National party has in store for the people of Scotland—and I shall express my point of view as well.

The most important thing that I have to say to Ministers is that I have inquired into not only Scottish National party policy, but the availability of statistical data about

the disaggregation of the amounts that are spent on benefits in Scotland, and I believe that it is extremely difficult to mount the properly informed debate that is essential. I hope, above all, that Ministers will try to identify ways of finding out how the system works now and how it might work in an independent Scotland. There are important questions to be asked about that, which I shall discuss later.

I listened carefully to what the Minister said. I believe that we need a strategy with a slightly different perspective north of the border. The best way to illustrate that is to consider what has been happening in the Republic of Ireland, which has a national anti-poverty strategy. We could learn many important lessons from that.

The Republic of Ireland has taken the United Nations 1995 Copenhagen resolution and set out a strategy in cold print. Annual reports of the strategy are produced; the first is a model of its kind. Scotland could adopt such a strategy. It could even be done within the integrity and the coherence of a United Kingdom social security-based system. Although, for reasons I shall explain, I am absolutely committed to keeping the coherence of a United Kingdom system, I believe that it would be possible for Scotland to adopt such a strategy.

The Under-Secretary might take the Irish example as a model and produce an annual anti-poverty report for Scotland, containing the same elements, showing how well—or otherwise—benefits were meeting modest but adequate needs. He might try to formulate plans. In the Green Paper, the Minister is bringing forward success measures. Some of those success measures are very difficult to quantify, but those in the Irish national anti-poverty strategy are very easily quantified.

The Irish are brave enough to determine what they believe to be a poverty line below which people should not fall. People do fall below it—sometimes that is inevitable. Hon. Members may spend too much time considering absolute numbers and snapshots, whereas some of the more important poverty problems start to emerge only when people have been in poverty for a long time. People who fall into poverty briefly should not concern us as much as those in long-term poverty. The statistics must be interpreted properly, correctly and sensitively, but at the moment there are next to no statistics for poverty north of the border to inform what will be a crucial debate, especially in Scottish terms, during the next 12 months.

I am especially disappointed by the progress made by the social exclusion unit north of the border. It has taken a little lottery money—£15 million to £20 million—and spent some of it on considering anti-truancy programmes; nothing else has happened. We were told that some great conference would take place in the summer. Lord Sewel, the Minister responsible for that, cannot answer for himself here tonight, but I hope that the Under-Secretary will tell us what is planned. I am repeatedly told that the conference will take place next week or next month—it keeps being delayed. There is no coherent action in Scotland that builds on the work of the social exclusion unit. It is disappointing that more has not been done.

There are very peculiar perspectives that we need to address in peculiar and special ways north of border. I need not tell the Under-Secretary that peripheral estates are a special problem; but there are also problems in rural areas. Rural deprivation is a real issue, and it exists in Scotland not just in the highlands and islands, but in south-east and south-west Scotland. Many innovative project-based approaches are available which, used in a decentralised way through the social exclusion unit, with a little public finance—it would not break the bank in public expenditure terms—could make a real difference to real communities. People living in straitened financial circumstances in multiple deprivation in some housing estates would benefit from their deployment. I do not see any evidence that that is happening in Scotland today.

I support the Government's welfare-to-work programme, but I invite the Minister to examine the work of David Webster in Glasgow. He has deployed a plausible analysis of the situation. The problem is not skilling people so that they can participate in the labour market, but creating more jobs. In places such as Glasgow, there are simply not enough jobs. I know that there are special employment areas—although I do not know what will happen in them. It is early days, and we must be patient as the Government have been in office for only a year, but I think that David Webster is correct to point out that, despite all the up-skilling in the world, we will not achieve long-term progress if we simply see more and more people competing for a diminishing number of jobs.

Mr. Field: We have invited David Webster to visit the Department and give a seminar. I shall ensure that the hon. Gentleman receives an invitation to that event.

Mr. Kirkwood: Another invitation. I wish that the Minister would stop acting as though he were in charge of the Social Security Committee: he gives me so many things to do that I do not have time to do things for myself—and I have a sore back. I welcome the Minister's announcement; it is very good news. I look forward to seeing the results of that seminar.

It is all very well for the Minister to say, correctly, that the Government have invested £5 billion in the process—that is welcome—but what will happen when the money runs out? I do not believe that the problem of joblessness and the other difficulties that welfare to work seeks to address will be solved before the money is spent. What will happen in phase 2? If the Government are returned for another term, how will they finance phases 2 and 3 of the programme? We must view such things in the longer term.

The Government must address three other points in relation to Scotland. First, housing benefit is a key problem. The Government are still considering that issue, and we await their conclusion with bated breath. According to a recent newspaper article, about 80 per cent. of households in Glasgow receive some level of housing benefit. That is a terrible position to be in, and we must do something about it. I believe that the biggest hurdle to getting people off benefit and into work is housing benefit; it has a huge impact on preventing people from taking jobs.

Secondly, I urge the Government to examine the capital disregard thresholds for residential accommodation and, more important, means-tested benefits. The figure has been £3,000 for years. I cannot understand why the Government do not accept the need to uprate it. It is unfair and it impacts dramatically in Scotland. I hope that that issue is on the ministerial agenda.

[Mr. Kirkwood]

Thirdly—and most important in Scottish terms—poor, elderly, single pensioners are the most deprived group in the country and require urgent attention. I do not mean that those pensioners are waiting for stakeholder pensions, tier 3 pensions, compulsory pensions or any future plans that must be addressed in the long term. This problem may exist in other parts of the world—I know that the Minister's constituency is not short of difficulties—but that generation of pensioners needs assistance.

I say openly to Scottish National party Members that we need better statistical information regarding the establishment of the Scottish Parliament and how social security will operate in that Parliament. If we were to increase taxation using existing powers, we would immediately affect incapacity benefit and the other six benefits that are taxable at present. We must be very careful about how we use existing taxation powers. As the hon. Member for North Tayside readily admitted, taxation and benefits are closely related. The hon. Gentleman called for greater integration. We must ensure that we take into account the social security aspects of any increase in taxation.

I ask the hon. Member for North Tayside to examine carefully the likely Scottish share of administrative costs and back-up if there were an independent Scotland. I have referred to the departmental report for this year, and figure 25 on page 39 reveals the Department's running costs as £3 billion. The social security Benefits Agency running costs are £2.6 billion, the Child Support Agency costs are £202 million, the Contributions Agency costs are £204 million, the War Pensions Agency costs are £32 million and the Information Technology Services Agency costs are £282 million. Without those services, benefits could not be paid.

If we add those sums together—as I did on the bus this morning—we get a total of £6 billion. If we divide that figure by 10 for a tenth of the population—this is fag packet economics with a vengeance—we can see that we must find £600 million-ish to run a free-standing benefit system north of the border. That does not take account of the Social Security Advisory Committee, the independent tribunal system for appeals and a whole raft of other bodies. One page of the departmental report reveals £600 million in costs. If we spend money on those services north of the border, we shall have a lot less money with which to pay benefits. I think that the situation is even worse than that.

Mr. Swinney *rose—*

Mr. Kirkwood: I shall give way in a minute—I am not finished yet.

The Scottish National party must tell us how it would disaggregate the national insurance fund. Independence will create all sorts of problems; what mechanism will be used to disaggregate the national insurance fund? We all know that pensions are paid on a pay-as-you-go basis and that the Government of the day accept liabilities for the future on the basis of previous contributions. How will a Scottish Government in an independent Scotland begin to put together a programme that gives them the responsibility for future liabilities?

We must then ask ourselves: where are the contributions measured? Contributions are measured and collected by the national insurance computer. We are involved in a private finance initiative arrangement—which is known as NIRS2—with Andersen International. That company has the international copyright for the system, so it is not just the Government with whom the Scottish National party will have to negotiate on the day independence dawns.

I wish that the Government Whip would not gesticulate at me—it is a bit obvious. I am enjoying myself; leave me alone.

Mr. Wallace: We are enjoying it, too.

Mr. Kirkwood: And I have a sore back.

Mr. Deputy Speaker: Order. Not only do I think that we should return to the subject of the debate; we are in danger of straying again into a debate on devolution—and I would not want hon. Members to do that.

Mr. Kirkwood: They are all against me. I take your point, Mr. Deputy Speaker.

I give fair warning to the hon. Member for North Tayside: more work must be done in all those areas. If there is an independent jurisdiction north of the border, the operation of the Child Support Agency will create more problems. For example, people in the United States of America avoid parental liability by jumping states. People can travel from Newcastle to Edinburgh more easily than they can cross state boundaries in America. Furthermore, big differential rates of benefit will encourage people to migrate in order to receive more benefits. Having been engaged in that slight tirade for the past 10 minutes, I shall now give way to the hon. Gentleman.

Mr. Swinney: I shall interrupt the hon. Gentleman's tirade briefly. He referred to the costs involved in running the social security department, the Benefits Agency, the Contributions Agency and so on. Does the hon. Gentleman accept that the people of Scotland already pay a proportion of those costs through their contributions to the national Exchequer? The hon. Gentleman has raised many important issues that must be part of the independence debate. I look forward to engaging him in that discussion.

Mr. Kirkwood: That is fine. We shall leave it at that. It is fair to say that we look forward to future debates. Certainly we must consider the sharing of costs. Potentially, we shall lose economies of scale.

Mr. Wallace: Does not my hon. Friend think that he is being too reasonable? Even taking one tenth is not an accurate estimate of what is involved, which is not only running costs. We shall have to duplicate capital costs. The figure will be greater than one tenth.

Mr. Kirkwood: Indeed.

Mr. Swinney: There are computer centres in Scotland.

Mr. Kirkwood: There are also two large computer centres at Blackpool and Newcastle. It is—*[Interruption.]*

I am being provoked. Cumbernauld is a bad example because it is not a mainframe computer. Livingston would be a better example. These arguments will continue.

We need a social security system that is based on the United Kingdom as a unit. There can be elements of decentralisation within that in a way that I do not think is in the Government's contemplation. I hope that the Government will examine the issues and the costs carefully so that the argument can proceed. I shall continue to support the Government on the basis of the principles that they have adopted and because they are engaging in an inclusive debate. That is important, but I do not think that the Government can congratulate themselves on having all the answers. There is a long way to go before we can say that.

7.20 pm

Mr. Andrew Welsh (Angus): I am grateful for the opportunity to speak briefly in what has been a useful and, I hope, constructive debate. This is the first general debate on welfare reform, as the Minister fairly acknowledged. I intend to develop some of the points touched on by my hon. Friend the Member for North Tayside (Mr. Swinney), with a particular focus on the concerns of disabled groups about the development of government welfare policy and some of the detailed problems arising from the various new deals.

First, I wish to focus on the concerns of the disabled. My hon. Friend the Member for North Tayside has examined in some depth the problems surrounding the benefit integrity project. The arguments have been well rehearsed. I shall focus on the problems and opportunities facing individuals as a result of the new deal for the disabled and for the claimants of incapacity benefit.

Even the limited resources available for the new deal are welcome, but I would be interested to hear the Government's justification for spending 15 times less per head on the new deal for the disabled than on the new deal for the young. I ask the Minister to give a detailed commitment that the budget for the new deal for the disabled will be extended to a more reasonable level if these schemes prove to be successful, which we all hope they will be.

The focus on helping disabled people back into work is welcome, but only as far as it goes. In the run-up to the debate, I was provided with some briefing material from Disability Alliance. It makes the rather obvious point that many of the problems facing disabled people are not those of returning to the workplace but of staying in work when their condition first develops or when their health starts to deteriorate. Disability Alliance's briefing reads:

"Every disabled person currently on Incapacity Benefit once had a job (IB being a contributory benefit). If some of these people had been provided with the appropriate support—financial and practical—when they first developed health or impairment problems they might have been able to remain in work."

That is something that we should all support. I should like to see the Government giving the maximum possible practical help to allow that to happen. The benefit system could be fine-tuned to help such people remain in work, by allowing them to move to part-time work, to a more limited job description or to additional training.

The mechanism employed by the new deal to bring people back into the workplace could and should be redeployed to help keep them in work. It seems ridiculous that help is available only when people have fallen out of the job market or are struggling to get back into employment. I would appreciate it if the Minister, in replying to the debate, would expand on these important and practical points. It is more difficult to return to work after a period of unemployment than to redefine one's working capabilities when still employed.

Many of the criticisms of the new deal that focus on its concentration on people who are out of work rather than on those still in employment apply also to the assistance offered through the disabled persons tax credit, which I suggest could be amended to become a mechanism for job retention, as well as offer a route back into work. It would seem logical to apply the benefits of the disabled persons tax credit to those who become disabled while still working rather than allowing them to fall out of work and out of the workplace before they can receive assistance to re-enter it.

I know that the Government have been discussing the way forward with disability groups, but it might be useful for the Minister publicly to address concerns about the future of the disability living allowance and the possibility that an affluence test may apply or that disability benefits may be taxed. I hope that the Minister will respond to some of the real concerns that are being expressed. These are big issues that, with the impact of the benefit integrity project, are causing much concern in the community.

There are areas where fine tuning and minor reform would be widely welcomed and fit into the Government's strategy of encouraging disabled people back into work. The previous Government altered the definition of therapeutic work in such a way as effectively to exclude any disabled person whose condition was unalterable—for example, a blind person. The Tories also set a 16-hour limit on therapeutic work for those in receipt of incapacity benefit. Both changes need to be re-examined, and I call on the Government to return to the previous arrangement, which would allow more disabled people to take part in work which although not directly improving their condition would play a positive part in bolstering their self-confidence or improving the quality of their lives. These are practical steps that could be taken, which would be of immense benefit to the people involved.

As the Minister will be aware, my region of Scotland—Tayside—was one of the pilot regions for the new deal. The data on the initial success of these schemes are just beginning to appear and it is now too early in the day to judge whether the limited initial successes will be turned into something more sustainable. Future sustainability is the goal that we are all seeking.

Take-up rates among lone parents in pilot areas were disappointingly low. Only 10 per cent. took up interviews, and only 3 per cent. found work. I ask the Minister specifically to address those take-up rates, which we must all be dissatisfied with and concerned about. However, there are factors that may explain lone parents' reluctance to commit themselves to the new deal. First, the Government's decision to reduce lone parent benefits must have acted as a disincentive, and there was genuine fear that a temporary return to the workplace could result in a longer-term loss of benefit assistance.

The Minister must know the realities of the workplace today. There is no such thing as a job for life, so any government scheme must tackle the genuine fear that it is too great a risk to abandon the relative security of welfare support for the insecurity of the jobs market.

[Mr. Andrew Welsh]

There are steps that could be taken, such as extending beyond the 12-week link period the time during which the benefit rights of lone parents—for the higher rate premium, for example—who do not return to welfare are protected. There could also be a phasing in of the removal of passport benefits, especially items such as free school meals. Such confidence-building measures may cost a little more in the short term but would produce a clear longer-term saving if they gave lone parents the confidence and support to enable them to make a successful transition back into employment.

Education and training is another route for lone parents that has been closed off to some extent under the current new deal proposals. Why do the Government not extend to lone parents the benefits offered under the education option of the new deal for young people? The extension of the travel and child care assistance rights to lone parents entering further education or embarking on a training course would allow them to develop the skills necessary to compete effectively in the jobs market and, obviously, to improve their chances of securing long-term employment.

My final comments on the detail of the Government's new deal proposals concern the new deal for young people and the difficulties that have suddenly been created for young people who are keen to remain in employment by the decision to set a two-rate minimum wage. There is little doubt that the greatest challenge for young people who find work through the new deal will come at 21, when their employers may face a 20 per cent. rise in the cost of employing them. The obvious danger is that employers will find it easier to replace 21-year-olds with 18-year-olds so that they can continue to pay lower wages. The new deal will be of limited worth if the minimum wage creates an unemployment black hole for young people as soon as they reach 22.

I have focused on the detail of specific welfare packages rather than on the broader sweep of welfare strategy. Although there have been successes in Government policy, there is still room for improvement. I hope that my remarks will be taken as constructive criticisms and positive suggestions. There is little doubt, however, that far more has to be done in respect of the bigger picture than a tweaking here or an extension there. The Government have to decide who the beneficiaries of their welfare reform strategy are supposed to be—the taxpayers of middle England or the vulnerable in society.

The Parliamentary Under-Secretary of State for Scotland (Mr. Sam Galbraith): Oh, come on.

Mr. Welsh: The Minister may say that, but the Government will have to face up to that decision when they seek re-election on the votes of middle England. They have adopted plenty of the previous Government's policies to do exactly that. It is a fair question, and I look forward to the Minister responding to it instead of scoffing from a sedentary position.

I put a specific question to the Minister. Who can afford to lose a few extra pennies a month—the higher rate taxpayer or the lone parent, the disabled person or the pensioner? I know what my answers would be and I know how the majority of Scots would answer. In a Scottish context, the Government have got their political calculations wrong. Mrs. Thatcher put tax cuts before social cohesion, and look what happened to her popularity in Scotland. The Government's welfare strategy clashes with many of the dearly held principles of mainstream Scotland, which is why the people of Scotland are turning away in increasing numbers from new Labour's old Tory-style attacks on the social fabric of our nation. I simply say to the Minister: the Government have been warned.

7.32 pm

Mrs. Margaret Ewing (Moray): Although I am in danger of sounding like an elder statesperson in the House—I am in my fourth parliamentary term—I am amazed that Labour Back Benchers have not participated in the debate, other than to try to harass my hon. Friends the Members for North Tayside (Mr. Swinney) and for Angus (Mr. Welsh) during their speeches on a fundamentally important issue, which should be addressed with sincerity.

The Minister for Welfare Reform, whom I may have promoted to Secretary of State in an intervention, mentioned figures for expenditure on the mentally handicapped during the speech of the hon. Member for Kilmarnock and Loudoun (Mr. Browne). We said that Scotland is third from bottom in terms of spending per head, but the Library has suggested that Scotland is fourth from bottom, and we have used its figures. The Minister will accept, however, that comparing different systems is difficult. Whether we are third or fourth from bottom is not an aspect that the Society for the Mentally Handicapped would want to hear about. Mental handicap and mental illness are often the forgotten aspects of social welfare, and they should be addressed much more seriously.

I assure the Minister for Welfare Reform that he will receive a comprehensive response from the Scottish National party by 31 July. I have participated in previous responses on issues pertaining to social welfare reviews, including the Fowler report. He, too, was involved in responses on that subject back in the 1980s. I hope that all responses, whether from political parties, voluntary organisations or statutory organisations, are taken on board. I find it distressing that people who are working in the forefront of the welfare system often think that their knowledge is ignored. I hope that the Government's responses will be constructive.

I am delighted that my hon. Friend the Member for North Tayside has opened up the debate. The SNP is given limited time to initiate debates in the House, but, if they studied our record, people would see that we have carefully chosen matters of genuine concern to the public. We have not made cheap political points, but have opened up spheres of interest so that the public know that people are working on the public interest.

The SNP initiated debate on the benefits integrity project when people did not realise exactly what was happening in that sphere. Concessions have been made because we initiated that debate, and they have been welcomed by parties in all parts of the House. I do not understand the difficulty in accepting that the SNP, which has independence as its goal, opens up such matters for genuine discussion in the House. I wish that some of the interventions had not been quite so petty.

The issue is what the public think is happening in the review of social welfare. The words in our motion were coined not by me or by my hon. Friends, but by supporters

of the governing party. They reflect a concern in society that has to be addressed. At one point, the Minister for Welfare Reform left his usual gentlemanly style behind and read a brief from one of the spin doctors, because he clearly thought that we had coined those words. That was unlike him, because he is usually courteous.

I should like to think that we shall have high-quality debates on this subject, especially when the responses have come in, and I presume that we will go into it in greater detail during the next Session. Unfortunately, no SNP Members serve on the Social Security Committee, although we hope to be allocated a place on it in the interests of consensus, and hope to submit oral and written evidence.

One of the difficulties that the Minister for Welfare Reform faces is that he is too genuine a person—it is almost a curse when everyone says that they respect him. When the rumour went around the House that No. 10 had said that a new Beveridge was needed to think the unthinkable, the response was, "Coffee or tea?" He would not take such a facetious approach to this political issue, because he has taken on board the changes in our society and the need for new approaches. He has had difficulties in his party and in his constituency association because of the strong stances he has taken.

Like the Minister for Welfare Reform, I recognise that there are no simple solutions to the welfare issues that society faces. If there were, there would be a unanimous vote in the House—we would all walk into the same Lobby if we could immediately resolve those problems. I hope that we can join together and argue for a sensible approach to the problems that have been outlined by my hon. Friend and other participants in this debate.

I wish to pick up on an issue that is dear to my heart—the demographic time bomb that faces our society because of the growing number of elderly people. When I worked as an social services administrator, we referred to the problem in the Strathclyde and Dumfries Galloway area as a "sleeping elephant". Most Members of Parliament realise from their constituency postbags and surgeries that it is a serious problem. The problems experienced by elderly people are vast. Points have been made about the elderly single pensioner, and the problems of housing, benefit, warmth and heating, and a variety of health matters.

I recently read an article, which I would recommend to the Minister and to the Minister of State, Scottish Office, who may already have read it. On 13 June, the *Herald* magazine published a review of a book by Linda Grant, in which she speaks about the problems that she and her family faced with their elderly mother who suffered from dementia. The book is entitled "Remind Me Of Who I Am, Again".

Some of us have experienced the same problems with elderly parents or elderly members of our families, and I am sure that nearly every Member of Parliament has experienced problems with constituents who face the same difficulties. Linda Grant speaks about the guilt that is felt, about the decisions that have to be made, and about choosing between permanent and residential care. I recommend that hon. Members at least read extracts from the book. This is not a commercial for the book; the subject is close to my heart.

The review was followed by an article by Reg McKay in the same weekend magazine. The figures he quoted came essentially from the Association of Directors of Social Work—I think that the Scottish Office Minister was present at the relevant conference. He said:

"Constant, 24-hour support at home from the cheapest provider will cost at least £50,000 per person per year and as much as £80,000 in rural areas."

That is if we hope to keep elderly people within the community. He went on:

"It is estimated that Scotland has 340,000 elderly living in the community, who need care or support . . . There are 125,000 people in Scotland who are practically full-time carers."

Those carers sacrifice their careers, relationships, education and leisure.

The Association of Directors of Social Work has advised that it should be

"a central aim of social policy . . . to support and to complement the long-term care given by carers"

and that there should be

"a simultaneous development of community services".

That aspect can be considered within the Scottish Parliament, because local government, health and community care will come within its auspices.

The Minister asked earlier whether we could make recommendations. Obviously we shall make our own recommendations in our response to the Government's paper, but during the conference, the ADSW made 16 firm recommendations in the context of the elderly, and I would certainly recommend them to the Ministers present today, because I very much agree with them.

One of the greatest problems faced by elected Members is that our constituents approach us with fears of uncertainty about what the welfare programme holds. When the benefits integrity project was introduced, many worried disabled people asked us whether they would be reviewed and would lose money. I have a substantial file on the difficulties that those people faced. Without the work that was done by the citizens advice bureaux in my area and the Benefits Agency, many people would have been even more deeply worried. Indeed, I still receive letters on that subject.

The Government must ensure that no action is ever taken which worries an individual who feels vulnerable. It is easy for Ministers to say that they recognise that, but let us ensure that the legislation we introduce is sensible and comprehensible to all those involved. Let us have genuine proposals, not just circulated thoughts that cause unnecessary and unwarranted concern.

The subject of pensions is extremely complex. The Minister and I have worked together, on all-party and other groups, on that subject. I do not want to malign other hon. Members, but I suspect that most of those in the Chamber today are roughly of the same generation as me. Various options were open to us, but no options were open to the older generation. They assumed that, by paying their national insurance contributions, they would be guaranteed security until the end of their days.

I am always impressed when we interview young people who come forward for employment opportunities. At the age of 20 or 21, one of the first questions they ask is, "What are your pension provisions?" Thus there is a generation gap. I recognise the difficulty of drawing lines

[Mrs. Margaret Ewing]

at any point, but we owe a debt to our older generation, who assumed that in the post-war period they would be looked after until the end of their days.

In opening up this debate, which I know will be continued, we have put forward our motion in a genuine desire for a constructive debate. It is incumbent on all of us, as representatives of the electorate, to do so. We should not attempt to make party political points on the matter, as some hon. Members tried to do earlier. It deserves genuine and serious consideration. The Scottish Parliament will have the opportunity to consider welfare, health and community issues. In the meantime, we must address those matters with all seriousness.

7.46 pm

The Parliamentary Under-Secretary of State for Scotland (Mr. Sam Galbraith): You will be delighted to know, Mr. Deputy Speaker, that, not being an aficionado on this subject—indeed, it is unusual for me to speak on it—I shall not take long in replying. However, I have enjoyed listening to the various aficionados speak so briefly on the issues before us, and I shall try to deal with one or two of the points raised.

The hon. Member for Angus (Mr. Welsh) asked about the disabled. He has a long and reputable history of support for, and of speaking in the House on, the disabled, which he continued tonight. He asked whether we would spend more on the disabled in the new deal. The answer is yes; we have only made a start, and are waiting for other projects and proposals. Should they prove useful and beneficial, that will be done.

The hon. Gentleman also asked what we can do for people who are in work. We shall consider how we can retain them in projects under the new deal. We are looking in anti-discrimination legislation to ensure that it is easier for them to retain their jobs.

The hon. Gentleman made other points, and I hope that he will include them in his party's submissions on the Green Paper. He spoiled his speech at the end by referring yet again to middle England, as if it was a headed monster that is different from middle Scotland. I realise that he cannot throw off the habits of a lifetime—his bad political practices, and his usual whinges and cringes. Apart from that, it was a reasonable performance.

I was grateful to the hon. Member—is it Roxburgh, Selkirk and Peebles? Roxburgh and Berwickshire.

Mr. Kirkwood: Middle borders.

Mr. Galbraith: Middle borders, thank you. The House was grateful for his very short speech. It lasted about 18 minutes, but for him that was a short speech. He asked for better data. We have begun a project that will enable us to disaggregate and collect much better data. That is important, particularly in the context of the new assembly.

The hon. Gentleman asked me to investigate the Irish anti-poverty strategy, and referred to the social exclusion unit. We already have an anti-poverty strategy: it is to deal with social exclusion. Perhaps he has not heard us talk about the new deal, but I cannot believe that. Our strategy is to do with rural inequalities in health, priority partnership areas, urban programmes, the new deal for schools, and child care. We do not want more money pumped into research and theoretical arguments about what is or is not poverty: we want action. The social exclusion unit met for the first time on Monday, and it is considering all the data.

I waited with great anticipation to hear the hon. Member for North Tayside (Mr. Swinney), who introduced the debate. He is generally considered to be one of the more thinking members of the Scottish National party. *[Interruption.]* That does not say much for the rest of them. *[Interruption.]*

Mr. Deputy Speaker: Order. I remind the hon. Gentleman that he should address his remarks to the Chair.

Mr. Galbraith: I am sorry, Mr. Deputy Speaker.

I enjoyed the hon. Gentleman's speech, although it was rambling and vacuous at times. I say that as a friend of his: I am not being awkward. He fell into the trap of bandying around nebulous statistics. The statistics produced by the hon. Gentleman and his hon. Friends usually have no firm basis, and are only used to effect. The hon. Gentleman said in *The Scotsman* today:

"statistics analysed by the SNP"—

we now know that they were not analysed by the SNP, but were given to him by the Library—

"showed that the UK was already spending less per head on welfare support than 12 of its partners in the European Union"

My right hon. Friend the Minister made the point that total expenditure is not the main measure of social welfare—it is what we do with it that counts. As my right hon. Friend said, the United States spends more than 10 per cent. of its gross domestic product on health, yet it has a worse, not a better, service, because it wastes a large proportion of that expenditure.

The hon. Member for North Tayside should not indulge in silly notions of spending per head. It is extremely difficult to make statistical comparisons across nations. The populations being compared must be the same, and they usually vary from area to area. However, the method accepted in Europe is called social protection expenditure. The latest figures—

Mr. Welsh: "It says here."

Mr. Galbraith: Yes, I have done a bit of research on this as well. It is interesting, because I realise how much rubbish is talked.

The social protection expenditure figures show that we are not bottom of the league. In fact, we are average. Many countries are below us, including Belgium, Greece, Ireland, which the Scottish National party is always keen to mention, Italy, Luxembourg, Portugal and Spain. We should take all these figures with a little pinch of salt. Every time we analyse figures produced by the Scottish National party, the only thing we can be sure about is that they are wrong.

I was also disappointed with the Scottish nationalists' big new ideas. They have been thinking about this issue for a long time, and wanted a full debate. What were their big new ideas? More bureaucracy. They suggested another welfare rights officer for Scotland, which would duplicate what we already do UK-wide to promote

benefits. We have many pilot projects: the Secretary of State for Social Security was in Paisley only yesterday at one of these projects. Never mind duplicating the work of local authority welfare rights officers: let us have more bureaucracy. The Scottish National party's only suggestion for the social security system in Scotland is more and more bureaucracy.

The Scottish nationalists' argument was full of straw men. They say that they want a social security system that concentrates on the needy. Was anyone arguing about that? They just kept repeating their argument. I was slightly disappointed that no reference was made to what has been done. The new deal and its various facets were briefly mentioned, but that was all. The hon. Member for North Tayside did not talk about the minimum wage. The hon. Member for Angus mentioned it, but only to deride it. There were no thanks for introducing a minimum wage for the first time ever in this country. He just whinged about it as usual.

Nothing was said about the new deal for schools or child care. How can we talk about a social strategy for the country and never mention child care? The hon. Gentlemen never mentioned the proposals in our Green Paper, and they did not make a proposal of their own. Nothing was said about what we have done to improve the tax and benefits system. Family tax credits will give working families £180 a week, which is equivalent to a national minimum wage of £5 an hour. The hon. Gentleman did not mention any of those proposals.

The hon. Member for North Tayside did not deal with this issue in the round. There is no one solution to this problem. We must consider the whole structure: the health service, housing and education. Above all, we must provide jobs. A job is the key that unlocks the door to everything. We have provided not only a safety net, which the hon. Member for West Chelmsford (Mr. Burns) asked for, but a springboard to the future, and a stake in society.

Many of our problems result from unemployment. If people are unemployed, they have no future and no stake in society. They need a job to have a future, to have a stake and to have the economic means to make choices. That is why our social strategy is based on giving people a job. If we give them a job, we give them integrity, decency, a stake in society and a future. That is what a Labour Government will give them.

Question, That the original words stand part of the Question, *put and negatived.*

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments) and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the Government's comprehensive approach to welfare reform around the principle of work for those who can, security for those who cannot, which was set out in the Welfare Reform Green Paper; notes the Government's commitment to consultation with organisations of, and for, disabled people, and the substantial safeguards included in the Benefit Integrity Project; notes the Government's commitment to helping today's and tomorrow's pensioners and welcomes the establishment of the Pensions Review and the action taken already to help today's pensioners through cutting VAT on fuel and paying winter fuel payments to all pensioners; notes that the New Deals for Lone Parents, for the Young and Long-Term Unemployed and for Disabled People are the largest assault on worklessness and social exclusion ever undertaken in Britain; and welcomes the action taken by the Government in the Budget to support families and children through increasing child benefit and the family premium in income support and by the proposals to introduce a working family tax credit and a disabled person's tax credit.'.

Forest of Dean

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Betts.]*

7.58 pm

Mrs. Diana Organ (Forest of Dean): Mr. Deputy Speaker, thank you for allowing me the opportunity of bringing the issue of the environmental protection of the forest of Dean to the Floor of the House of Commons.

When I secured the debate, I suspected that perhaps only I and the Minister would be here on a Thursday evening, with no Friday sitting. I am pleased to realise that, with the debate starting at this earlier hour, I have the opportunity to press my case for two and a half hours. I know that my hon. Friend the Minister is always happy to listen to representations on the issue. However, I reassure him that I will take far less time, as I know that he will be able to respond to my questions in less than two and a half hours.

I thank the hon. Members who are in the Chamber for showing their support in an issue which is of wider interest than just my constituency. It concerns protecting a part of Britain which is valuable to the whole nation, since it is a landscape treasured by many—both local and visitor. The forest of Dean sits between the rivers Severn and Wye. It has long been known as a great area of beauty. Daniel Defoe, in his travels around Britain in the 18th century, commented on the spectacular views and towering oaks.

Successive Governments in this century have looked at protecting the area. It was one of the first areas to be considered by the national parks committee in 1929 and by Ramsay MacDonald's Government. In 1938, it was designated a national forest park, predating consideration given to the New forest. In 1947, the Hobhouse committee looked at granting national park status to the forest of Dean, but decided against it, and against the lesser status of area of outstanding natural beauty. Each time, the forest did not gain protection, which was deemed unnecessary on the ground that, as an ancient royal hunting forest, it would be protected by the Forestry Commission.

In 1974, there were investigations into making the forest an area of outstanding natural beauty, but again it was left out—principally for the same reason that applied in 1929, 1938 and 1947. However, changes made to the Forestry Commission under the previous Administration mean that this body alone can in no way be considered as a guardian or protector of our area.

The area, which is vulnerable and demands environmental protection, is much wider than those administered by Forest Enterprise. The limited guardianship offered by Forest Enterprise to only parts of our environment is not enough—it is not, nor is it intended to be, the custodian of this wooded limestone escarpment.

Times have changed. Over the past 50 years, the pressures and demands on land use and the scale and effect of intrusive and invasive development mean that we must act now to protect the area before it is too late. The valued area of the Forest of Dean is particularly vulnerable to those demands and pressures. Areas of wilderness, forest, moor and marsh are scarce in our densely populated island. Those that remain need to be recognised and protected by the Government for the whole nation and for future generations.

The Government are committed to greater access to the countryside for all people and are actively working to improve access for many, recognising that, by being in such a wonderful environment and taking pleasures in the landscape, town and rural dwellers alike can relax and restore their spirits. In the forest of Dean, we welcome warmly the opportunity for as many as possible to share our beautiful landscape. It is our greatest asset, and a vital component of our rural economy.

The forest of Dean attracts hundreds of thousands of tourists every year. They come to relax, walk, ramble, climb, ride, cycle and fish, and to learn about our arts, crafts and industrial heritage. We need them to come and enjoy themselves. We need them, of course, to spend their money. They are important contributors to the rural economy. The revenue and jobs created by tourists helps our economy to remain vibrant, and are a force in the regeneration of our area. They come to see Dennis Potter's "Blue Remembered Hills"—the breathtaking vistas which only limestone escarpments cut through by rivers can offer. I invite my hon. Friend the Minister to refresh his weary spirit and take a little time to relax in the summer recess by coming to enjoy the beauty and splendour of the forest of Dean.

Increased access to a landscape which is despoiled, degraded, diminished and damaged offers nothing. Visitors will not come to see spoil heaps or gaping scars in the view. They come to escape noise, dust, pollution and congestion. The very aspects that the tourists come to see are those which are vulnerable to large-scale invasive activity.

We have no environmental protection in the forest of Dean against the growth of that kind of activity. There is no regime to protect the area for the nation. We do not even have the protection that the Labour Government of 1945 believed would be there. The forest of Dean does not even have recognition of its valuable landscape.

The spectacular landscape wraps itself around small towns and villages which reflect our industrial heritage. We do not have chocolate-box villages. They are instead industrial working settlements. The forest of Dean has a long, proud industrial heritage based on iron ore, limestone quarrying and deep coal mining. Its skills are those of engineering and manufacturing. Our economy is heavily based on industry. The forest, therefore, would not seek, or want, blanket protection that national park status would give. It would stifle the economic regeneration which is desperately needed to revitalise our market towns.

The status of an area of outstanding natural beauty may be sufficient for areas such as the Cotswolds, but we feel that it would be insufficient to ensure that large-scale intrusive developments could be prevented in the Dean. That is another of our dilemmas. The future economic vibrancy of the forest of Dean is dependent on mutually beneficial planning regimes which enable appropriate and sympathetic development but protect and preserve the valuable environment and vistas. The beautiful landscape is increasingly vulnerable, and that is recognised by many of my constituents and local authorities.

The landscape is vulnerable to opencast mining and inappropriate large-scale leisure developments. At present, it is most threatened by extensions to quarrying activity—a common threat in limestone areas. Areas of great beauty, such as the Mendips and the Peak district,

are subject to large-scale quarrying, as limestone is the gift of God—providing not only good-quality rock that is easy and cheap to extract, but beautiful scenery.

Gloucestershire county council, for instance, has identified new areas of search on the limestone escarpment as part of their local minerals plan. It was suggested that the forest of Dean would have to accommodate new quarries along the splendid ridge. Although quarrying activity has been carried out in the area for centuries—there is quarrying for aggregates by both large-scale and small-scale operators—at present that is more or less accommodated within our landscape.

Indeed, companies such as Tarmac at Stowefield and Arc at Drybrook work hard to give good-quality environmental screening and take measures to minimise dust and noise pollution. They work and liaise with the local community. I received a letter from Drybrook parish council, which is next to the Arc quarry. The council wrote to me in response to an article in *The Mail on Sunday* to say that the quarry in the parish provided jobs, but did not pollute or disrupt the environment.

The proposed major expansion of quarrying highlights the vulnerability of the limestone area and has focused my constituents' minds with legitimate concerns. They have formed a campaign group to raise the issue and to alert both local and central Government to the potential problems. They have been shouting loudly for some time.

I must make clear that this is not a case of "not in my back yard" or of whingeing locals who are concerned only with their house's value. They have genuine concerns that the large-scale invasive activity that the proposed new quarry would bring will irrevocably damage the asset of this exquisite environment; not just for themselves—they are not that kind of campaigner. They are concerned about our tourist economy and the whole nation.

In spring 1997, in response to the campaign, the then shadow Secretary of State for the Environment—now the Secretary of State for Health—my right hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson) visited the forest of Dean and took on board the unique needs of the area. He pledged that an incoming Labour Government would provide the environmental protection that the area required. They would recognise the value of the landscape, and seek to protect its vulnerability. However, they would also knowledge the dilemma of having to protect beautiful scenery while not stifling necessary economic regeneration of towns and villages.

I thank my hon. Friend the Minister for the Regions, Regeneration and Planning for all the efforts that he and his Department have made in realising that pledge; for his time in meeting two delegations from the forest of Dean; for answering all my numerous letters and inquiries; and for always giving me his time and attention when I raised the issue with him in the Tea Room, the Lobby and the Corridor, and at all the meetings that we happen to be at together. Most of all, I want to thank him for supplying us with the avenue for the process, so that we can evaluate and quantify the situation, and allow consultation through the democratic planning process.

I thank the Minister also for pressing Gloucestershire county council to complete speedily its draft minerals plan, so that the matter can move on to public inqu[illegible]

Mr. Paul Keetch (Hereford): I congratulate the hon. Lady on securing this Adjournment debate. The next time that she meets the Minister in the Tea Room or Lobby, will she perhaps raise with him an issue that concerns not only the forest of Dean but south Herefordshire? As tolls on the old Severn bridge are imposed on traffic going only in one direction, very many heavy goods vehicles going in that direction use instead Gloucestershire's and south Herefordshire's roads, byways and even B roads to avoid paying a toll. It is about time that tolls on that bridge were imposed on traffic going in both directions—between England and Wales—or not at all. Significant environmental damage is being caused, in south Herefordshire, to the forest of Dean because of that situation.

Mrs. Organ: I should like to deal with one campaign at a time, with one Minister at a time. I really do not want to overburden the Minister by being on his back about all the issues. However, I should say that I have already written to the Minister of Transport about that very issue, which concerns both my constituents and those of the hon. Member for Hereford (Mr. Keetch).

It is crucial that we undergo a public consultation process, as our pre-election pledge of environmental protection did not detail its parameters—its remit or the areas to be included. In the pledge, my right hon. Friend the Secretary of State for Health was quite clear that all of those issues would have to be put out to public consultation. He did not say—neither was it ever agreed—that the matters would have to be settled later. What areas were to be covered—the old royal hunting forest, all of the district council area, all of my constituency, or only the St. Briavels hundred?

Some people may have thought that, after the general election, the pledge could simply be slotted into place without public consultation. However, there was no mapping out of which areas were to be included, or explanation of which types of development the forest required protection from. All those issues must be resolved using the democratic process—by public consultation, through the planning process.

The Minister for the Regions, Regeneration and Planning is a driving force in the Government's determination to modernise the planning process—a system that was established by the 1945 Labour Government and has generally served us well. His policy statement, "Modernising Planning", makes the Government's policy clear—that all future development must be sustainable, both economically and environmentally.

I welcome the Minister's commitment, but the issue is broader than quarrying control. This debate is not only about limestone quarrying. The pledge was made, and it must have a wider remit—to cover any large-scale, invasive activity that could detract from the area's natural beauty. Such activity was encompassed in the pledge given in spring 1997.

It is important that the Government are seen to be delivering on the commitment that they made. The pledge therefore has a wider political significance, which concerns not only the people of my constituency but others. The new Labour Government must be seen to be building trust between the electorate and Government; and we are doing that. We are delivering on what we said we would do—for example, on modernising Britain, and on reforming the constitution. Only this week in the House, we have been working on Bills to incorporate the

[Mrs. Organ]

European convention on human rights into United Kingdom law; and, in our Crime and Disorder Bill, we are delivering the fast track for young offenders. Those are pledges that are being fulfilled. We have to continue that work, to deliver on all our pledges.

In proceeding with the consultation offered as part of the minerals plan, the county council chairman of the minerals panel, Councillor David Gayler, would like to be assured that the inspector holding the inquiry will be able to include in his or her brief the proposal for a custom-built status for the forest of Dean, and that the inquiry will have the wide remit that we seek. The county council is currently preparing a paper on the issue.

I and many other people wish a public consultation with a wider remit to be established—similar to that which was conducted on the New forest, which recommended that "bespoke" planning conditions should be applied to that area. The forest of Dean has many similarities to the New forest. The New forest, too, is an ancient royal forest that was initially protected by the Forestry Commission. It, too, is controlled by a single local authority, and has a very beautiful landscape, which is under threat and did not have any protection.

The public inquiry for the New forest was particularly lengthy, taking many years. I know that the Minister is keen, as part of the modernisation process, to shorten the time that is sometimes required to reach planning decisions. The policy document states:

"There can be no justification in a modern planning system for procedures which take years to produce".

I ask the Minister to ensure that we in the forest of Dean do not have to wait years for that protection, and that the matter is dealt with at all stages as speedily as possible. The issue is not a local one—neither politically nor environmentally.

As a Government, we have a responsibility to deliver on our pledges, to keep trust with people, to plan wisely, to protect our valuable areas and to ensure that development is sustainable and for the mutual benefit of all.

8.15 pm

The Minister for the Regions, Regeneration and Planning (Mr. Richard Caborn): I thank my hon. Friend the Member for Forest of Dean (Mrs. Organ) for not taking two and a half hours to explain her case to the House. I am sure that all hon. Members will be pleased about that, as we were expecting to get extremely late trains tonight. It is pleasant that we may be able to get home a little earlier than we had planned.

I am pleased also that my hon. Friend has raised the issue of the proper protection of the forest of Dean. As she said, I have twice met her and delegations of her constituents, including local councillors, to discuss the potential problems in the forest of Dean and the best way forward in resolving their concerns. I therefore feel that I have a reasonable grasp of the specific worries of those campaigning for greater protection of the forest of Dean. I also continue to believe that—as she said—we identified early in our discussions, in October 1997, the most effective and realistic way forward.

I recognise the fears of many of my hon. Friend's constituents over their vision of large-scale new quarrying in the forest of Dean. As has been clearly explained in this debate, the forest of Dean is a beautiful part of our countryside. However, traditionally, it has also been a hard-working area in which mining has been an important local industry. The concerns of my hon. Friend and her constituents have centred, although not exclusively, on the quarrying industry.

We have an established and long-standing system in Britain for regulating the activities of the quarrying industry. The system balances modern society's need for the industry's products with careful planning of the industry's location and activities and regard for its environmental impact.

The mechanisms for considering the industry's impact at the local level is the minerals local plan. Such plans are the mechanism against which the granting of minerals permissions is assessed across the country, and the mechanism that must be used in the forest of Dean.

I believe that the fears that have grown in the forest of Dean because of possible development of new quarries are a result of the early work of Gloucestershire county council on the minerals local plan for Gloucestershire. Last year, Gloucestershire county council's officials identified certain areas in the forest that would be capable of meeting the county's sub-regional apportionment of aggregates provision. That early exploratory work did not constitute an invitation to the quarrying industry to submit applications for new quarries; nor did it necessarily mean that the areas that the officials were considering would appear in the final version of the Gloucestershire minerals local plan.

As I have often made clear to campaigners from the forest of Dean, the way of resolving those matters is for Gloucestershire county council to produce the minerals local plan for public scrutiny. As my hon. Friend said, I have written to Gloucestershire county council to remind it of the importance of producing its plan. Forest of Dean campaigners asked me to do that, and I did so very soon after our meeting.

All future quarrying planning applications will be considered with reference to that plan, and it is crucial, therefore, that it is debated and agreed at the local level as quickly as possible. That debate can properly include a public inquiry, if that turns out to be appropriate. The debate will not only eventually resolve the question of any possible new quarrying within the forest, but help in assessing whether any new additional environmental status needs to be given to the forest of Dean.

On the role of the inspector in the context of a public inquiry into the minerals local plan, I must make it clear that the plan inquiry could not make any decisions about special status for the forest of Dean. The role of an inspector in the local plan process is to hold the inquiry into objections to the published local plan and to report to the council with recommendations. He or she carries out that role independently, against the background of existing Government policy, so it would not be appropriate for Ministers to issue any instructions to the inspector in relation to any possible status for the forest of Dean.

Nevertheless, in subsequently considering the appropriateness of special status, Ministers would have the benefit of any views expressed at the inquiry or in written representations and recorded in the inspector's report to the council. To be relevant to the inquiry, those views would need to be expressed as objections to a particular proposal in the plan.

The campaigners for the protection of the forest have to recognise that there is no immediately available one-off solution by which I could simply exclude all quarrying from the forest of Dean. I cannot draw a line around the area and issue a proclamation. Even in national parks there is not an absolute ban on quarrying, although there has to be a strong case to allow new quarrying in such areas. The Government have made our determination on those matters clear in our decision not to approve an extension to Spaunton quarry in the North York moors national park.

Two national designations are potentially available to the Government in awarding landscape and planning protection to the forest of Dean. They are the designations of national park or area of outstanding natural beauty. Both are concerned with far more than merely quarrying. The delegations that I have met from the forest of Dean have said that they do not consider either of those designations as appropriate to the forest. That is because both designations apply strong planning protection, which some people fear might adversely affect some of the imaginative regeneration schemes that are being developed for the forest. That demonstrates the difficulty involved in achieving just the right level of protection to safeguard the environment, while nurturing the development of local communities.

I now understand that my hon. Friend is looking for a solution that takes into account the various other pressures on the forest, such as those from visitor numbers. Those issues are central to the system of protected areas designation.

The Countryside Commission has been undertaking work on various questions concerned with protected areas nationally and is about to submit its formal report to the Government. That will deal with the future status and management arrangements of the New forest and the south downs, as well as the Countryside Commission's proposals for enhanced funding and management of areas of outstanding natural beauty.

As a follow-up to that advice, my right hon. Friend the Minister for the Environment has asked the Countryside Commission to look again at the forest of Dean. Since the criteria for national park status were laid down in the National Parks and Access to the Countryside Act 1949, the forest of Dean has never been among the limited number of areas considered potentially suitable as a national park. It was given at least informal consideration as an area of outstanding natural beauty, but that has so far not come to fruition.

I understand that, in the 1950s and 1960s, when most of the designation programme was proceeding, there may have been an assumption that the involvement of the Forestry Commission in the forest of Dean was sufficient to provide the protection required. I am told that the matter was last looked at in 1971, when the local authorities concerned were consulted, but did not wish to proceed with designation as an area of outstanding natural beauty. The Wye valley area of outstanding natural beauty, which was designated in 1971, runs along the western edge of the forest. Whatever the previous conclusions and despite the earlier doubts of the anti-quarrying campaigners about area of outstanding natural beauty status, times change and the Countryside Commission is now looking afresh at the question.

In consultation with the local authorities and the Forestry Commission, the Countryside Commission is employing specialist consultants to help it to review how the position has changed since 1971, the land management, access and recreation pressures, the potential impact of any future minerals extraction and what the options might be, including AONB designation, to secure the future of the forest of Dean. There will be a steering group to take account of the views and interests of the key stakeholders, and the commission is looking carefully at the best way to take account of wider views.

As part of the study, the commission will look expressly at the suitability of AONB designation. Planning policy guidance provides that any applications for new or extended mineral workings in areas of outstanding natural beauty must be subject to the most rigorous examination and be demonstrated to be in the public interest. In general, policies and development control decisions affecting areas of outstanding natural beauty should favour conservation of the natural beauty of the landscape.

The Countryside Commission could recommend a special status, but the one option available to it without primary legislation but with the support of the Secretary of State would be an area of outstanding natural beauty. As my hon. Friend knows, if the commission recommended special status and the Government accepted the recommendation, it would require primary legislation; it would have to join the queue and could take some time to get through. I hope that campaigners in the forest of Dean will make what they want known to the commission.

My hon. Friend referred to the position in the New forest as a possible way forward for the forest of Dean. I can assure my hon. Friend that the campaigners for greater protection in the New forest are not happy with the current arrangements there. In 1994, the previous Government took the unusual decision to award the New forest heritage area the planning status of a national park, without the usual designation or administrative arrangements for a national park. They wanted the boundary of the heritage area to be defined in the local plan process. The fact that that process is still not complete shows the cumbersome nature of those arrangements, and I think that my hon. Friend referred to the time that had been taken already.

As I have said, Ministers will shortly be looking at the Countryside Commission's advice on the possible ways forward in the New forest. I do not regard the current arrangements in the New forest as a suitable precedent for the forest of Dean. In any case, those were based on the long-standing view of the Countryside Commission, which is responsible for the designations subject to the confirmation of the Secretary of State, that the New forest is suitable for a national park level of designation under the terms of the 1949 Act. The forest of Dean is a different case. It has not been considered appropriate for national park status under the legislation, but, as I have made clear, the question of AONB status remains open.

I am glad to have had the opportunity to give those issues a proper airing in the debate. The House will recognise that, far from reneging on an election pledge, the Government are tackling the issue of quarrying in the forest of Dean head on. Before coming to power, we said

[Mr. Richard Caborn]

that we would consult local groups, local businesses and the district and county councils on how best to sustain the character and prosperity of the forest and its community. I have made it plain that the best way to achieve that consultation in the context of quarrying in the forest of Dean is to use the existing public inquiry procedures, which occur during the preparation of Gloucestershire county council's minerals local plan. We have also now provided an opportunity for views to be fed to the Countryside Commission as part of a wide-ranging look at what might be the best means of providing appropriate protection for the forest in the future. Those who really have the interests of the forest at heart should now get down and concentrate their energies on putting across their views in the public debate at the local level. That is where the decisions can be affected.

It would be pleasing if the reporting were slightly more objective; it would not be a bad idea if, from time to time,journalists contacted the Department, so that we could put our views. That would allow for a slightly more constructive debate than the one that has being going on in some of the heavy newspapers and the Sundays.

I hope that I have outlined a clear way in which our manifesto pledge can now be carried out. I hope, very genuinely, that those who have visited my office over the past few months will now get down to putting their case succinctly to the two bodies that are considering it—the minerals plan inquiry and the Countryside Commission. I am sure that we will be able to find a satisfactory solution to what clearly is a problem.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Eight o'clock.

Written Answers to Questions

Monday 15 June 1998

DEFENCE

Sierra Leone

Mr. Maclean: To ask the Secretary of State for Defence, pursuant to his answer of 20 May 1998, *Official Report*, column 396, what was the operational role being performed by HMS 'Cornwall', on each of the dates listed; and if any Sandline-operated helicopters landed on HMS 'Cornwall' on any of those dates. [44892]

Mr. George Robertson: I refer the right hon. Member to the reply I gave the hon. Member for Salisbury (Mr. Key) on 20 May 1998, *Official Report*, column *396*, as regards the operational role of HMS Cornwall while deployed off West Africa. However, I assume the right hon. Member seeks information about specific activities by the ship. On the days in question HMS Cornwall:

23 February 1998—rendezvoused with HMS Monmouth for handover of West Africa duties at 1200A and to replenish stores from the accompanying RFA Orangeleaf;

25–27 February 1998—was alongside in Conakry, Guinea for maintenance and direct liaison on Sierra Leone issues with British High Commission personnel;

28 February-20 March 1998—after replenishment at sea from RFA Orangeleaf, passage to Freetown, Sierra Leone from whence direct humanitarian assistance was provided to local organisations and people.

23–27 April 1998—passage from Nouadhibou, Mauritania, arriving Conakry, Guinea 24 April for informal visit including official reception.

No Sandline-operated helicopters landed on HMS Cornwall during any of these days, or at any other time.

Pensions

Mr. Lansley: To ask the Secretary of State for Defence what estimate he has made of the cost of increasing pensions to half of spouses' pensions for widows of those in the armed services prior to 1973. [44666]

Dr. Reid: We estimate that the cost to the Armed Forces Pension Scheme of raising the level of all pre-1973 service widows' pensions to half that of their deceased husbands' pensions would be approximately £30 million a year. A precise figure could be calculated only at disproportionate cost.

Foreign Nationals (Security Clearance)

Mr. Hancock: To ask the Secretary of State for Defence if he will list by nationality for each of the last five years, non-UK nationals who have been security cleared to *(a)* confidential, *(b)* secret and *(c)* top secret classifications. [45092]

Mr. Spellar: I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

Army Base Repair Organisation, Stirling

Mr. Dalyell: To ask the Secretary of State for Defence what factors have delayed the investigation by the Ministry of Defence Police into allegations pertaining to alleged fraud at the Army Base Repair Organisation at Stirling, over the period 15 December 1997 to June 1998. [44416]

Dr. Reid: This is a matter for the Chief Constable of the Ministry of Defence Police (MDP). I have asked the Chief Constable to write to my hon. Friend.

Letter from W. E. E. Boreham to Mr. Tam Dalyell, dated 15 June 1998:

I am replying to your Question to the Secretary of State for Defence about the Ministry of Defence Police investigation at Army Base Repair Organisation (ABRO) Stirling, as this falls into my area of responsibility as Chief Constable/Chief Executive of the Ministry of Defence Police (MDP) Agency.

The Ministry of Defence Police are investigating allegations of irregularities at ABRO Stirling. I have reviewed the investigation and consider that it is being expeditiously pursued given its nature and complexity.

Armed Service Personnel

Mr. Cox: To ask the Secretary of State for Defence how many women are currently serving in each of the three armed services. [44117]

Dr. Reid *[pursuant to his reply, 4 June 1998, c. 312]:* I regret that the percentage figure for female RAF officers was given incorrectly as 9.4 per cent.; the actual figure is 8.6 per cent. For completeness I reproduce the entire table.

As at 1 April 1998 the number of women serving in the Armed Forces was:

	Officers	*Other ranks*	*Total*
Naval Service	453 (7.3%)	2,809 (7.7%)	3,262 (7.3%)
Army	1,172 (8.4%)	6,260 (6.5%)	7,432 (6.8%)
Royal Air Force	939 (8.6%)	4,067 (9.1%)	5,006 (9.0%)
All Services	2,564 (7.9%)	13,136 (7.4%)	15,700 (7.5%)

NORTHERN IRELAND

Special Advisers

Mr. Sayeed: To ask the Secretary of State for Northern Ireland how many special advisers, political advisers and other political appointees are working in her Department; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43319]

Marjorie Mowlam: I refer the hon. Member to the answer given by my right hon. Friend the Prime Minister to the hon. Member for Woodspring (Dr. Fox) on 11 June 1998, *Official Report*, column *664*.

National Insurance contributions are excluded from the figure but are paid under the same rules and at the same rates as for civil servants. Information on the paybill costs

for Special Advisers within individual Departments is not provided in order to protect the privacy of the individuals concerned.

Information on the cost of employing Special Advisers in previous years was given by my right hon. Friend the Chancellor of the Duchy of Lancaster to the hon. Member for Gordon (Mr. Bruce) on 25 November 1997, *Official Report*, columns *472–73*.

Prisoners (Release)

Mr. MacKay: To ask the Secretary of State for Northern Ireland (1) how many prisoners will be eligible for early release under the Belfast Agreement; [43944]

(2) how many of the prisoners who will be eligible for early release under the Belfast Agreement are serving life sentences. [43942]

Mr. Ingram *[holding answer 1 June 1998]:* Eligibility for release will be determined by the Sentence Review Commission. The Commissioners will consider applications against the following criteria:

(i) whether a prisoner is serving a sentence of five years or more, including a life sentence, for a scheduled offence which has not been de-scheduled by the Attorney-General.

(ii) that the prisoner is not a supporter of a terrorist organisation;

(iii) that a prisoner, if released immediately, would not be likely to become a supporter of a terrorist organisation or become concerned in the commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland; and

(iv) that a life sentence prisoner released immediately would not be a danger to the public.

Current estimates indicate that there are 402 prisoners serving sentences of five years or more for scheduled offences relating to terrorism in Northern Ireland including 129 life sentence prisoners without current provisional release dates. In addition, there are 20 prisoners convicted of similar offences who have been transferred to Northern Ireland from Great Britain (including seven prisoners serving life sentences).

Mr. MacKay: To ask the Secretary of State for Northern Ireland over what period prisoners would normally be released who are eligible for early release under the Belfast Agreement. [43943]

Mr. Ingram *[holding answer 1 June 1998]:* It is not possible to state in advance when life sentence prisoners will be released. Many determinate sentence prisoners who would be eligible under the scheme are already being released under current arrangements.

Reviews

Mr. Allan: To ask the Secretary of State for Northern Ireland if she will list, for each of the last four years, the departmental inquiries and reviews instigated by Ministers which have been chaired by individuals outside her Department; and in each case if she will give the date of establishment and the name of the chairman. [44361]

Mr. Paul Murphy: The information for the Northern Ireland Office and the Northern Ireland Departments is as follows:

Department inquiry/review	*Date of establishment*	*Chairman*
1994		
Acute Hospitals Reorganisation Project	March 1994	Dr. J. K. McKenna
Review of the NI (Emergency Provisions) Act 1991	May 1994	Mr. J. J. Rowe QC
Review of Health Promotion Arrangements	October 1994	Rabbi Julia Neuberger
Review of Teacher Education	November 1994	Sir William Taylor
1995		
Review of Major Museums in NI	January 1995	Alistair Wilson OBE
Stormont Fire & Safety in Crown Buildings	January 1995	Sir Reginald Doyle
Review of the NI Police Complaints System	November 1995	Dr. Maurice Hayes
Employment Equality Review	February 1995	Michael Lavery QC
The International Body	November 1995	Senator George Mitchell
Inquiry into Legislation Against Terrorism	December 1995	Rt. Hon. Lord Lloyd of Berwick
1996		
Review of Youth Work Curriculum	March 1996	Mr. Tom Wylie
Independent Review of Parades and Marches in NI	July 1996	Dr. Peter North
1997		
Report on Staff Deployment in the Northern Ireland Civil Service	March 1997	Dr. Maurice Hayes
Youth Service Police Review	June 1997	Mr. Stephen Turner
Report of the Medical Review Panel	July 1997	Professor Liam Donaldson
Victims of Violence	October 1997	Sir Kenneth Bloomfield
The Narey Inquiry into incidents at HM Prison Maze	December 1997	Mr. Martin Narey

Secondary Schools (Grammar Stream)

Mr. Beggs: To ask the Secretary of State for Northern Ireland if she will permit secondary schools which have adequate accommodation and appropriate staffing to provide a grammar school stream in their intake for pupils deemed suitable for a grammar school place in the transfer procedure; and if she will make a statement. [44972]

Mr. Worthington: Any Development Proposals for the creation of grammar streams at secondary schools will be considered on their merits, taking account of the evidence of parental views on the choices available to them at local level, and the implications for educational standards, for efficiency in the use of public expenditure, and for equality of opportunity of access to grammar schools places.

The Government have just launched a major research project on the effects of the selective system on secondary education in Northern Ireland, so that debate on all aspects

of the system, and consideration of possible changes to it, can be based on better information and understanding of the present system.

Extradition Warrants

Mr. William Ross: To ask the Secretary of State for Northern Ireland (1) if she will list for each of the last 25 years the number of extradition warrants issued by the RUC for persons sought for terrorist type offences whom the RUC believed to be resident in the Irish Republic, the number of such warrants executed by the authorities in the Republic and how many resulted in persons being returned for trial in Northern Ireland; [44915]

(2) if she will list, for each of the last 25 years, the number of extradition warrants issued by the RUC for persons sought for crimes, other than terrorists related offences, whom the RUC believed to be resident in the Irish Republic, the number of such warrants executed by the authorities in the Republic and how many resulted in persons being returned for trial in Northern Ireland. [44968]

Mr. Ingram: The information requested is given in the following table:

Extradition requests to Republic of Ireland 1973–1997

	Terrorist offences			*Non-terrorist offences*		
Year	*Persons sought*	*Persons arrested*	*Persons extradited*	*Persons sought*	*Persons arrested*	*Persons extradited*
1973	8	1	—	14	5	3
1974	6	2	—	24	11	9
1975	10	6	—	10	2	1
1976	14	6	1	20	7	7
1977	8	7	1	17	11	8
1978	7	3	—	33	16	15
1979	0	—	—	14	9	8
1980	5	1	—	18	12	12
1981	2	1	—	20	4	4
1982	3	—	—	33	19	18
1983	5	2	1	22	10	10
1984	1	1	1	10	1	1
1985	5	1	—	28	6	6
1986	5	1	1	1	—	—
1987	20	6	2	0	—	—
1988	3	—	—	1	1	1
1989	5	2	—	0	—	—
1990	0	—	—	0	—	—
1991	1	1	—	0	—	—
1992	0	—	—	0	—	—
1993	0	—	—	4	3	2
1994	2	1	1	11	10	10
1995	0	—	—	6	2	2
1996	0	—	—	5	4	4
1997	3	—	—	5	3	3

PRIME MINISTER

Special Advisers

Mr. Sayeed: To ask the Prime Minister how many special advisers, political advisers and other political appointees are working in his Office; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43318]

The Prime Minister: At 1 June, there were 19 special advisers employed in No. 10 Downing Street. The estimated paybill for 1998–99 is £1.1 million. This figure does not include the cost of National Insurance contributions which are paid under the same rules and at the same rates as for other civil servants. Information on the numbers and costs of employing Special Advisers in the then Prime Minister's office in 1996–97 was given in the answer to a Question from the hon. Member for Surrey Heath (Mr. Hawkins) on 21 January 1998, *Official Report*, columns *567–68*.

Bilderberg Group

Mr. Keetch: To ask the Prime Minister which Ministers attended the meetings of the Bilderberg Group between 13 and 16 May in Strathclyde; and if he will make a statement. [43684]

The Prime Minister: My right hon. Friend the Secretary of State for Defence attended part of the Bilderberg Conference in Ayrshire from 14 to 15 May this year.

Older People

Mr. Burstow: To ask the Prime Minister, pursuant to his answer of 5 June 1998, *Official Report*, column *369*, on Government policy towards older people, if he will adopt the aims of the Better Government Programme establishing mechanisms for Whitehall departments and Next Steps agencies to consult and involve older people in the development of policy and practice. [45215]

The Prime Minister *[holding answer 11 June 1998]:* The inter-Ministerial Group which I have established will aim to ensure that the development of Government policy and practice takes account of the needs and wishes of older people. This will include working with non-governmental groups representing older people's interests, and with older people themselves, to gain a better understanding of their lives and needs.

Millennium Compliance

Mr. Ian Taylor: To ask the Prime Minister if he will make a statement on the role of the Civil Contingencies Unit in respect of the impact of the Millennium computer problem. [45756]

The Prime Minister: The Civil Contingencies Unit has been renamed the Civil Contingencies Committee following transfer of day to day executive, policy and representational work to the Home Office.

Through MISC 4, Ministers are reporting progress in their areas of responsibility towards a technical solution to the Millennium Date Change problem as well as in developing contingency arrangements for consequence management. The Civil Contingencies Committee is in regular contact with MISC 4 and if necessary will fulfil its normal role of co-ordinating the central government response to a major emergency.

Buenos Aires Climate Change Conference

Mr. Dalyell: To ask the Prime Minister if he will ensure that officials from the Department of Trade and Industry form part of the British delegation to the Buenos Aires conference on the environment in November. [45792]

The Prime Minister: Yes. DTI officials will form part of the British delegation to the UN Climate Change Convention meeting in Buenos Aires, in November.

INTERNATIONAL DEVELOPMENT

Multilateral Agreement on Investment

Mr. Letwin: To ask the Secretary of State for International Development if she will make it her policy to ensure that the Multilateral Agreement on Investment is discussed at the WTO. [46012]

Mr. Foulkes: The Multilateral Agreement on Investment (MAI) is being negotiated at the Organisation for Economic Cooperation and Development (OECD). In addition to our work on the MAI, the Government are committed to working towards the establishment of multilateral rules on investment in the World Trade Organisation (WTO). We are playing a full part in WTO discussions, aimed at exploring the links between trade and investment and the implications for development and economic growth. We have also recently agreed a contribution of over half a million pounds to the United Nations Conference on Trade and Development (UNCTAD) to help build developing countries' capacity to participate effectively in discussions on a possible multilateral framework for investment.

Amazonian Environmental Programmes

Mr. Corbyn: To ask the Secretary of State for International Development what has been the total UK contribution under *(a)* bilateral and *(b)* multilateral agreements in respect of Amazonian environmental programmes in (i) 1997–98 and (ii) the current year; and if she will make a statement. [45391]

Mr. Foulkes: Total UK contributions in respect of Amazonian environmental programmes in 1997/98 were:

(a) bilateral—£2.34 million;

(b) multilateral (G7 Pilot Programme)—£0.7 million.

In the current year total projected contributions are:

(a) bilateral—£2.52 million;

(b) multilateral—£1.19 million.

Indian Sub-continent and China

Mr. Cohen: To ask the Secretary of State for International Development if she will list the total aid provided by Her Majesty's Government to *(a)* India, *(b)* Pakistan, and *(c)* China, indicating how much of this was delivered (i) Government to Government, (ii) through non-Governmental organisations, and (iii) by other means; and if she will list in each case the projects carried out during the last two years. [45974]

Mr. Foulkes: I will write to my hon. Friend.

Montserrat

Mr. Pickthall: To ask the Secretary of State for International Development what progress has been made in preparing a sustainable development plan for Montserrat; and what support the Department for International Development will provide for implementation. [46087]

Mr. Foulkes: Agreement has been reached between Her Majesty's Government and the Government of Montserrat on a draft text which is now being made available for public consultation. A copy has been placed in the Library of the House. I hope that agreement can be reached on the final version by August. The Department for International Development will make available up to a further £75 million over the next three years to support the Plan. The scale of this pledge reflects the devastation to the island and the constraints imposed on the private sector by the continuing uncertainty about the volcano. If the volcano enters a permanent state of repose many of these constraints would be lifted, enabling the people of Montserrat to take greater responsibility for their livelihoods and the private sector to take a greater role in rebuilding the island.

CULTURE, MEDIA AND SPORT

UK Sports Institute

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport how many sports men and women the UK Sports Institute plans to cater for when it is fully operational. [44734]

Mr. Banks *[holding answer 10 June 1998]:* The number of users of the United Kingdom Sports Institute services and facilities will be as high as presently benefiting from World Class Performance Plans, of which there are currently 1,745 athletes, but more will benefit as the regional network is developed.

LORD CHANCELLOR'S DEPARTMENT

Landlords (Health and Safety)

Dr. Whitehead: To ask the Parliamentary Secretary, Lord Chancellor's Department, if he will review the avoidance of liability for fines levied on landlords found guilty of contraventions of health and safety provisions in private rented accommodation by means of registering their companies in Jersey. [45090]

Mr. Hoon: Enforcement action can be taken if a company has assets in this country, even if it is registered in another jurisdication. I am not aware that landlords are avoiding their liability for fines for contravening health and safety provisions in private rented accommodation by registering their companies in Jersey and I have no plans for review at this time.

Magistrates Courts

Mr. Truswell: To ask the Parliamentary Secretary, Lord Chancellor's Department, what guidance he gives to magistrates' court committees on the procedures they are required to follow before deciding to close courts under their jurisdiction. [45767]

Mr. Hoon: None. Section 56(1) of the Justices of the Peace Act 1997 requires only that the magistrates' courts committee consult with the paying authority or authorities before it determines to close a courthouse. However, the Central Council of Magistrates' Courts Committees plans to issue guidance on this area, which my Department considers represents good practice.

Mr. Truswell: To ask the Parliamentary Secretary, Lord Chancellor's Department what criteria he takes into account in determining an appeal under section 56 of the Justices of the Peace Act 1997 against the proposed closure of magistrates' courts. [45771]

Mr. Hoon: There are no statutory criteria. Every appeal is dealt with on its merits and much depends on the grounds of the particular appeal lodged.

Typical grounds which are common to many appeals are: accessibility for all court users; the provision of modern facilities, for example facilities for disabled people, security arrangements for violent offenders, separate waiting areas for defendants and witnesses; the costs of necessary renovations to bring the court up to a modern standard; the time and travel distances for court users and the cost of that travel; the provision of courtrooms in the area; and overall efficiency.

Social Security Commissioners

Mr. Webb: To ask the Parliamentary Secretary, Lord Chancellor's Department what price the Social Security Commissioners charge to the general public per page for copies of their decisions; and what plans there are to change that price. [45486]

Mr. Hoon: The current charge (per page) is 50p for subscribers and £1 for general requests. We are reviewing these charges but no decision has yet been made.

WALES

Gwent Tertiary College

Mr. Llew Smith: To ask the Secretary of State for Wales when he expects to write to the hon. Member for Blaeneau Gwent to provide information in response to the question for answer on 23 April relating to Gwent Tertiary College (reference 39440). [45954]

Mr. Hain: I wrote to my hon. Friend on 1 June and I am still awaiting a response to my invitation to him to meet officials as I continue to be anxious to assist his quest for information.

Welsh Industrial and Maritime Museum

Mr. Rhodri Morgan: To ask the Secretary of State for Wales if he will *(a)* make a statement on and *(b)* list the dates of occasions on which his Department had meetings with (i) the Chairman, Chief Executive and/or other senior personnel of the Cardiff Bay Development Corporation and (ii) the Director of National Museums and Galleries of Wales to discuss the future of the Welsh Industrial and Maritime Museum and its Pier Head site within the last three months. [45725]

Mr. Ron Davies: My Department has regular exchanges with the Chairman and senior management of the Cardiff Bay Development Corporation, and with the Director of the National Museums and Galleries of Wales. The future of the Welsh Industrial and Maritime Museum and its Pier Head site has not been discussed with the Corporation. Decisions on the future site of the Industrial and Maritime Museum are entirely a matter for the Council of the National Museums and Galleries of Wales. Discussions with the Director of the National Museums and Galleries of Wales have included possible options for the future of the exhibits currently held at the Museum.

Scott Harbour

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 9 June 1998, *Official Report*, column *545*, if he will make a statement on the notification procedure to his Department by Cardiff Bay Development Corporation of payments made by it to ABP under the Scott Harbour rental guarantee scheme; how much of the £1.4 million maximum has so far been paid to ABP; on which date or dates such payments started; and if he will make a statement. [45772]

Mr. Ron Davies: Payments under the Scott Harbour rental agreement are an operational matter for the Corporation. In response to my hon. Friend's earlier Questions about the agreement, 30 March 1998, *Official Report*, column *400*, the Chief Executive wrote to him on 27 March. I will ask the Chief Executive to let my hon. Friend have a further letter updating that information and place a copy of the reply in the Library of the House.

FOREIGN AND COMMONWEALTH AFFAIRS

Arms Exports

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list those states in conflict which have received *(a)* toxicological agents and *(b)* baton rounds since 1 May 1997; when the licence was granted; and when the delivery took place. [43475]

Mr. Tony Lloyd *[holding answer 1 June 1998]:* I refer my hon. Friend to the answer given by the Minister for Small Firms, Trade and Industry to the hon. Member for Portsmouth, South (Mr. Hancock) on 7 May 1998, *Official Report*, column *476*.

UN Special Representatives

Mr. Rowlands: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the appointments by the United Nations of special representatives in the last 10 years; and what contribution to date his Department has made towards the costs of each special representative. [44227]

Mr. Fatchett: On 1 June 1998 the Secretary-General of the United Nations had 34 Special Representatives and 8 Special Envoys. I will arrange for a full list to be placed in the Libraries of both Houses today.

Special Envoys are funded under UN procedures for unforeseen and extraordinary expenditures through an advance from the UN Working Capital Fund. The UK's percentage contribution to the Working Capital Fund is the same as to the UN regular budget. In 1998 the UK contribution to the UN regular budget is 5.076 per cent. of the total appropriation. Special Representatives are funded under the budgets for peacekeeping operations. The UK's assessed contribution in 1998 to the peacekeeping budget is 6.1993 per cent. of the appropriation.

Human Rights

Mr. Rowlands: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list his Department's missions involved in human rights activity in 1997–98, indicating the nature of each project supported by each mission. [44226]

Mr. Fatchett: Details of Diplomatic Missions involved in human rights projects in 1997–98 and the nature of those projects are given. Some of this work was supported by funds from the Department for International Development.

Number of projects

Mission	*Theme (see key below)*										
	A	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*I*	*J*	*Total*
Abidjan	—	—	—	—	—	1	—	—	—	—	1
Addis Ababa	—	2	—	—	1	—	—	—	—	2	5
Almaty	1	—	2	1	1	1	—	—	—	1	7
Amman	2	1	—	—	—	—	—	—	—	1	4
Ankara	—	1	—	—	—	—	—	1	—	1	3
Antananarivo	1	—	—	—	1	—	1	—	—	—	3
Bangkok	2	1	—	—	—	—	—	—	—	1	4
Belmopan	1	—	1	—	—	—	1	—	3	—	6
Belgrade	—	1	—	3	2	2	—	—	—	—	8
Bogota	—	1	—	—	3	—	—	—	—	1	5
Brasilia	—	—	—	—	—	1	—	—	—	—	1
Bratislava	2	3	—	—	—	1	—	—	—	—	6
Budapest	—	5	1	—	—	1	1	—	—	—	8
Cairo	—	—	—	—	1	—	—	—	—	1	2
Caracas	—	1	—	—	2	—	—	2	—	2	7
Castries	2	—	—	—	—	—	—	—	1	1	4
Colombo	1	—	—	—	—	—	—	—	—	—	1
Dakar	—	—	—	—	—	2	—	—	—	—	2
Dar es Salaam	—	—	—	—	—	—	1	—	—	1	2
Dhaka	—	—	2	1	—	—	1	—	—	1	5
Guatamala City	—	—	—	—	—	1	—	—	—	—	1
Hanoi	—	—	—	1	—	—	—	—	—	—	1
Harare	1	—	1	—	—	1	—	—	—	—	3
Islamabad	—	3	—	—	1	2	1	—	—	11	18
Istanbul	—	—	—	—	—	—	—	—	—	2	2
Jakarta	—	—	—	—	—	2	—	—	—	1	3
Jerusalem	—	1	—	—	—	—	1	—	1	—	3
Kampala	2	—	1	—	—	2	1	—	1	1	8
Kathmandu	2	1	2	—	—	—	1	1	1	—	8
Khartoum	1	—	—	—	—	—	—	—	—	2	3
Kiev	—	—	1	2	—	—	1	—	2	—	6
Kingston	1	—	—	—	—	—	—	—	1	—	2
Kinshasa	—	—	1	—	2	2	—	—	—	—	5
Kuala Lumpur	—	3	—	—	—	—	1	—	—	2	6
Lilongwe	—	—	—	—	—	—	1	—	—	—	1
Lima	1	1	—	—	1	—	1	—	1	—	5
Luanda	1	—	—	—	—	1	—	—	—	—	2
Lusaka	—	—	—	—	—	—	—	—	2	—	2
Managua	—	—	1	—	—	—	—	—	—	—	1
Manila	3	—	—	—	—	—	—	—	—	—	3
Maputo	—	—	2	—	1	—	1	—	—	—	4
Maseru	—	—	1	—	—	—	—	—	—	—	1
Mbabane	—	—	—	—	—	1	—	—	—	—	1
Mexico City	5	—	—	—	—	—	—	—	—	—	5
Minsk	—	—	—	—	2	2	—	—	—	—	4
Moscow	2	2	—	2	4	8	1	2	1	1	23
Nairobi	3	—	1	—	—	—	1	—	—	—	5
New Delhi	—	2	—	—	2	1	1	—	—	1	7
Nicosia	—	—	—	—	—	—	—	—	—	1	1
Peking	—	—	—	—	—	—	1	—	—	—	1
Port Louis	—	—	—	1	1	—	1	—	1	—	4
Port of Spain	—	—	—	1	—	—	—	—	—	2	3
Phnom Penh	1	—	1	—	1	—	—	—	1	—	4
Port Moresby	—	—	—	1	—	—	—	—	—	—	1
Prague	1	8	—	—	—	—	—	1	—	—	10
Pretoria	2	—	—	—	2	—	1	2	1	1	9
Quito	2	—	—	—	—	—	—	—	—	—	2
Rabat	—	—	—	—	—	1	—	—	—	—	1
Riga	—	2	—	—	—	1	2	—	—	—	5
Sanaa	—	—	1	—	—	2	1	—	—	2	6
St. John	—	1	—	—	1	1	—	—	1	—	4
San Salvador	—	—	—	—	—	1	—	—	—	—	1
Santiago	3	—	1	—	—	—	1	1	—	2	8
Sarajevo	—	4	—	—	—	2	—	—	—	1	7
Sofia	—	2	—	—	—	—	—	1	—	—	3
Tallinn	—	2	1	1	1	—	—	1	—	—	6
Tashkent	—	—	—	—	—	1	—	—	—	1	2
Tbilisi	—	—	—	—	1	—	1	—	—	—	2
Tegucigalpa	1	—	—	—	—	1	—	—	—	—	2
Tortola	—	—	—	—	—	—	—	—	—	1	1
Vila	—	—	—	—	—	—	1	—	—	3	4

Number of projects

Mission	A	B	C	D	E	F	G	H	I	J	Theme (see key below) Total
Vilnius	—	—	—	—	—	1	—	—	—	—	1
Windhoek	—	—	—	—	—	—	1	—	—	—	1
Yaounde	—	—	—	—	2	—	—	—	—	—	2
Yerevan	—	—	—	—	—	—	—	—	—	1	1
Zagreb	—	—	2	—	—	1	1	—	—	—	4
Total	44	48	23	14	33	44	28	12	18	49	315

Note:
A. Children
B. Discrimination and Groups
C. Elections and Democracy
D. Support for the Media
E. Human Rights Awareness
F. Civil society including human rights institutions and NGOs
G. Rule of Law and Accessible Justice
H. Security
I. Prison conditions
J. Women

Algeria

Mr. Hancock: To ask the Secretary of State for Foreign and Commonwealth Affairs what liaison has taken place between EU and Algerian parliamentarians since the visit of the Minister of State to Algeria on 20 January. [44385]

Mr. Fatchett: A group of MEPs visited Algeria from 8 to 12 February 1998. They met members of the Algerian Government as well as opposition parties. Parliamentarians from a number of EU countries have visited Algeria in the past few months. My right hon. Friend the Foreign Secretary met the Algerian Foreign Minister in Palermo on 3 June 1998. A group of British MPs may visit Algeria later this year.

People's Europe '98

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish a breakdown of costs for People's Europe '98. [45269]

Mr. Doug Henderson: I refer the hon. Member to the answer I gave to the hon. Member for Rochford and Southend, East (Sir Taylor) on 1 April 1998, *Official Report,* column *535.*

Europe Day

Mr. Flight: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 6 May 1998, *Official Report*, column *414*, if the European flag will fly from Government buildings on Europe Day when the United Kingdom no longer holds the European Union Presidency. [45323]

Mr. Doug Henderson: Yes.

Indonesia

Mr. Wigley: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations Her Majesty's Government have made to the new regime in Indonesia concerning *(a)* civil rights and *(b)* the United Kingdom's trading policy with Indonesia. [45315]

Mr. Fatchett: In my meeting with President Habibie in Jakarta last month, I encouraged him to maintain the momentum of political and economic reforms. The necessary economic and political changes will help to create a more healthy trading environment.

Nigeria

Mr. Ottaway: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he is taking to encourage the restoration of air links to Nigeria. [45622]

Mr. Tony Lloyd: We last held air service talks with the Nigerian authorities in February 1998 and hope that the new Nigerian Administration will take forward the proposals made at those talks as a matter of priority.

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what communication he has had with General Abdulsalam Abubakar; [45650]

(2) if he will make a statement on the installation of the new Head of State of Nigeria; [45649]

(3) what representations he has received concerning relations between the United Kingdom and Nigeria; [45652]

(4) what plans he has to visit Nigeria. [45651]

Mr. Tony Lloyd: General Abdulsalam Alhaji Abubakar was installed as Nigerian Head of State on 9 June. On 12 June we issued a Declaration on behalf of the EU welcoming General Abubakar's call to all Nigerians to join in a process of reconstruction and reconciliation. Nigeria now has an opportunity to move forward in a way which reflects the wish of the Nigerian people in all their diversity including early moves to a democratically elected system of governance. The release of detainees including Chief Abiola will be an important part of that process. We hope that General Abubakar and his team will quickly take the necessary steps to allow Nigeria to resume its rightful place in the international community. The UK is ready to help and respond positively to progress.

We are in close touch with our EU, Commonwealth and other partners. We are still considering our response. We hope that events in Nigeria will allow the UK to re-establish a close relationship based on our historic ties.

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs how many British companies he estimates are currently active in Nigeria. [45653]

Mr. Tony Lloyd: There are approximately 70 British companies in Nigeria with equity there, but many others that sell products and services.

UN Covenants and Conventions

Sir John Stanley: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the UN member states which have not ratified the UN Covenant on Economic, Social and Cultural Rights. [44822]

Mr. Fatchett *[holding answer 11 June 1998]:* According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the following UN Member States were non-States Parties to the International Covenant on Economic, Social and Cultural Rights at the end of May 1998.

Andorra; Antigua and Barbuda; Bahamas; Bahrain; Bangladesh; Belize; Bhutan; Botswana; Brunei, Dar-es-Salaam; Burkino Faso; China; Comoros; Cook Islands; Cuba; Djibouti; Eritrea; Fiji; Ghana; Haiti; Holy See; Indonesia; Kazakhstan; Kiribati; Lao People's Democratic Republic; Liberia; Liechtenstein; Malaysia; Maldives; Marshall Islands; Mauritania; Micronesia, Federated States of; Mozambique; Myanmar; Nauru, Niue; Oman; Pakistan; Palau; Papua New Guinea; Qatar; Saint Kitts and Nevis; Saint Lucia; Samoa; Sao Tome and Principe; Saudi Arabia; Singapore, South Africa; Swaziland; Tajikistan; Thailand; Tonga; Turkey; Tuvalu; United Arab Emirates; United States of America; Vanuatu.

This information, which is updated regularly, is also available on the OHCHR's Treaty Bodies Database on the Internet (www.unhchr.ch).

Sir John Stanley: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the UN member states which have not ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. [44823]

Mr. Fatchett *[holding answer 11 June 1998]:* According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the following UN Member States were non-States Parties to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at the end of May 1998.

Andorra; Angola; Bahamas; Bangladesh; Barbados; Belgium; Bhutan; Bolivia; Botswana; Brunei; Dar-es-Salaam; Burkino Faso; Central African Republic; Comoros; Congo; Cook Islands; Democratic People's Republic of Korea; Djibouti; Dominica; Dominican Republic; Equatorial Guinea; Eritrea; Fiji; Gabon; Gambia; Ghana; Grenada; Guinea-Bissau; Haiti; Holy See; India; Indonesia; Iran; Islamic Republic of Iraq; Ireland; Jamaica; Japan; Kazakstan; Kiribati; Lao People's Democratic Office; Lebanon; Lesotho; Liberia; Madagascar; Malaysia; Maldives; Mali; Marshall Islands; Mauritania; Micronesia, Federated States of; Mongolia; Mozambique; Mayanmar; Nauru; Nicaragua; Niger; Nigeria; Niue; Oman; Pakistan; Palau; Papua New-Guinea; Qatar; Rwanda; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Samoa; San Marino; Sao Tome and Principe; Sierra Leone; Singapore; Solomon Islands; South Africa; Sudan; Surinam; Swaziland; Syrian Arab Republic; Thailand; Tonga; Trinidad and Tobago; Turkmenistan; Tuvalu; United Arab Emirates; United Republic of Tanzania; Vanuatu; Vietnam; Zambia, Zimbabwe.

This information, which is updated regularly, is also available on the OHCHR's Treaty Bodies Database on the Internet (www.unhchr.ch).

Sir John Stanley: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the UN member states which have not ratified the UN Covenant on the Elimination of Discrimination against Women. [44824]

Mr. Fatchett *[holding answer 11 June 1998]:* According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the following UN Member States were non-States parties to the UN Convention on the Elimination of all forms of Discrimination Against Women.

Afghanistan; Bahrain; Brunei; Dar-es-Salaam; Cook Islands; Democratic People's Republic of Korea; Djibouti; Holy See; Iran, Islamic Republic of; Kazakhstan; Kiribati; Marshall Islands; Mauritania; Micronesia; Federated States of; Monaco; Nauru; Niger; Niue; Oman; Palau; Qatar; San Marino; Sao Tome and Principe; Saudi Arabia; Solomon Islands; Somalia; Sudan; Swaziland; Syrian Arab Republic; Tonga; Tuvalu; United Arab Emirates; United States of America.

This information, which is updated regularly, is also available on the OHCHR's Treaty Bodies Database on the Internet (www.unhchr.ch).

Sir John Stanley: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the UN member states which have not ratified the UN Covenant on the Elimination of Racial Discrimination. [44825]

Mr. Fatchett *[holding answer 11 June 1998]:* According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the following UN Member States were non-States Parties to the International Convention on the Elimination of Racial Discrimination.

Andorra; Angola; Belize; Benin; Bhutan; Brunei; Dar-es-Salaam; Comoros; Cook Islands; Democratic People's Republic of Korea; Djibouti; Dominica; Equatorial Guinea; Eritrea; Georgia; Grenada; Guinea-Bissau; Honduras; Indonesia; Ireland; Kazakhstan; Kenya; Kiribati; Liechtenstein; Lithuania; Malaysia; Marshall Islands; Micronesia; Federated States of; Myanmar; Nauru; Niue; Oman; Palau; Paraguay; Saint Kitts and Nevis; Samoa; San Marino; Sao Tome and Principe; Singapore; South Africa; Thailand; Turkey; Tuvalu; Vanuatu.

This information, which is updated regularly, is also available on the OHCHR's Treaty Bodies Database on the Internet (www.unhchr.ch).

Sir John Stanley: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the UN member states which have not ratified the UN Covenant on the Rights of the Child. [44826]

Mr. Fatchett: *[holding answer 11 June 1998]:* According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the following UN Member States were non-States Parties to the UN Convention on the Rights of the Child.

Somalia; United States of America.

This information, which is updated regularly, is also available on the OHCHR's Treaty Bodies Database on the Internet (www.unhchr.ch).

Mr. Todd: To ask the Secretary of State for Foreign and Commonwealth Affairs when the United Kingdom will *(a)* sign and *(b)* ratify the UN Convention against Recruitment, Use, Financing and Training of Mercenaries; and if he will make a statement. [45716]

Mr. Tony Lloyd: We have no plans at present to sign and ratify the International Convention against Recruitment, Use, Financing and Training of Mercenaries. We have doubts concerning its legal enforceability in the United Kingdom. We are looking at options for national domestic regulation of military companies.

Brazil

Mr. Corbyn: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent meetings Her Majesty's embassy officials have had with political parties in Brazil; and what monitoring he expects to take place of the elections due later this year. [45392]

Mr. Tony Lloyd: Embassy officials have regular contact with representatives of broad range of Brazilian political parties. The Embassy follows political developments in Brazil closely, including elections, but we do not plan any formal electoral monitoring.

St. Helena

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs for what reasons the Governor of St. Helena implemented the Government's budget proposals without the agreement of the Legislative Council. [45524]

Mr. Tony Lloyd: The Governor of St. Helena exercised his powers under the Constitution to implement the budget on the advice of the Executive Council. He acted properly to ensure that funds were made available to continue the funding of the Government of St. Helena and the services it provides to the people of the Island.

SCOTLAND

Fisheries Research Services

Mrs. Ray Michie: To ask the Secretary of State for Scotland how much funding his Department provided to the Fisheries Research Services Agency in each of the last five years; and how much is budgeted for 1998–99. [44805]

Mr. Macdonald: Fisheries Research Services became an Executive Agency of the Scottish Office on 1 April 1997. Scottish Office funding for the years prior to that date and the two years subsequent is shown in the table.

£ million

Year	*Total*
1993–94	13.972
1994–95	13.164
1995–96	15.552
1996–97	22.364
1997–98	22.521
1998–99 estimated	12.190

The fluctuations in funding largely reflect capital investment in the new *Scotia* fisheries research vessel.

Residential Care

Ms Squire: To ask the Secretary of State for Scotland if he will make a statement on the Government's plans to review the present threshold for means testing for residential care. [44587]

Mr. Galbraith: The Government have no plans to review the present capital limit of £16,000 above which residents are required to meet the full cost of accommodation from their own resources. A Royal Commission has been set up to consider the system of funding the long-term care of elderly people in the UK and to recommend how the cost of care should be shared between public funds and private individuals. The means test should therefore be central to the Commission's deliberations.

Varroa

Mr. Dalyell: To ask the Secretary of State for Scotland, pursuant to his letter of 14 December 1997 to the hon. Member for Linlithgow, what are the results so far of his Department's monitoring of varroa. [44050]

Mr. Macdonald *[holding answer 11 June 1998]:* Since last December, varroa has been identified in the St. Andrews area. All known apiaries within a 5 km radius of the infected premises are currently under movement restrictions.

Scottish Tourist Board

Mr. Browne: To ask the Secretary of State for Scotland if the Prior Options study of the Scottish Tourist Board which he announced on 30 July 1997 has been completed; and if he will make a statement. [46280]

Mr. Dewar: The prior options study undertaken as the first stage of the 5 yearly policy and financial management review of the Scottish Tourist Board has now been completed.

I have accepted the conclusions and recommendations of the study. The Scottish Tourist Board will therefore continue as the national agency responsible for encouraging the development of the Scottish tourist industry.

The decision that the Board should remain in being as a non-departmental public body does not, however, denote absence of change. The study also concluded that, while the Board is effective in what it does, there remains scope for improving the type of support it provides and the way in which that support is delivered. A number of specific recommendations have been made which will secure the necessary improvements. Specifically, the changes proposed will help deliver a better quality of service to the Scottish tourist industry by ensuring:

- a more strategic role for the Board covering its marketing, visitor servicing and developments functions;
- better and more effective relations between the Board and its private and public sector partners;
- continued efforts to raise standards within the industry; and
- more emphasis on the better spread of tourism throughout Scotland and throughout the year.

I firmly believe that the review and its outcome demonstrate a necessary ongoing commitment by this Government not only to the development of Scottish tourism but also to the more efficient and effective delivery of the support provided by my Department through the Scottish Tourist Board.

I am grateful to those organisations and individuals who responded to the invitation to comment which I issued at the start of this review. The second stage of the review, which will examine systems of financial management and control within the Board, will get underway shortly.

Copies of the report of the prior options study will be placed in the Libraries of both Houses and may be obtained from The Scottish Office Education and Industry Department, Area 3-F25, Victoria Quay, Edinburgh EH6 6QQ.

Mortality Statistics (Women)

Mr. Chisholm: To ask the Secretary of State for Scotland what were the five main causes of death in each of the last five years for women aged 35 to 54 years indicating the numbers involved in each case. [45809]

Mr. Galbraith: The top five causes of death were not quite identical in each of the five years, as is shown in the table.

Deaths, females aged 35 to 54 years

	ICD9 code[1]	*1993*	*1994*	*1995*	*1996*	*1997*
Malignant neoplasm of female breast	*1.749*	244	261	227	220	229
Malignant neoplasm of bronchus and lung	*1.629*	105	110	114	116	104
Acute myocardial infarction	*4.109*	102	92	96	75	95
Malignant neoplasm of cervix uteri	*1.809*	56	46	44	36	41
Malignant neoplasm of ovary	*1.830*	49	66	53	52	49
Subarachnoid haemorrhage	*4.309*	49	56	42	32	54
Alcoholic liver damage, unspecified	*5.713*	20	35	47	52	54

[1] World Health Organisation International Classification of Diseases—ninth revision

Scottish Further Education Funding Council

Mr. Wallace: To ask the Secretary of State for Scotland when he intends to announce the chairman and members of the Scottish Further Education Funding Council; and if he will make a statement. [45193]

Mr. Wilson: The post of chairman of the Scottish Further Education Funding Council was advertised earlier this month. Advertisements relating to membership of the council will appear shortly. My right hon. Friend the Secretary of State will announce the chairman and members of the council when the appropriate appointment procedures have been completed.

AGRICULTURE, FISHERIES AND FOOD

Special Advisers

Mr. Sayeed: To ask the Minister of Agriculture, Fisheries and Food how many special advisers, political advisers and other political appointees are working in his Department; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43326]

Mr. Morley: For details of the numbers of Special Advisers and the annual cost of employing them, I refer the hon. Member to the answer my right hon. Friend the Prime Minister gave the hon. Member for Woodspring (Dr. Fox) on 11 June 1998, *Official Report*, column *664*.

National Insurance contributions are excluded from the figure but are paid under the same rules and at the same rates as for other civil servants. Information on the paybill costs for Special Advisers within individual Departments is not provided in order to protect the privacy of the individuals concerned.

Information on the cost of employing Special Advisers in previous years was given by my right hon. Friend the Chancellor of the Duchy of Lancaster to the hon. Member for Gordon (Mr. Bruce) on 25 November 1997, *Official Report*, columns *472–73*.

Fur Farming

Mr. Livingstone: To ask the Minister of Agriculture, Fisheries and Food how many times fur factory farms have been visited so far this year, by county, by officials from the State Veterinary Service. [43709]

Mr. Morley: Veterinary Officers of the State Veterinary Service (SVS) have made five welfare inspection visits to fur farms so far this year—four in Lancashire and one in Hampshire. In addition, licensed fur farms are visited twice a year by officials from the Farming and Rural Conservation Agency to ensure compliance with the security requirements of the Mink Keeping Regulations 1976. The current fee for a licence is £630.

Agricultural Development Advisory Service

Mr. Todd: To ask the Minister of Agriculture, Fisheries and Food if he will evaluate the impact of the privatisation of the Agricultural Development Advisory Service on the quality and range of advice available to farmers. [44498]

Mr. Morley: No, I do not think such an analysis is necessary.

However, I understand that ADAS continues to provide the same research, consultancy and laboratory services that it provided when it was an Agency to the Department and should be well placed to advise farmers on a wide range of agriculture issues both in the UK and overseas.

Hunt Kennels

Mr. Michael J. Foster: To ask the Minister of Agriculture, Fisheries and Food if he will list those hunt kennels which have been reported to his Department as having unsatisfactory SRM surveillance audits during *(a)* 1997 and *(b)* 1998; and if he will make a statement on the resultant health risk to animals. [44795]

Mr. Rooker: Those hunt kennels reported as having unsatisfactory surveillance visits in respect of Specified Risk Material legislation during *(a)* 1997 and *(b)* 1998 (up to 27 May) are listed.

The fact that failures have occurred does not necessarily mean that there has been a risk either to animal or to public health. Visits may be recorded as unsatisfactory for a variety of reasons, including minor, technical and short-lived problems, for example inadequate record keeping. Following an unsatisfactory visit the operator of the premises is required to take immediate remedial action. A further unannounced visit is made shortly afterwards to check that this has been carried out satisfactorily.

Unsatisfactory Visits To Hunt Kennels—1997

Sandhurst and Aldershot Beagles
Wishton Cottage
RMA Sandhurst
Camberley
Surrey

Puckeridge Hunt
Brent Pelham Hall
Buntingford
Hertfordshire

Holderness Hunt Kennels
Main Street
Etton
Beverley
North Humberside
HU17 7PG

Chiddingfold Leconfield and Cowdray Foxhounds
Hunt Kennels
Petworth
West Sussex

Bramham Moor Hunt Kennels
Hope Hall
Bramham Moor
Bramham, Boston Spa
West Yorkshire

Pennine Foxhounds
Upper Snape Farm
Harder Mill Road
Meltham, Huddersfield
West Yorkshire

Llangibby Foxhounds
Hunt Kennels
LLangibby
Usk
Gwent

Belvoir Hunt Kennels
Woolsthorpe by Belvoir
Grantham
Lincolnshire
NG31 6QG

The Kennels
Brocklesby Park
Habrough
South Humberside
DN37 8PJ

Zetland Hunt Kennels
The Kennels
Aldborough St. John
Richmond
North Yorkshire

Tedworth Foxhounds
The Kennels
Westcourt
Burbage, Marlborough
Wiltshire SN8 3BW

Stevenstone Foxhounds
The Old Kennels
Torrington Station
Torrington
Devon

Pentyrch Hunt Kennels
The Kennels
Twyncoed Road
Pentyrch, Cardiff
West Glamorgan

Modbury Harriers
The Kennels Flete
Ermington
Ivybridge
Devon

Devon and Somerset Stag Hounds
The Kennels
Exford
Minehead
Somerset

Cheshire Forest Hunt Kennels
Peover Park
Lower Peover
Knutsford
Cheshire

Exmoor Foxhounds
The Kennels
Balewater, Simonsbath
Minehead
Somerset

Axe Vale Harriers
Little Downhayne
Colyton
Devon

Vale of Lune Harriers
The Kennels
Deer Park Lane
Hornby
Lancaster LA2 8LF

York and Ainsty (South) Hunt
The Gate House
Market Weighton Road
North Duffield
Selby

Avon Vale Foxhounds
Spye Park
Lacock
Wiltshire

East Lincolnshire Hare Hounds
Oakdene, Hanby Lane
Welton-le-Marsh
Spilsby
Lincolnshire PE23 5TH

South Shropshire Hunt
Annscroft
Shrewsbury
Shropshire
SY5 8AA

Tiverton Staghounds
Mouseberry Farm
East Worlington
Crediton
Devon EX17 4SW

Warwickshire Hunt Kennels
Little Kineton
Warwickshire

Vale of Aylesbury Hunt
Dodds Charity
Kimblewick
Aylesbury
Buckinghamshire HP17 8SX

Vale of Clettwr Hunt
Blaenpant Kennels
Pencader
Carms

Blackmore and Sparkford Vale Foxhounds
The Kennels
Charlton Hawthorne
Sherbourne
Dorset DT9 4NL

Blankney Foxhounds
Blankney
Lincoln

Tegryn Farmers Hunt
Star Mill
Clydey
Llanfyrnach

Warreston Kennels
Cosheston
Pembroke
Pembrokeshire

Airedale Beagles
Cragg Top Farm
Light Bank Lane
Silsden
Keighley
West Yorkshire BD20 0NL

Carmarthen Hunt
The Kennels
Travellers Rest
Carmarthen

Isle of Wedmore Draghounds
Apple Acre
Crickham
Wedmore
Somerset BS28 4JT

South Herefords Hunt Kennels
The Kennels
Wormelow
Herefordshire

Woodland Pytchley Hunt Kennels
Kennel Hill
Brigstock
Northants

Llandeilo Hunt
Fron Haul
Whitemill
Carmarthenshire

Unsatisfactory Visits—Hunt Kennels 1998

East Lincs Hare Hounds
Oakdene, Hanby Lane
Welton-le-Marsh
Spilsby
Lincolnshire PE23 5TH

Enfield Chase Hunt
Birch Farm
White Stubbs Lane
Broxbourne
Hertfordshire

The Pytchley Hunt
Station Road
Brixworth
Northants

Bicester/Whaddon Chase
Stratton Audley
Bicester
Oxon
OX6 9BT

Curre Foxhounds Hunt Kennel
Itton
Chepstow
Gwent

Westerby Basset Hounds
Walcote Road
South Kilworth
Leicester

York and Ainsty (South) Hunt
The Gate House
Market Weighton Road
North Duffield
Selby

Amman Valley Hunt
Tirbach
Garnant Ammanford
Carmarthenshire

Essex Farmers Hunt
Althorne Lodge
Althorne
Maldon
Essex

Blankney Foxhounds
Blankney
Lincoln

Carmarthenshire Hunt Kennels
Travellers Rest
Carmarthen

Ledbury Hunt
The Kennels
Eggs Tump
Bromsberrow
Gloucestershire

Isle of Wedmore Draghounds
Apple Acre
Crickham
Wedmore
Somerset BS28 4JT

Bicester/Whaddon Chase
Stratton Audley
Bicester
Oxon
OX6 9BT

Bonnie Mount Hunt Kennels
Edenhall
Penrith
Cumbria

The Fernie Hunt
Great Bowden
Leicestershire
LE16 7HJ

Cheshire Forest Hunt Kennels
Peover Park
Lower Peover
Knutsford
Cheshire

Cotswold Hunt
Ossage Farm
Andoversford
Cheltenham
Gloucestershire GL54 4LQ

Cottesmore Hunt Kennels
Ashwell Road
Oakham
Leicestershire
LE15 7QW

The Warwickshire Hunt Kennels
Little Kineton
Warwickshire

Royal Artillery Foxhounds
Bulford Camp
Bulford
Salisbury
Wiltshire

Quarantine

Mr. Reed: To ask the Minister of Agriculture, Fisheries and Food how many places are available for animals in quarantine establishments inspected by his Department. [44940]

Mr. Rooker: There are 4,033 quarantine places in 73 authorised quarantine premises currently authorised and inspected by this Department. It is possible for up to three animals of the same species, which originated from the same owner to share an individual unit, subject to the agreement of this Department.

There are, furthermore, 114 research premises and 49 zoological premises authorised to hold a variety of rabies susceptible mammals. These are not authorised on the basis of individual places.

Animal Feed (Antibiotics)

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his oral answer of 4 June 1998, *Official Report*, column 494, on antibiotics in animal feed and the recommendations of the Agriculture Committee, if he will seek to secure a EU-wide ban on the use of antibiotics as growth promoters in farming. [45368]

Mr. Rooker: The Government are giving careful consideration to recommendations made by the Agriculture Select Committee and the House of Lords Select Committee on Science and Technology which concern the use of antibiotic growth promoters. The Government are advised on this issue by the independent scientific Veterinary Products Committee (VPC), and the VPC's advice will inform the Government's position in continuing EU discussions on the safety of growth promoters.

Fish Stocks

Mr. Waterson: To ask the Minister of Agriculture, Fisheries and Food what assessment his Department has made recently of the state of fish stocks within UK coastal waters; and if he will make a statement. [45514]

Mr. Morley: The MAFF Executive Agency, the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), is responsible for monitoring and assessing the level of the Blackwater herring stock, which occurs wholly within UK territorial waters, and provides advice to the Department each year on the total allowable catch (TAC) and other management measures.

In addition, CEFAS routinely monitors the level of 31 fish stocks occurring inside and outside UK waters and provides detailed advice on their size composition to the International Council for the Exploration of the Sea (ICES), which is responsible for preparing scientific advice on the level of fishing that stocks can sustain.

Rural Charter

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the document, Rural Charter, a copy of which has been sent to him. [45689]

Mr. Morley: The Rural Charter circulated by the National Farmers' Union draws attention to the economic difficulties currently being faced by the farming and allied industries. The Government recognise the concerns of farmers and those allied trades related to agriculture and believe that the countryside is a great national asset, a part of our national heritage which calls for careful stewardship. The Government are committed to ensuring that their policies take rural concerns into account and recognise the special needs of people who live and work in rural areas. Our policies for agriculture, health, education, transport and employment all benefit people in rural areas.

Fisheries Council

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the outcome of the Fisheries Council held on 8 June. [45659]

Mr. Morley: I refer the right hon. Member to the reply given by my right hon. Friend to my hon. Friend the Member for Aberdeen, South (Miss Begg) on 11 June 1998, *Official Report*, columns *658–59*.

Arable Area Aid

Sir Teddy Taylor: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the sums paid in the EU in respect of area payments in 1997; and what is the basic purpose of such payments. [45530]

Mr. Rooker: The amount paid by the European Union on arable area aid payments in the 1997 Budget year was 16,552 million ecu (£12,031 million). The purpose of these payments is to compensate arable producers for the reductions in cereal support prices since 1992.

Sir Teddy Taylor: To ask the Minister of Agriculture, Fisheries and Food how much money was spent in the EU in the most recent annual period for which figures are available on set-aside payments. [45528]

Mr. Rooker: The amount paid by the European Union as arable area aid on set-aside land in the 1997 Budget year was 1,904 million ecu (£1,384 million).

Radioactive Fallout

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food how many hill farmers are currently affected by restrictions on the sale of produce due to radioactive fallout from Chernobyl. [46011]

Mr. Rooker: Ten hill farms in Cumbria are currently affected by restrictions under the Food and Environment Protection Act 1985 as a result of the Chernobyl accident. In addition, there are about 359 farms in Wales, 23 farms in Scotland and 45 farms in Northern Ireland also affected by restrictions. The movement, sale and slaughter of sheep from these farms only are affected.

Meat Labelling

Mr. Luff: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the branding of meat produced in the Republic of Ireland as Irish for retail sale in *(a)* the United Kingdom and *(b)* the rest of the European Union. [45785]

Mr. Rooker: Under EC Regulation 820/97, which comes fully into force on 1 July and which applies uniformly in all Member States, all beef labelled "Irish" must have come from animals born, raised and slaughtered in Ireland.

Mr. Luff: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the branding of domestically produced meat as British Meat for retail sale in *(a)* the United Kingdom and *(b)* the rest of the European Union. [45784]

Mr. Rooker: Under EC Regulation 820/97, which comes fully into force on 1 July and which applies uniformly in all Member States, all beef labelled "British" must have come from animals born, raised and slaughtered in the United Kingdom.

Rabbits

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food what steps his Department is taking to control the rabbit population. [45837]

Mr. Morley: Section 1 of the Pests Act 1954 places a continuing obligation on occupiers of land designated as rabbit clearance areas to control rabbits harboured on their land. The current Rabbit Clearance Order, issued in 1972, covers the whole of England and Wales, excluding the City of London, the Isles of Scilly and Skokholm Island. The Minister has powers under section 98 of the Agriculture Act 1947 to require action to be taken where occupiers are failing to meet their obligations under the 1954 Act. Where necessary these powers are used.

The Ministry is aware of the damage that rabbits can cause and keeps its policy on rabbit control under continual review. The Ministry is also funding R&D to establish improved methods for cost-effective and humane control of rabbits.

Subsidies

Sir Teddy Taylor: To ask the Minister of Agriculture, Fisheries and Food what was the basic purpose of the EU in spending £4,565,000,000 on the subsidising of food exports in 1997; and what plans Her Majesty's Government have for promoting reforms within the EU to reduce this level of public expenditure. [45527]

Mr. Rooker: Export subsidies facilitate exports from the EU of food and agricultural commodities whose prices are higher within the internal EU market than those attainable on world markets because of CAP price support policies. The Government are supporting Commission proposals to reduce CAP support prices and thus reduce the need for export subsidies.

Sir Teddy Taylor: To ask the Minister of Agriculture, Fisheries and Food if he will list each of the subsidies and other payments made to land owners and farmers in 1997; what amount was spent on each subsidy; and what is the basic purpose of each subsidy. [45531]

Mr. Rooker: Estimates of expenditure in 1997–98 on support measures under the Common Agricultural Policy are provided in the Departmental Report of the Ministry of Agriculture, Fisheries and Food and the Intervention Board, a copy of which has been placed in the Library of the House. Such measures are formulated in support of the objectives of the CAP, as laid down in the Treaty of Rome.

Fruit and Vegetables

Sir Teddy Taylor: To ask the Minister of Agriculture, Fisheries and Food if he will list the total amounts of fruit and vegetables in respect of which £213,000,000 was spent in 1997 on the process of market withdrawal; and if he will publish information on the subsidies paid for the destruction of such fruit and vegetables. [45529]

Mr. Rooker: Although the expenditure figure for the 1997 budgetary year is available, the corresponding figure for the level of fruit and vegetable withdrawals is not. However, the total amount withdrawn during the 1996–97 marketing year was 1,786,406 tonnes.

The annual levels of withdrawal compensation are set out in Annex V of Council Regulation 2200/96 (*Official Journal of the European Communities*, L297, Volume 39 of 21 November 1996).

Genetically Modified Organisms

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food how he proposes to ensure that soya, from supplies unsegregated between that which is genetically modified and that which is not, which is used in food, is labelled to reflect this. [46077]

Mr. Rooker: In accordance with EC Regulation 1139/98, all foods which contain, or which are likely to contain, genetically modified soya ingredients must be clearly labelled to indicate the presence of such material. This Regulation will come into effect on 1 September 1998. In the meantime, food manufacturers and retailers are voluntarily labelling foods with this information.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Special Advisers

Mr. Sayeed: To ask the Secretary of State for the Environment, Transport and the Regions how many special advisers, political advisers and other political appointees are working in his Department; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43324]

Angela Eagle: For details of the numbers of Special Advisers and the annual cost of employing them, I refer the hon. Member to the answer the Prime Minister gave to the hon. Member for Woodspring (Mr. Fox) on 11 June 1998, *Official Report*, column *664*.

National Insurance contributions are excluded from the figure but are paid under the same rules and at the same rates as for other civil servants. Information on the paybill costs for Special Advisers within individual Departments is not provided in order to protect the privacy of the individuals concerned.

Information on the cost of employing Special Advisers in previous years was given by my right hon. Friend the Chancellor of the Duchy of Lancaster to the hon. Member for Gordon (Mr. Bruce) on 25 November 1997, *Official Report*, columns *472–73*.

Rail Freight

Mr. Fraser: To ask the Secretary of State for the Environment, Transport and the Regions what is the Government's policy on the use of suburban railway routes for the movement of freight. [44705]

Ms Glenda Jackson: The Government want to see more freight go by rail, in order to reduce pollution and congestion on the roads. We have doubled the money spent on freight grants, to £30 million for 1997–98, and have increased the budget for 1998–99 to £40 million. Our White Paper on Integrated Transport Policy will consider further measures to encourage rail freight.

Development of the rail network to accommodate freight traffic must be made in the light of its environmental impacts. Railtrack is committed, through its *Environmental Policy Statement*, to pursuing the "best practicable environmental option" in all its operations. It aims to achieve this through assessment of environmental impacts of proposals and minimising any adverse impacts which arise.

Diabetic Drivers

Mr. Hancock: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to allow *(a)* new and *(b)* recently diagnosed diabetic drivers to hold C1 licences for employment purposes. [44651]

Ms Glenda Jackson: None. The Honorary Advisory Panel on Diabetes and Driving has advised against such provision and the Government have accepted this advice. The Panel will continue to keep the situation under

review, however, and would no doubt make revised recommendations if they judged that relaxation of this restriction would no longer jeopardise road safety.

Mr. Hancock: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to apply legislation retrospectively to allow those C1 licence holders who have recently lost their licences to drive small lorries and minibuses in the course of their employment. [44650]

Ms Glenda Jackson: It is the intention that the proposed scheme to allow insulin-treated diabetic drivers to renew entitlement to drive C1 vehicles (lorries between 3.5 and 7.5 tonnes), originally obtained with their car licence, if they meet the employment and medical criteria, would apply to those who have lost the C1 entitlement since 1 January of this year as a result of suffering from diabetes treated by insulin.

Mr. Sanders: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to announce the operational mechanism that will allow existing C1 licence holders to renew their entitlement to drive C1 vehicles in the course of their employment. [44423]

Mr. Hancock: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to review legislation allowing C1 licence holders who drive small lorries and minibuses in the course of their employment to renew their licences subject to annual health checks. [44682]

Ms Glenda Jackson: A public consultation began on 9 June on the proposal to allow insulin-treated diabetic drivers who hold or have held entitlement to drive C1 vehicles by virtue of their car licence to renew such entitlement if they meet the employment and medical criteria.

Mr. Wigley: To ask the Secretary of State for the Environment, Transport and the Regions if he will *(a)* backdate to 1 January the application of the decision to make the ban on certain C1 licence holders who have insulin-treated diabetes subject to annual health checks, *(b)* introduce a similar provision for new drivers and those recently diagnosed and *(c)* review the legislation to ensure parity of treatment for all groups affected by the ban. [45263]

Ms Glenda Jackson: I refer the hon. Member to the answers which I gave to the hon. Member for Portsmouth, South (Mr. Hancock). The Government have no plans to extend the proposed scheme to other drivers, though the legislation is kept under regular review.

Recycling (PVC)

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions what measures he proposes to take to promote greater recycling of pvc. [44807]

Angela Eagle: The Government are committed to an increased level of recycling, including that of PVC. We are currently reviewing our national waste strategy, which is aimed at reducing the amount of waste produced and ensuring the environmentally sound management of those wastes. Plastic waste will be covered under the new strategy.

We have held discussions with a number of organisations involved in plastics recycling to ascertain what further measures can be taken by both industry and Government to increase recycling.

The Producer Responsibility Obligations (Packaging Waste) Regulations 1997 aim to double the amount of packaging waste (including plastics) recovered to around 50 per cent. by 2001. While the Regulations set no specific targets for the recycling of plastics, in 1996 over 10,000 tonnes of post-use PVC was recycled in the UK.

In addition, there is a significant amount of work being undertaken in a number of sectors to promote the recycling of products containing PVC, for example cable sheathing and insulation, plastic bottles, computer parts, and supermarket display trays.

Nuclear Deterrence

Dr. Julian Lewis: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 18 May 1998, *Official Report*, column *218*, on what basis he stated that CND supported unilateral and multilateral disarmament. [43623]

Mr. Prescott: I refer the hon. Member to my reply of 8 June 1998, *Official Report*, column *413*. I consider the matter closed.

Genetically Modified Organisms

Mr. Laurence Robertson: To ask the Secretary of State for the Environment, Transport and the Regions what system of monitoring is in place for the testing of *(a)* genetically modified organisms and *(b)* the glufosinate selective project; and if he will make a statement. [43978]

Angela Eagle *[holding answer 1 June 1998]:* All the consents to release genetically modified organisms (GMOs) for testing carry an obligation on the part of the consent holder to monitor the release site. The monitoring period usually extends for one or two years after termination of the trial but it could extend further if necessary. Full reports on the monitoring are sent to my Department.

The Glufosinate Selective project refers to the development of genetically modified plants by the company AgrEvo. These plants are able to tolerate applications of glufosinate ammonium herbicides. Testing of these plants is covered by current GMO release legislation and is subject to the monitoring conditions set out above.

Planning Inquiries

Mr. Willis: To ask the Secretary of State for the Environment, Transport and the Regions if he will meet the costs incurred by local planning authorities resulting from planning inquiries ordered by his Department into motorway service area applications. [44503]

Mr. Raynsford: No. Like all other parties, local planning authorities are responsible for meeting their own expenses in participating in planning inquiries.

A30

Mr. Breed: To ask the Secretary of State for the Environment, Transport and the Regions what progress is being made in planning the upgrading of the A30 to dual carriageway between Bodmin and Indian Queens. [44963]

Ms Glenda Jackson: Future progress on the A30 Bodmin to Indian Queens Improvement scheme is dependent on the outcome of the Roads Review. We are currently working hard to complete the review and hope to publish the results later this year.

A38 Dobwalls Bypass

Mr. Breed: To ask the Secretary of State for the Environment, Transport and the Regions if he will assess the advantages of constructing the A38 Dobwalls bypass in Cornwall. [45089]

Ms Glenda Jackson: Future progress on the A38 Dobwalls Bypass is dependent on the outcome of the Roads Review. We are currently working hard to complete the review and hope to publish the results later this year.

Housing Benefit

Dr. Cable: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for 1997–98 *(a)* the sums of housing benefit paid by and *(b)* the Government subsidy for housing benefit paid to each authority, indicating for each authority the percentage of average rent, accounted for by housing benefit subsidy from the housing revenue account. [44966]

Mr. Raynsford: This information is contained in tables which I have placed in the Library.

Railway Lines

Mr. Coaker: To ask the Secretary of State for the Environment, Transport and the Regions what proportion of former colliery track is owned by Railtrack; and what agreement is required from Railtrack for any re-use. [45100]

Ms Glenda Jackson: Information on the proportion of former colliery track owned by Railtrack is not readily available. The decision as to whether former colliery track should be re-used is a commercial matter for Railtrack.

Mr. Coaker: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to help bring back into use former colliery railtracks and similar disused lines; and what representations he has received about such re-use utilising new technology. [45099]

Ms Glenda Jackson: Almost all lines formerly owned by BR (including former colliery lines) are the subject of discussions about transfer to local authorities or railway preservation societies, or are about to be leased to Sustrans, the cycling charity, for the National Cycle Network (with the potential for future rail use preserved).

The Secretary of State has received no representations about re-use of such lines utilising new technology.

Sewage Treatment

Mr. Gibb: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the approach he intends to take with *(a)* the Environment Agency, *(b)* OFWAT and *(c)* the water companies to comply with the European Commission's year 2000 deadline for the provision of at least secondary sewage treatment for all coastal discharges. [45119]

Angela Eagle: The EC Urban Waste Water Treatment Directive requires the provision of secondary sewage treatment by the end of the year 2000 for those coastal discharges with a population equivalent of 15,000 or more, except in cases where there is flexibility to provide primary treatment or where a more stringent level of treatment is required. We are giving further consideration to the Government's policy options in the use of this flexibility.

Where deadlines apply, we will expect the water companies to meet these, as allowed for under investment plans agreed by OFWAT. Where deadlines are not met, the Environment Agency will take the appropriate enforcement action, in the light of the circumstances in each case and its Enforcement and Prosecution Policy.

Mr. Peter Bottomley: To ask the Secretary of State for the Environment, Transport and the Regions (1) when he will respond to OFWAT's request for ministerial guidance on providing sewage treatment without ministerial endorsement of derogation applications to install plant below European Union requirements; [45144]

(2) if he will direct OFWAT to require water companies to meet the requirements of the Urban Waste Water Treatment and the Bathing Water Quality directives without *(a)* derogation and *(b)* secondary treatment; [45150]

(3) how many sewage treatment derogations he has approved for forwarding to the European Union. [45146]

Angela Eagle: We propose to respond during the summer to OFWAT's request for guidance on the environmental obligations to be placed on water companies in England and Wales, as part of the current Periodic Review of water company price limits from 2000–05.

There have been no applications to the European Commission for derogations under the Urban Waste Water Treatment Directive to provide less than secondary treatment for discharges in England. Any such applications would need to meet the requirements of the Directive.

The Bathing Water Directive does not specify the level of sewage treatment necessary to meet the required water quality standards. Therefore the question of derogation from any particular treatment level does not arise.

Mr. Peter Bottomley: To ask the Secretary of State for the Environment, Transport and the Regions if he will review the framework of regulation and the progress towards meeting European Union directives on treatment of sewage in coastal discharges. [45152]

Angela Eagle: Progress towards meeting the requirements of the Urban Waste Water Treatment Directive is reviewed every two years in order to update

the implementation programme for the European Commission. We are considering the Government's policy options in relation to the use of the flexibility under the Directive to determine sewage treatment levels.

Mr. Peter Bottomley: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will consult OFWAT about the letter of 29 May from Councillor Derek Whittaker, Leader of Arun District Council, asking for direct intervention in respect of the Arun Campaign for Cleaner Seas; [45143]

(2) if he will make a statement on his meeting with Councillor Derek Whittaker of Arun District Council on 19 May and on subsequent representations on secondary sewage treatment on the Sussex coast. [45153]

Angela Eagle: In preparing the response to OFWAT's request for guidance on environmental obligations to be placed on water companies in England and Wales, as part of the current Periodic Review of water company price limits from 2000–05, we will take into account the points made by Councillor Derek Whittaker, the Leader of Arun District Council, in his meeting with the Minister for the Environment on 19 May and in his subsequent letter of 29 May.

Mr. Peter Bottomley: To ask the Secretary of State for the Environment, Transport and the Regions (1) what standards of sewage treatment he requires the Environment Agency to demand for coastal areas; [45151]

(2) what is his policy towards ensuring compliance by water companies with European Union sewage treatment requirements for coastal discharges. [45149]

Angela Eagle: The Environment Agency will set discharge consents on a case by case basis, which will require water company discharges to meet the standards of all relevant domestic and European legislation.

Mr. Peter Bottomley: To ask the Secretary of State for the Environment, Transport and the Regions what policy he intends to adopt with *(a)* the Environment Agency, *(b)* OFWAT and *(c)* water companies to comply with the European Commission's 2000 deadline for the provision of secondary or higher sewage treatment for coastal discharge. [45148]

Angela Eagle: The EC Urban Waste Water Treatment Directive requires the provision of secondary sewage treatment by the end of the year 2000 for those coastal discharges with a population equivalent of 15,000 or more, except in cases where there is flexibility to provide primary treatment or where a more stringent level of treatment is required. We are giving further consideration to the Government's policy options in the use of this flexibility.

Where deadlines apply, we will expect the water companies to meet these, as allowed for under investment plans agreed by OFWAT. Where deadlines are not met, the Environment Agency will take the appropriate enforcement action, in the light of the circumstances in each case and its Enforcement and Prosecution Policy.

Mr. Peter Bottomley: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received which oppose the Campaign for Cleaner Seas and Arun District Council's request for more than basic treatment of sewage on the Sussex coast. [45145]

Angela Eagle: None.

Gipsy Sites

Mr. Reed: To ask the Secretary of State for the Environment, Transport and the Regions what progress has been made in revising Circular 18/94 in relation to the Police and Criminal Justice Act 1994; and when he expects to make an announcement about a revised circular. [44942]

Mr. Raynsford: My Department has no plans to revise Circular 18/94 "Gypsy Sites Policy and Unauthorised Camping".

The reply given by my hon. Friend the Minister for Local Government and Housing on 22 January 1998, *Official Report*, column *614*, referred to a research project commissioned by my Department to consolidate existing good practice for local authorities in dealing with unauthorised camping. We will be consulting on a draft of the good practice shortly, with a view to launching it on 29 October at a conference organised by the National Association of Gypsy and Traveller Officers in Coventry. The good practice will be independent of, but complementary to, the advice in Circular 18/94.

Traffic Congestion

Mr. Sanders: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 28 April 1998, *Official Report*, column *85*, when he expects to write to the hon. Member for Torbay on traffic congestion measures. [44947]

Ms Glenda Jackson: I wrote to the hon. Member on Thursday 11 June.

Unleaded Petrol

Ms Rosie Winterton: To ask the Secretary of State for the Environment, Transport and the Regions what were the estimated numbers of cars running on *(a)* leaded and *(b)* unleaded petrol in 1997–98; and what are the projected figures for 1998–99. [44938]

Ms Glenda Jackson: Exact figures are not available. During the 1980s there was a steady transition from cars designed to use leaded petrol to those capable of using unleaded petrol. Petrol cars sold for first use on or after 1 April 1991 were required to be designed and constructed to use unleaded petrol.

Since January 1993 all petrol cars have had to meet emission standards defined by EC directive 91/441/EEC. The practical implication of this is that petrol cars sold since then are fitted with three way catalytic converters which require exclusive use of unleaded fuel.

Assuming a steady increase in the proportion of new cars capable of using unleaded petrol from none in 1980 to all cars in 1991 and later, it is estimated that, at the end of 1997, about 80 per cent. or 16.5 million out of a total of 20.4 million licensed petrol driver cars are capable of running on unleaded fuel.

Formal projections of these statistics for 1998–99 have not been made. However, in the past five years approximately 1.2 million petrol motorcars have been scrapped each year, predominantly from the older leaded petrol using sector, and 1.6 million petrol cars using unleaded fuel added to the stock each year.

Discharges to Water

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answers of 19 December 1997, *Official Report*, columns *358–59*, on pollution incidents and discharges to water in excess of permitted limits, if he will provide the figures for the whole of 1997. [44411]

Angela Eagle *[holding answer 9 June 1998]:* The number of discharges which exceeded their consented limits during 1997 is set out by quarter as follows:

	Number
January-March	1,447
April-June	1,023
July-September	966
October-December	1,281
Total for 1997	4,717

In considering whether or not to prosecute against a breach of consent, the Agency takes into account a number of factors including the seriousness of the breach and whether it is a repeated breach. The majority of breaches were not serious in nature and did not cause any significant environmental damage. In most cases, the breaches were quickly rectified since most dischargers, on being notified of a failed sample, took prompt action to remedy matters.

In 1997, the Agency brought 65 prosecutions under section 85(6) of the Water Resources Act 1991 against breaches of consent. Of these, 61 were successful, including 1 prosecution which resulted in a prison sentence of 2 months. The fines imposed in 1997 ranged from £440 to £12,000.

Air Pollution

Mr. Mackinlay: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 18 May 1998, *Official Report*, column 222, if he will request the Highways Agency to produce forecasts of PM_{10} levels from all sources in the Egham area in (i) 2005 and (ii) 2010 assuming *(a)* the 10–12 lane widening scheme for the M25 is implemented and *(b)* the motorway is not widened. [44872]

Ms Glenda Jackson *[holding answer 9 June 1998]:* As part of the roads review, the Highways Agency is assessing the contribution of schemes towards anticipated levels of PM_{10} in 2005, the relevant year for the achievement of the National Air Quality Strategy objective. Their assessment includes a consideration of PM_{10} emissions from other sources. The Highways Agency is not undertaking an assessment for 2010, since they expect the levels to be lower than in 2005.

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions what evaluation he has made of the relative levels of air pollution in London in May 1997 and May 1998; and if he will make a statement. [45345]

Angela Eagle: A comparison of May 1997 ratified data with May 1998 provisional data shows that there are only three pollutants where the National Air Quality Standards were breached during these months. These were ozone, sulphur dioxide and PM_{10} particular matter.

May 1998 provisionally had more exceedences of the standards than May 1997. This is most likely to be due to the prevailing meteorological conditions in 1998 being different to those in 1997. The relatively high temperatures and light easterly or south-easterly winds, which occurred during May 1998, are generally associated with elevated levels of pollutants in the spring and summer months.

Exceedences of the National Air Quality Strategy standard for each pollutant in May occurred on the following number of days:

Pollutant	*1997 Number of days*	*1998 Number of days*
Ozone	8	15
Sulphur dioxide	1	2
PM_{10}	0	5

The 1998 figures may be adjusted before they become ratified during the quality control and quality assurance procedure.

The standards referred to here are:

Pollutant	
Ozone	50ppb as an 8-hour running mean
Sulphur dioxide	100ppb as a 15-minute mean
PM_{10}	50μgm^{-3} as a running 24 hour mean

Cycling

Mr. Ainger: To ask the Secretary of State for the Environment, Transport and the Regions what was the total mileage of cycle track adjacent to roads in (i) 1980, (ii) 1990 and (iii) 1997; and what estimate he has made of the mileage of cycle track needed in the United Kingdom to meet his road safety requirements. [45375]

Ms Glenda Jackson: Statistics relating to the number and mileage of cycle tracks in the United Kingdom are not collected centrally. The responsibility for cycle facilities lies primarily with individual local highway authorities. Assessments of what cycle tracks and other cycle facilities are needed to enhance the safety of cyclists are for highway authorities to make in the light of local circumstances including road safety considerations.

Mr. Michael J. Foster: To ask the Secretary of State for the Environment, Transport and the Regions how many miles of designated cycle routes there were in *(a)* Worcester City and *(b)* Worcestershire in each of the years 1979 to 1997. [45621]

Ms Glenda Jackson: There were 28.9 km of dedicated cycleway in Worcester District and 34.149 km in Worcestershire County area in July 1997. The total length of on-road cycleway in the county area was 3.4 km which lay entirely within Worcester District. Monitoring by the County Council started in July 1997 and there are no figures available prior to that date.

Lorries

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 18 May 1998, *Official Report*, column *219*, on lorries, if enforcement staff are able to use the documentation carried by drivers to enforce the restriction on the use of 5 axle lorries weighing 40 tonnes to international traffic. [45417]

Ms Glenda Jackson: As indicated in my answer of 18 May 1998, *Official Report*, column *219*, enforcement issues will be taken into account when my right hon. Friend the Deputy Prime Minister reaches his decision on whether to allow such lorries to operate domestically, as well as internationally, in the UK.

EU Structural Funds

Mr. Cousins: To ask the Secretary of State for the Environment, Transport and the Regions what reasons underlay his decision to refuse Government bridging loans to support Objective 2 Structural Fund 1994–1996 programmes in the North East of England in the year 1998–99. [44904]

Angela Eagle *[holding answer 10 June 1998]:* We act as the agent of the European Union in paying European Regional Development Fund (ERDF) grants. We make these payments when the money is received from the EU, thus ensuring that the timing of the payments does not have an unfavourable impact on public finances. ERDF grant for the 1994–96 Objective 2 programmes in the North East of England is therefore continuing to be paid from the funds provided by the EC and in accordance with any decision on payment priority taken by the North East Programme Monitoring Committee. However I am aware that the wait for EU funds is causing difficulties and we are looking into ways in which Structural Fund grants can be paid as promptly as possible.

Ecolabelling

Mr. Flight: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on his Department's policy towards the relaunch of the European Communities ecolabel award system. [45324]

Angela Eagle: The Government would like to see the Community's voluntary ecolabelling scheme make greater inroads within the European market. The existing scheme, launched in 1992, has unfortunately been slow to take off, at the same time as national labelling schemes have been developing more strongly in some member states. The European Commission has submitted a Proposal for revising the EC Regulation which set up the present scheme, but some important elements of this Proposal have not found general agreement. The UK Presidency has tabled a discussion of this subject at the Council of Ministers on 16/17 June, which it is hoped will point a way forward on the revision of the ecolabelling scheme, in the wider context of policy for improving the environmental performance of consumer products.

Correspondence

Dr. Julian Lewis: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 8 June 1998, *Official Report*, column *413*, about correspondence with the hon. Member for New Forest, East, on how many occasions he has responded to a letter from an hon. Member by way of a written answer to a parliamentary question tabled in pursuance of an answer to that letter. [45265]

Mr. Prescott: I refer the hon. Member to my reply of 8 June 1998, *Official Report*, column *413*. I consider the matter closed.

Rough Sleepers Initiative

Mr. Love: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the effectiveness of the Rough Sleepers Initiative in tackling the problem of homelessness in Greater London; and what plans he has further to improve the initiative. [45298]

Mr. Raynsford: The Rough Sleepers Initiative which began in 1990 has been successful in reducing the numbers of rough sleepers in main areas of central London. Single night head counts of people sleeping rough in central London undertaken by voluntary organisations are down, from estimates of more than 1,000 before the Initiative, to less than 300 on any one night in the central London areas surveyed since 1992. Successive phases of the Initiative have been evaluated by independent researchers and their findings taken into account in developing action to tackle rough sleeping. However more needs to be done if we are to meet our objective of reducing the level of rough sleeping to as near zero as possible.

The third phase of the RSI is due to end in March 1999. As yet, no decisions have been taken on what should follow, although an independent evaluation is under way. In addition, the Social Exclusion Unit have been considering the issue of rough sleeping and have reported to the Prime Minister. I expect their findings to be made public within the next few weeks.

River Eden

Mr. Martlew: To ask the Secretary of State for the Environment, Transport and the Regions how many storm overflows allow untreated sewage to pass into the River Eden; if he will list their locations; and what proposals North West Water has made to improve the situation over the next five years. [45372]

Angela Eagle: There are 31 storm water overflows that have outfalls affecting the River Eden. The table shows the location of the outfalls by name and national grid reference.

Within North West Water's current Asset Management Plan 2 (AMP2), which runs for five years from March 1995, two unsatisfactory storm overflows at Strand Road, Carlisle were abandoned and replaced with one of modern design in 1997. There are currently two storm water overflows that are considered unsatisfactory: improvements to the inlet works overflow at Carlisle waste water treatment works are programmed within the remaining period of AMP2; the remaining unsatisfactory storm water overflow has been identified by the Environment Agency for inclusion within North West Water's AMP3 programme which runs for five years from March 2000. North West Water's programme under AMP3 has yet to be finalised.

No.	*Location by name*	*Discharge area*	*Grid reference*
1	Armathwaite Castle pumping station	River Eden	NY 5062 4598
2	Etterby Terrace	River Eden, Etterby Tributary	NY 3963 5705
3	Rickergate opposite Civic Centre	River Eden	NY 4006 5654
4	Bitts Park, adjacent to tennis courts	River Eden	NY 3987 5647
5	Cargo, adjacent sewage treatment works	River Eden	NY 3599 5885
6	Great Corby, adjacent syphon under River Eden	River Eden	NY 4678 5516
7	Stanwix/Stainton sewers	River Eden	NY 3805 5652
8	Rickerby Park/ 18 Brampton Road	River Eden	NY 4055 5698
9	Wetheral, adjacent Ferry Hill House	River Eden	NY 4692 5439
10	Low Crosby pumping station	River Eden	NY 4458 5930
11	Little Corby pumping station	River Eden	NY 4765 5734
12	Newby East pumping station	River Eden	NY 4750 5805
13	Warwick on Eden pumping station	River Eden	NY 4696 5666
14	Sands pumping station	River Eden	NY 4021 5657
15	Devonshire Terrace	River Eden	NY 4005 5660
16	Trinity School/Strand Road	River Eden	NY 4086 5637
17	The College, manhole Croft Close, Kirkoswald	River Eden/Raven Beck	NY 5534 4115
18	Adjacent, Temple Sowerby pumping station	River Eden	NY 6125 2709
19	The Sands, Appleby	River Eden	NY 6842 2055
20	Tunnel end before works, Appleby	River Eden	NY 6774 2077
21	Manhole behind Lager's Store, Lazonby	River Eden	NY 5471 3959
22	2nd field before works, Langwathby	River Eden	NY 5657 3416
23	Holme & Chapel Street, Appleby	River Eden	NY 6815 2020
24	Winton sewage pumping station	River Eden	NY 7760 1050
25	Lazonby pumping station	River Eden	NY 5516 3998
26	Stenkrith Bridge, Kirkby Stephen	River Eden	NY 7730 0747
27	Franks Bridge, Kirkby Stephen	River Eden	NY 7762 0871
28	Eastfield Bridge, Kirkby Stephen	River Eden	NY 7715 1044
29	Appleby, Cumbria	River Eden	NY 6766 2084
30	Front garden of the flats, Armathwaite	River Eden	NY 5074 4610
31	Carlisle sewage treatment works inlet overflow	River Eden	NY 3847 5652

Vehicle Salvage (Rebuilt Cars)

Mr. Wigley: To ask the Secretary of State for the Environment, Transport and the Regions what proposals he has to legislate to prevent cars from being rebuilt from remnants of vehicles involved in accidents. [45161]

Ms Glenda Jackson: We have no plans at present to introduce such legislation. We believe that the voluntary Code of Practice on the disposal of vehicle salvage introduced by the motor insurance industry a few years ago is helping to ensure that very seriously accident damaged vehicles are not returned to the road. However, we will keep the possible need for additional regulation in this area under review.

Cruising Licences

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received in relation to British Waterways' intention to increase the costs of the permanent cruising licence from 1 August; and if he will make a statement. [45395]

Angela Eagle: I have received several letters and representations from some waterway user groups. British Waterways announced on 9 June that it was withdrawing its proposal to introduce a high intensity use cruising licence. It will be discussing with user groups options and ideas for addressing the issue of private vessels that make a higher use of the waterways network.

Nuclear Material (Transportation)

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions how many spent fuel flasks sent to BNFL's Sellafield plant by United Kingdom or overseas customers in the last three years have had levels of surface contamination over the regulatory limit of 4 Bq/cm^2; how many empty spent fuel flasks being returned from Sellafield to its customers have had levels of surface contamination above this limit; what levels of contamination have been detected in each of these flasks; which customers were involved; when he was first informed that regulatory limits were being exceeded; and what action he has taken. [45036]

Ms Glenda Jackson *[holding answer 10 June 1998]:* UK operators measure non-fixed surface contamination on spent fuel flasks by wiping a large number (typically ~60 on fuel flasks used by UK power stations) of discrete areas of the surface with swabs and measuring and recording the radioactivity removed by the swab in terms of Derived Working Levels (DWLs). 1 DWL corresponds to 4Bq/cm^2 $\beta\gamma$ when certain pessimistic assumptions (that only 10 per cent. of available non-fixed contamination is picked up by the swab and that exactly 300 cm^2 has been wiped). In practice swab pick-up may exceed ten per cent. and the area wiped may exceed 300 cm^2 and thus DWL measurements may overestimate the true contamination by a factor of up to 10. Any reading exceeding of 1 DWL is recorded.

Between January 1995 and the end of the first quarter 1998, 11 flasks arrived at Sellafield from UK power stations with in excess of 1 DWL of non-fixed contamination on one or more areas. During the same

period 42 empty flasks were recorded as arriving at UK power stations from Sellafield with in excess of 1 DWL of non-fixed contamination on one or more areas.

Four incidences of flasks with contamination in excess of 1 DWL were recorded on flasks arriving at Barrow or Dunkirk from European power stations, en-route to Sellafield. However, these flasks were cleaned on discovery and no contamination in excess of 1 DWL was subsequently recorded on arrival at Sellafield. Information is not available on the monitoring of ex-Sellafield empty flasks arriving at European power stations. However, 8 incidences are recorded of non-fixed contamination in excess of 1 DWL at Barrow or Dunkirk.

In none of the above cases were there any significant radiological consequences to workers or the general public.

To put these figures into perspective, there were a total of ~5,400 shipments to and from UK power stations and ~300 to and from European power stations during this period.

There were no incidences of contamination in excess of 1 DWL on the 162 flask shipments to and from Japan during the three years in question. Data are not available of the results of monitoring on arrival of empty flasks in Japan.

In the majority of cases when in excess of 1 DWL was recorded the actual levels would be below 4Bq/cm^2 due to the pessimistic method of assessing non-fixed contamination. Only when in excess of 10 DWL is recorded is there a reasonable chance that the actual non-fixed contamination level may exceed 4 Bq/cm^2. This occurred on four occasions for UK shipments and on three occasions for European shipments during the period in question.

The Department in co-operation with the Health and Safety Executive has published instances of non-fixed contamination in excess of 10 DWLs arising on domestic spent fuel flasks annually since 1995.

One event in each of the years 1995[1], 1996[2] has been reported and one will be recorded in the 1997 review (to be published).

To summarise, 7 flask shipments out of nearly 6,000 are likely to have been contaminated to levels in excess of the 4 Bq cm^2 limit over the past three years.

[1] Radiological Consequences Resulting from Accidents and Incidents involving the Transport of Radioactive Materials in the UK—1995 Review, National Radiological Protection Board Memorandum NRPB-M662, March 1996.

[2] Radiological Consequences Resulting from Accidents and Incidents involving the Transport of Radioactive Materials in the UK—1996 Review, National Radiological Protection Board Memorandum NRPB-M862, November 1997.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions how many flights have taken place since 1995 in which spent nuclear fuel was carried within United Kingdom airspace; what were the places of origin and destination in each case; and what was the volume carried in each case. [45381]

Ms Glenda Jackson *[holding answer 11 June 1998]:* There has been only one flight of spent nuclear fuel in UK airspace since 1995. That shipment involved flying a small amount of spent fuel (containing ~4.5 kg of uranium) from Tbilisi in Georgia to RAF Kinloss for onward transmission to Dounreay by road.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the incidents where *(a)* chemicals and *(b)* radioactive material have been lost overboard in (i) UK waters and (ii) elsewhere from UK-registered ships since February 1997, giving for each instance the location, the chemicals or materials involved and the amounts subsequently recovered. [45380]

Ms Glenda Jackson *[holding answer 11 June 1998]:* The information is not available in the form requested. However, the table gives a summary of packages containing dangerous or harmful goods found in UK waters between February and December 1997. This information has been provided by the Advisory Committee on the Protection of the Sea (ACOPS).

Date	*Source*	*Nature of incident*	*Location*
February 1997	unknown	Three 25 litre drums found containing hydrogen peroxide	North West Scotland
February 1997	ship Leopard	40 foot container of charged batteries lost	North Irish Sea
February 1997	unknown	6 drums of phosphoric acid and hydrogen peroxide (954 litres in total) found	Tremadog Bay, Wales
March 1997	unknown	5x5 foot container of 1,000 litres tetramethyl lead found	Isle of Mull
April 1997	unknown	10 litre package of phosphine fumigant found	North Sea
April 1997	unknown	Two 45 gallon drums found containing 205 litres of an undetermined substance	Mallaig

I further understand from my Department's Marine Pollution Control Unit that in February and March this year around 25 drums containing an undetermined toxic substance were washed ashore along the south coast of the UK from Dorset to East Sussex.

Business Rates

Mr. Baldry: To ask the Secretary of State for the Environment, Transport and the Regions if he will list by local authority the yield to the Exchequer of business rates in the last year for which figures are available. [45464]

Mr. Raynsford: I have today placed in the Library of the House a table showing the amounts which local authorities calculated as their provisional contribution to the non-domestic rates pool for 1998–99.

Mr. Borrow: To ask the Secretary of State for the Environment, Transport and the Regions what plans she has to abolish the Crown exemption from non-domestic rates; and if she will make a statement. [46200]

Ms Armstrong: The Local Government and Rating Act 1997 made provision to end the Crown exemption from non-domestic rates in England, Wales and Scotland. We have decided to bring these provisions into force with effect from 1 April 2000. From that date, Crown property will be subject to non-domestic rates in the same way as property occupied by other ratepayers. We will make orders to commence the relevant parts of the 1997 Act in due course.

It has been Government policy since the late nineteenth century that property occupied for the public service, including Government departments, should make contributions in lieu of rates on the same basis as if they were rateable. Abolishing Crown exemption will give this policy a legal foundation and bring the Crown in line with other ratepayers.

Northern Line

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions when he expects the new trains on the Northern Line to come into service. [45513]

Ms Glenda Jackson: Although this is an operational matter for London Underground, I understand that the first train came into service last Friday, 12 June; the first of what will be a rolling programme over the following months.

Urban Green Spaces

Mr. Love: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the advantages of issuing *(a)* National Playing Fields Association and *(b)* Local Planning Authority Guidance on the provision of open spaces below 2 hectares in inner city areas where local residents do not have access to green spaces within 0.4 kilometres of their homes. [45633]

Mr. Raynsford: Government guidance to local planning authorities on the provision of open space is contained in Planning Policy Guidance note 17: Sport and Recreation, which was published in 1991. We have recently reviewed the effectiveness of this guidance, and a report will be published shortly.

The current advice does not propose a single standard for the whole country but gives as examples the National Playing Fields Association's and the Greater London Development Plan/London Planning Advisory Committee's standards.

The National Playing Fields Association's longstanding approach of seeking 6 acres per 1,000 population does not address the issue of accessibility. The GLDB/LPAC standards are more pertinent to large urban areas and address directly the accessibility issues.

I would expect London Boroughs to assess open space deficiency using the standards in Table 7.1 of the Strategic Guidance for London Planning Authorities.

Hedges

Mr. Luff: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 2 March 1998, *Official Report*, column *423*, on hedges, what conclusion he has reached on the need for Government intervention in relation to leylandii trees and other high boundary hedges. [45508]

Angela Eagle: We have not yet reached a conclusion on whether there is a need for Government intervention in relation to leylandii trees and other high boundary hedges. We are considering carefully the issues involved.

Red Squirrels

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to extend the protection available to red squirrels. [45681]

Angela Eagle: The red squirrel is currently subject to the fullest protection available under the Wildlife and Countryside Act 1981. There are no plans to alter this situation.

Channel Tunnel Rail Link

Mrs. Lait: To ask the Secretary of State for the Environment, Transport and the Regions what date is specified for completion of the entire line in LCR's contract to build the CTRL. [45409]

Ms Glenda Jackson: On present plans, LCR and Railtrack expect the full link to be completed by 2007.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions what will be the contractual obligation for LCR if Railtrack does not proceed with the construction of phase two of the Channel Tunnel Rail Link. [45629]

Ms Glenda Jackson: LCR will be under a full contractual obligation to build the entire railway from the Channel Tunnel to St. Pancras.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions what provisions have been made by the Government in the event of an overrun of costs for the Channel Tunnel Rail Link. [45630]

Ms Glenda Jackson: Under the terms of the proposed deal with LCR and Railtrack, which my right hon. Friend the Deputy Prime Minister announced to the House on 3 June 1998, *Official Report*, columns 367–70, construction risk is to be borne in the private sector.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions how passenger forecasts for the Channel Tunnel Rail Link have been calculated. [45623]

Ms Glenda Jackson: The Department's independent assessment of the various Eurostar passenger forecasts took account of a number of factors including Cross-Channel market trends, the relative competitive position of Eurostar and infrastructure changes such as the opening of the Rail Link itself.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the guarantees which exist to ensure that phase two of the Channel Tunnel Rail Link is built. [45625]

Ms Glenda Jackson: LCR will remain contractually obliged to build the entire railway from the Channel Tunnel to St. Pancras; Railtrack will be able to realise a full rate of return only if they commit to the second phase of construction as well as the first; and the Government capital grant will be divided so that nearly two-thirds of the £1.8 billion available is held back for the second phase of construction.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions when the Thameslink 2000 proposals for St. Pancras Station will go ahead. [45626]

Ms Glenda Jackson: Construction of the Thameslink 2000 station at St. Pancras is included in the second construction phase of the CTRL project which LCR expect to start in 2001.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions to which phase of the Channel Tunnel Rail Link the Government subsidy of £140 million refers. [45628]

Ms Glenda Jackson: The figure relates to the entire link.

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to make a statement on the future development of the Kings Cross railway lands. [45353]

Ms Glenda Jackson: The King's Cross Railway Lands remain linked to the Channel Tunnel Rail Link project. My right hon. Friend the Deputy Prime Minister announced on 3 June 1998 (*Official Report*, columns 367–70, a deal that secures the future of the new railway from the Channel Tunnel to St. Pancras. London and Continental Railways continue to develop plans for the regeneration of the King's Cross Railway Lands in consultation with the London boroughs of Camden and Islington and other key parties.

Local Government Reorganisation (Essex)

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions if he will provide financial assistance to Essex County Council to meet the redundancy costs of local government re-organisation in Essex. [45470]

Mr. Raynsford: Resources in the form of supplementary credit approvals (SCAs) are made available to reorganising authorities under the Local Government Reorganisation Costs Scheme. Under the scheme Essex County Council have received allocations of maximum amounts totalling £5.483 million (£2.8 million for 1997–98 and £2.683 million for 1998–99) which may be used for any costs eligible under the scheme, including redundancy costs.

Ministerial Interview

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions if he will place in the Library a transcript of the interview given by the Minister for the Environment on BBC's On the Record on 7 June. [45449]

Mr. Meacher: I have today placed a transcript of the interview in the Library.

Air Quality (Lullington Heath)

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the occasions since 1 January 1997 when the National Air Quality Standard for ozone was exceeded at Lullington Heath, giving the maximum hourly means reached for each such occasion. [46076]

Angela Eagle: There have been 719 exceedences of the National Air Quality Standard for ozone on 81 days (listed below) at Lullington Heath since January 1997.

Day	*Maximum 8-hour running mean (ppb)*	*Maximum hour (ppb)*	*Number of exceedences on that day*
11 March 1997	60	65	8
1 April 1997	59	64	8
2 April 1997	65	79	8
6 April 1997	50	53	1
9 April 1997	59	69	9
10 April 1997	68	74	22
11 April 1997	53	71	1
13 April 1997	51	55	5
21 April 1997	54	57	8
24 April 1997	56	59	8
25 April 1997	51	58	2
1 May 1997	57	62	8
2 May 1997	73	77	13
3 May 1997	65	68	14
12 May 1997	51	54	3
16 May 1997	55	65	6
17 May 1997	60	65	9
24 May 1997	50	53	4
25 May 1997	57	59	10
26 May 1997	58	61	10
27 May 1997	55	61	3
29 May 1997	59	66	9
30 May 1997	52	58	3
31 May 1997	58	61	10
1 June 1997	55	57	10
2 June 1997	56	61	7
3 June 1997	58	63	10
4 June 1997	54	58	9
5 June 1997	64	70	13
6 June 1997	50	59	4
10 June 1997	73	78	10
11 June 1997	65	52	6
16 June 1997	50	57	2
18 June 1997	55	58	9
19 June 1997	50	57	1
5 July 1997	50	57	2
7 July 1997	54	59	8
8 July 1997	56	66	5
11 July 1997	57	61	8
12 July 1997	56	58	11
19 July 1997	54	63	7
20 July 1997	51	54	4
22 July 1997	54	68	3
23 July 1997	67	81	24
24 July 1997	51	56	4
7 August 1997	53	57	5
8 August 1997	63	69	11
9 August 1997	61	77	8
10 August 1997	95	110	24
11 August 1997	79	73	12
12 August 1997	50	60	3
16 August 1997	67	74	9
17 August 1997	72	75	15
18 August 1997	81	99	20
19 August 1997	85	94	24

Day	Maximum 8-hour running mean (ppb)	Maximum hour (ppb)	Number of exceedences on that day
20 August 1997	77	84	24
21 August 1997	65	77	15
11 September 1997	53	59	6
16 September 1997	56	59	10
17 September 1997	54	58	6
18 September 1997	53	64	4
6 April 1998	51	53	6
22 April 1998	56	63	7
23 April 1998	51	63	1
4 May 1998	51	54	2
8 May 1998	64	69	11
9 May 1998	57	58	9
10 May 1998	55	63	8
11 May 1998	62	65	6
12 May 1998	59	64	7
13 May 1998	84	98	15
14 May 1998	81	76	18
15 May 1998	79	86	11
16 May 1998	62	66	14
17 May 1998	56	61	13
18 May 1998	54	57	9
19 May 1998	56	59	22
20 May 1998	58	63	9
29 May 1998	51	55	4
30 May 1998	72	77	11
31 May 1998	52	68	1

Stray Dogs

Mr. Blizzard: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the annual cost to public funds of dealing with stray dogs. [45820]

Angela Eagle: I refer my hon. Friend to the answer I gave him on 9 June 1998, *Official Report*, columns *516–17*.

Water and Fire Services (Co-operation)

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions (1) when the National Liaison Group established to prepare a code of conduct facilitating better co-operation between the water industry and fire services will complete its study; and if he will make a statement; [45729]

(2) if he will list the membership of the National Liaison Group established to prepare a code of conduct facilitating better co-operation between the water industry and fire services, indicating which of the members represent the fire services; [45730]

(3) if the National Liaison Group established to prepare a code of conduct facilitating better co-operation between the water industry and fire services, is consulting *(a)* insurance organisations and *(b)* the fire protection industry in its study. [45731]

Angela Eagle: The National Liaison Group, which is chaired by my Department, does not have appointed members. It is made up of representatives from the water industry nominated by Water UK, from the fire services nominated by the Chief and Assistant Chief Fire Officers' Association (CACFOA), from the Local Government Association and from the Home Office. The main aims of the Group, which have been agreed by the members, are further to improve communication between the water industry and the fire services at national and local levels. The proposed Code of Practice is seen as one way of achieving this aim and should be in place by the end of the year. There are no proposals at present to consult with insurance representatives or any other bodies that may have an interest, but I will ensure that my officials raise the question of consultation at the next meeting of the Group.

Water Pricing

Mr. Colvin: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to publish his third review of water company pricing; and if he will make a statement on the principles on which he will issue guidance to Ofwat on achieving sustainability in water management. [45783]

Angela Eagle: The Periodic Review of water company prices is a matter for the Director General of Water Services. He has stated that he will issue his draft determinations of price limits in July 1999 and, following representations on these from companies, issue his final determinations in November 1999.

My right hon. Friend the Deputy Prime Minister stated at the Water Summit in May 1997 that he expected the water industry to be world class, water-efficient and environmentally sustainable. Those principles will be embodied in guidance which he and my right hon. Friend the Secretary of State for Wales will give to the Director General.

Housing (London)

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions what data his Department has collated on housing spending for each London borough for 1997–98 and for the current year on *(a)* capital repairs and *(b)* new constructions and on the proportion of this which comes from (i) capital receipts and (ii) Government sources. [45344]

Mr. Raynsford: The available information on housing capital expenditure in 1997–98 as reported by London boroughs is set out in the following table. Estimates of overall capital expenditure in 1998–99 will be reported by local authorities as part of their Housing Investment Programme (Annual Plan) submissions in September.

Authorities' housing capital programmes in both years will be financed in part by the Capital Receipts Initiative, in addition to HIP allocations, Supplementary Credit Approvals and Single Regeneration Budget/Estate Action resources. Information on HIP and CRI allocations is given in the table; final information on the financing of the 1997–98 capital programme will be available later in the year.

Housing capital expenditure by London boroughs in 1997–98

£000

London boroughs	Capital repairs		New construction and acquisitions		Other spend	Total reported spend
	LA stock	Non LA stock	LA stock	Non LA stock	All stock	
Barking and Dagenham	12,582	1,380	322	11,428	0	25,712
Barnet	2,741	2,136	1,251	1,179	855	8,162
Bexley	5,405	1,887	0	891	284	8,467
Brent	—	—	—	—	—	—
Bromley[1]	2	1,956	3	1,807	859	4,629
Camden	24,823	786	0	444	538	26,591
City of London	3,981	22	58	3,322	123	7,506
Croydon	6,286	2,080	17	3,801	1,795	13,979
Ealing[1]	2,013	2,595	0	0	528	5,136
Enfield	5,699	4,046	194	1,338	1,591	12,868
Greenwich	17,558	2,373	0	0	802	20,733
Hackney	28,627	3,978	13	0	4,509	37,127
Hammersmith and Fulham	13,612	2,914	326	1,947	820	19,619
Haringey	13,344	1,947	0	521	1,434	17,246
Harrow	2,126	1,558	216	0	847	4,747
Havering[1]	3,993	349	1	0	285	4,628
Hillingdon[1]	5,697	1,487	2,359	0	584	10,127
Hounslow	15,060	1,159	0	398	1,505	18,122
Islington	10,316	1,090	0	0	2,368	13,774
Kensington and Chelsea[1]	4,397	2,189	0	0	302	6,888
Kingston upon Thames	—	—	—	—	—	—
Lambeth	—	—	—	—	—	—
Lewisham	—	—	—	—	—	—
Merton	1,781	1,568	0	938	3,000	7,287
Newham[1]	5,486	4,054	0	0	1,234	10,774
Redbridge	5,567	4,354	0	0	172	10,093
Richmond upon Thames	1,698	522	0	481	931	3,632
Southwark	—	—	—	—	—	—
Sutton	4,547	1,544	0	0	728	6,819
Tower Hamlets	—	—	—	—	—	—
Waltham Forest	14,588	1,728	0	1,075	1,107	18,498
Wandsworth[1]	15,387	2,792	98	0	1,000	19,277
Westminster[1]	18,349	928	166	0	4,564	24,007

[1] Figures for April-December 1997

£000

London boroughs	Total initial HIP allocations		Capital Receipts Initiative	
	1997–98	1998–99	1997–98	1998–99
Barking and Dagenham	4,974	5,028	1,320	4,713
Barnet	4,790	3,626	1,147	3,362
Bexley	2,639	2,458	602	1,998
Brent	10,932	8,045	1,827	5,577
Bromley	2,614	1,659	523	1,272
Camden	10,270	9,271	2,658	8,612
City of London	343	276	80	263
Croydon	8,477	4,401	1,385	3,726
Ealing	7,799	6,475	1,757	5,410
Enfield	5,895	4,437	1,114	3,145
Greenwich	10,491	7,791	2,137	6,555
Hackney	13,884	11,172	3,282	9,298
Hammersmith and Fulham	9,376	8,022	1,718	5,428
Haringey	10,405	8,249	2,273	6,754
Harrow	2,598	1,862	633	1,789
Havering	2,384	1,872	787	2,421
Hillingdon	5,999	3,597	1,255	3,508
Hounslow	5,134	3,829	1,351	3,871
Islington	9,996	8,170	2,848	9,168
Kensington and Chelsea	6,358	5,723	1,095	3,959
Kingston upon Thames	2,396	1,803	470	1,275
Lambeth	13,648	12,653	3,317	11,075
Lewisham	11,327	10,780	2,542	8,610
Merton	3,310	2,579	729	2,244
Newham	16,394	14,824	2,282	7,164
Redbridge	4,258	3,442	888	2,275
Richmond upon Thames	2,911	2,212	646	1,854
Southwark	13,661	14,337	3,215	11,386
Sutton	2,944	2,804	580	1,758
Tower Hamlets	9,777	11,383	2,576	8,973
Waltham Forest	6,432	6,605	1,289	4,221
Wandsworth	10,147	8,249	2,727	8,722
Westminster	10,274	7,554	2,039	6,618
London	242,837	205,188	53,092	167,004

Notes:

1. Total HIP allocations represent Housing Annual Capital Guideline allocations plus initial allocations for Private Sector Renewal and Disabled Facilities Grant resources
2. Capital Receipts Initiative figures represent guideline allocations

Homelessness (London)

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions what is his Department's current estimate, for each London borough, of the number of *(a)* homeless people in temporary accommodation, *(b)* rough sleepers and *(c)* people on the waiting list for local authority accommodation; and if he will make a statement. [45388]

Mr. Raynsford: The table provides the available data on the numbers of homeless households in temporary accommodation at 31 December 1997 together with the numbers of households on the housing register and local authorities' broad assessments of people sleeping rough at 1 April 1997.

	Households in temporary accommodation[1]	Households on the housing register[2]	People sleeping rough[2]
Barking and Dagenham	272	1,422	No estimate
Barnet	623	2,975	21–30
Bexley	171	3,175	0–10
Brent	3,079	12,974	31–40
Bromley	164	2,380	0–10
Camden	1,574	7,456	41–50
City of London	38	724	31–40
Croydon	1,154	5,038	31–40
Ealing	801	10,705	41–50
Enfield	1,345	3,029	No estimate
Greenwich	245	7,693	0–10
Hackney	895	10,941	11–20
Hammersmith and Fulham	n/a	5,912	21–30
Haringey	n/a	5,301	0–10
Harrow	789	1,926	0–10
Havering	47	2,242	No estimate
Hillingdon	1,224	3,395	21–30
Hounslow	325	6,564	21–30
Islington	633	10,950	11–20
Kensington and Chelsea	517	5,554	21–30
Kingston upon Thames	n/a	2,161	11–20
Lambeth	1,036	10,263	31–40
Lewisham	n/a	12,337	No estimate
Merton	43	2,521	No estimate
Newham	n/a	10,281	No estimate
Redbridge	504	2,107	No estimate
Richmond upon Thames	266	2,684	31–40
Southwark	n/a	3,749	0–10
Sutton	n/a	2,346	0–10
Tower Hamlets	n/a	7,955	51+
Waltham Forest	748	8,000	0–10
Wandsworth	426	2,662	No estimate
Westminster	n/a	3,658	51+

[1] *Source:* PIE returns

[2] *Source:* HIP1 returns

n/a = not available

The numbers in temporary accommodation reflect households with immediate housing needs while those on the register cover them and households with a more general need.

Train Companies

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions if he will estimate the proportion of Railtrack income from train operating companies which comes from public subsidies to maintain services; and if he will make a statement. [45347]

Ms Glenda Jackson: Train operating companies (TOCs) receive Support for Passenger Rail Services (SPRS) from the Franchising Director and grants from Passenger Transport Executives (PTEs). Those subsidies are not hypothecated to cover particular types of expenditure, so they cannot be directly identified as the source of payments made by TOCs to Railtrack. In 1997/98, Railtrack received some £2.1 billion—over 85 per cent. of its total income—from access charges from TOCs. Total public subsidies to TOCs in 1997/98 amounted to some £1.8 billion.

Bletchley-Bicester Line

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions (1) what plans have been put to his Department for the re-opening of the Bletchley to Bicester railway line to passenger traffic; and if he will make a statement; [45351]

(2) what reports he has received from Railtrack concerning the condition of the Bletchley to Bicester railway line; and what assessment he has made of whether it is in a useable condition. [45352]

Ms Glenda Jackson: Re-opening of this section of railway line to passenger services forms part of a proposal recently put to me by the East West Rail Consortium for a rail link from Ipswich/Norwich to Swindon. Railtrack is a member of this consortium. My officials, and those from the Franchising Director's office, are considering the detailed business case put forward by the consortium against OPRAF's interim Planning Criteria approved by ministers and published last November. I am awaiting the outcome of these deliberations.

Honeybourne-Cheltenham Line

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions what plans have been put to his Department for the re-opening of the railway line from Honeybourne to Cheltenham; and if he will make a statement. [45350]

Ms Glenda Jackson: None. Part of this route is now owned and operated by the Gloucestershire Warwickshire Steam Railway PLC as a leisure railway.

Social Housing

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions how many *(a)* local authority, *(b)* housing association and *(c)* co-operative houses were started in 1997–98; and how many he expects to be started in the current year. [45383]

Mr. Raynsford: It is estimated that 165 new local authority dwellings and 19,100 new housing association (now Registered Social Landlords) dwellings were started in England during the financial year 1997–98. No information is collected centrally about new houses started by co-operative housing groups.

The Department does not forecast starts. However the Housing Corporation estimates that in 1998–99 it will grant approvals for around 31,000 new housing association homes to be built or acquired by the private sector, with rehabilitation or renovation carried out where necessary, using Approved Development Programme and local authority funding.

Local Agenda 21

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions what was his Department's expenditure on Local Agenda 21 projects for each year since 1992; what plans he has for expenditure in the current year; and what monitoring his Department undertakes of Local Agenda 21 initiatives. [45385]

Angela Eagle: The Government's main role in the Local Agenda 21 process is to provide advice and encouragement to local authorities. In this capacity, DETR is a member of the Local Agenda 21 Steering Group that manages the project. The Department also co-funds the *'Local Agenda 21 Case Study Projects'* in partnership with the Local Government Management Board (LGMB). The Case Studies aim to identify and disseminate examples of best practice by Local Agenda 21 Groups.

Regionally, DETR has supported a range of projects, events and seminars to promote Local Agenda 21, through Government Offices. The approximate expenditure from 1995 to the present is as follows:

1995–96: £3,429

1996–97: £14,178

1997–98: £56,371

This year's events have been arranged in partnership with the Local Government Association (LGA) and the LGMB. The projected expenditure for 1998–99 is estimated to be £55,000.

Since 1991 the Environment Action fund has supported a range of local environmental projects. It is not possible to identify specific sums within that amount which have been devoted to Local Agenda 21, as opposed to wider Agenda 21 work. I am sending my hon. Friend a list of projects supported in 1997–98 which had a clear Local Agenda 21 focus.

We have been working closely with the LGA and LGMB to encourage all local authorities in England to produce and review their Local Agenda 21 strategies by 2000 to meet the Prime Minister's target. In July this year the LGMB will be publishing the results of the new survey of local authorities which will indicate how many have now published Local Agenda 21 strategies. We believe it is right for local Government rather than central Government to take the lead in monitoring the production of such strategies and encouraging the sharing of good practice.

London Buses

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions what plans his Department has to enable London Buses to become a bus operator; and if he will make a statement. [45346]

Ms Glenda Jackson: London Transport has powers under the London Regional Transport Act 1984 to operate bus services. Their current practice is to put all services out to competitive tender on grounds of value for money.

Planning (Riddlesdon)

Mrs. Ann Cryer: To ask the Secretary of State for the Environment, Transport and the Regions if he will instruct the Planning Inspectorate Executive Agency to delay the hearing into the appeal by Taywood Homes against Bradford metropolitan district council's decision to refuse permission for a development at Swine lane, Riddlesdon, until all parties are able to be present. [45810]

Mr. Raynsford: The administration of planning appeals is the responsibility of the Planning Inspectorate Executive Agency and I do not propose to intervene in this matter. I have asked the Inspectorate's Chief Executive, Mr. Chris Shepley, to write to my hon. Friend.

Letter from Chris Shepley to Mrs. Ann Cryer, dated 15 June 1998:

The Secretary of State has asked me to reply to your question asking whether he would instruct the Planning Inspectorate to delay the public local inquiry which is due to open on 11 August into the appeal by Taywood Homes for residential development at Swine Lane, Riddlesden. I have also been passed your letter of 20 May to Nick Raynsford, enclosing this correspondence from your constituents, Ms Christine Brown, Mr. E. A. Denton and the Aire Valley Conservation Society.

The Government is committed to ensuring that appeals are decided with the maximum practicable speed and efficiency. It is for this reason that on 24 March the Inspectorate, after receiving the written agreement of the local planning authority, confirmed arrangements for the earliest possible inquiry date, ie 11 August.

We are not inflexible in these matters and are always willing to rearrange a local inquiry when it can be shown that there would otherwise be a breach of the requirements of natural justice. I have to say, however, that the fact that some of your constituents may be unable to attend on a particular date does not, by itself, amount to such a breach. It is an argument that could frequently be advanced and, if accepted, would lead to substantial delays in the planning system.

I have considered most carefully your request for a postponement of the inquiry, but regret to say that I am not satisfied that it is justified in all the circumstances. For anyone unable to attend the inquiry the Inspector will be able to take account of any written representations received before the inquiry. The Inspector will also be able to allow representatives to appear at the inquiry on behalf of a particular group (or groups) of interested persons.

In view of your interest, I will see that you are notified of the outcome of the appeal.

Town Centres

Mr. Jenkins: To ask the Secretary of State for the Environment, Transport and the Regions (1) what steps he is taking to protect town centre shopping facilities; [45287]

(2) if he will make a statement on the Government's policy towards town centres. [45289]

Mr. Raynsford: In our response to the House of Commons Environment Committee report on shopping centres (July 1997 Cmnd 3729), we reaffirmed our commitment to the policy in PPG6: Town Centres and Retail Developments. This guidance aims to sustain and enhance the vitality and viability of town centres by focusing new retail and leisure development within town centres. We have since clarified that this guidance applies equally to extensions to such development. Our priority is to ensure that the policy in PPG6 is consistently and rigorously implemented.

We fund the development and promotion of town centre management and the dissemination of good practice through grant aid to the Association of Town Centre Management and the Civic Trust, and research on town centre partnerships. We put forward town centre management as a UK good practice example for the Presidency Meeting in Glasgow.

Mr. Jenkins: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to commission research into the impact of out-of-town shopping developments on town centres. [45286]

Mr. Raynsford: We have no current plans to commission further research.

The Department commissioned a number of research reports which informed the development of the policy in PPG6, including "Vital and Viable Town Centres: Meeting the Challenge", published in 1994, "The Effects of Major Out of Town Retail Development" published in 1992 and more recently research on the impact of out-of-town superstores on market towns, the report of which we will be publishing shortly.

Mr. Jenkins: To ask the Secretary of State for the Environment, Transport and the Regions if he will estimate the proportion of retail turnover which takes place outside town centres. [45288]

Mr. Raynsford: The Department is funding a research study to enable identification of town centre boundaries and to generate basic statistics such as employment, retail turnover and floorspace for these areas. The research study is currently at the pilot stage. This work will enable the Department in time to gather and assess information on retail trends such as the proportion of retail turnover which takes place outside town centres.

Local Authorities (Public Transport)

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to remove the restrictions on local authorities providing their own public transport services. [46043]

Ms Glenda Jackson: My right hon. Friend the Minister of Transport announced on 11 June 1998, *Official Report*, columns *637–38*, more flexible borrowing arrangements for investment in local authority airports. Otherwise, there are no plans to change the present arrangements; but the Government is keen that local authorities should be able to promote public transport as part of an integrated transport policy. Our proposals for this will be set out in the forthcoming White Paper.

Road Traffic Reduction

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions what steps his Department is taking to assess the success of local authorities in complying with the requirements of the Road Traffic Reduction Act 1997; if he will publish the results of his Department's findings; what action he intends to take against those authorities that are failing to meet the terms of the Act; and if he will make a statement. [46045]

Ms Glenda Jackson: Guidance to local authorities on implementing the Road Traffic Reduction Act 1997 was issued in draft earlier this year for consultation. This made clear that each local authority would be expected to produce a report containing an assessment of levels of local road traffic in their area and forecast growth in those levels, together with targets for reducing those levels or their rate of growth, as required by the Act, by 31 July 1999. We will want to satisfy ourselves that authorities are taking their obligations under the Act seriously, and their performance will be a consideration in the founding they receive for transport capital expenditure.

Disabled Drivers

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions what measures he plans to take to encourage technical improvements to ease the difficulties faced by disabled drivers. [46089]

Ms Glenda Jackson: The Department of the Environment, Transport and the Regions, through its Mobility Advice and Vehicle Information Service (MAVIS), works closely with vehicle manufacturers and adaptation specialists to promote improvements both in vehicle design and in the range and quality of adaptations available to enable disabled drivers to get in and out of vehicles and to control them safely.

North Circular Road, London

Mr. Love: To ask the Secretary of State for the Environment, Transport and the Regions what was the final cost or expected final cost for each of the contracts to extend the North Circular Road (A406) at Fore Street N18 extending east to the Waltham Forest boundary, and in each case what was the increase and the percentage charge over the original budgeted cost; and what is the date or expected date of completion of each contract. [45339]

Ms Glenda Jackson: I have asked the Chief Executive of the Highways Agency, Mr. Lawrie Haynes, to write to my hon. Friend.

Letter from Lawrie Haynes to Mr. Andrew Love, dated 15 June 1998:

The Minister for Transport in London, Glenda Jackson, has asked me to reply to your recent Parliamentary Question about the improvements to the A406 between Fore Street and Hall Lane.

The information asked for is on the attached table with one exception.

I am afraid that for commercial reasons I cannot let you have an estimate of the final outturn costs. To do so would weaken our bargaining position with the contractor in the event of disputes over the final account or the settlement of claims. I have therefore given figures showing the spend so far.

The contracts were let under the Institution of Civil Engineers standard form of contract, which has been used for many years throughout the construction industry for major civil engineering works, and in which the contractor is paid for the actual, rather than estimated, work done. With road schemes it is not possible to identify all of the necessary work in advance of construction and this was true in this case which is a complex project in an urban environment.

The disadvantage of using this form of contract is the uncertainty of costs and time but the Highways Agency addressed these concerns in a review of its procurement strategy, which led to an announcement in June 1997 of new procurement initiatives. As a result we are beginning to use other forms of contract, which share risk more equitably. Partnering is being encouraged to get away from the adversarial way in which some of our contracts have been conducted in the past.

Highway scheme	Completion date	Original works budget[1] £ million—1992	Spend to date[1] £ million	Percentage increase
Contract A: Fore Street Underpass	Estimated late summer/early autumn (Tunnel-July)	56.6	56.5	—
Contract B: Angel Road Viaduct	28 November 1996	31.4	37.7	18
Contract C: Lea Valley Viaduct	22 August 1996	32.7	39.3	20.2
Total		120.7	133.5	10.5

[1] Figures include the cost of works, statutory undertakers, variations of price and contingencies. They exclude Traffic Control Systems Unit (TCSU), Preparation and Supervision (P&S) and Land costs

Note:

All figures are exclusive of VAT

Housing (Sewerage Services)

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions in respect of which projects the Environment Agency has opposed new housing plans because the proposed dwellings were not connected to a public sewer. [45838]

Angela Eagle: This information is not collected centrally.

London Regional Transport

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions when he proposes to advertise the post of chairman of London Regional Transport. [45813]

Ms Glenda Jackson: We are considering with our advisers how best to manage the recruitment for this important post.

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions what directions and advice he proposes to give London Regional Transport in preparation for the establishment of a London Assembly. [45814]

Ms Glenda Jackson: London Transport is one of a number of bodies whose responsibilities will be taken over by the Greater London Authority subject to the necessary legislation being approved by Parliament. Discussions are already under way between the Government Office for London and London Transport, and the other bodies involved, with a view to effecting a smooth transition.

Bus Companies (Customer Service)

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to improve bus companies' customer service standards *(a)* in London and *(b)* elsewhere. [45815]

Ms Glenda Jackson: In London such matters are for London Transport, in the letting and monitoring of contracts for bus services. Elsewhere they are chiefly for bus operators, and for local authorities where service subsidy contracts are concerned. I am glad that, in addition, a number of local authorities are entering into quality partnerships with bus operators, to make bus services more attractive to present and potential passengers.

Environment Agency

Mr. Martlew: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his oral answer of 9 June 1998, *Official Report*, column 856, relating to the annual rental of the Environment Agency's new headquarters, if she will publish the name of the landlord of the premises. [45826]

Angela Eagle: The Environment Agency's new area office in Cumbria is leased from Allen Commercial Developments Ltd.

Special Areas of Conservation

Mr. Leslie: To ask the Secretary of State for the Environment, Transport and the Regions when the Government will announce the submission of further areas to the European Commission as candidate special areas of conservation. [46078]

Mr. Meacher: A further list of UK proposals was sent to the European Commission on 12 June. This consists of 14 new candidate Special Areas of Conservation, boundary extensions to 8 existing sites already submitted to the Commission as candidate SACs and the addition of further qualifying interests on one candidate SAC. I am pleased to be able to reaffirm the UK's commitment to the Natura 2000 process by announcing the submission of this further list of sites during the UK Presidency.

Proposals list sent to the Commission

Sites	
New sites	
Clints Quarry	England
River Derwent and Bassenthwaite Lake	England
Mottey Meadows	England
Portholme	England
Burnham Beeches	England
Denby Grange Colliery Ponds	England
Craven Limestone Complex	England
Ingleborough Complex	England
Isle of Portland to Studland Cliffs	England
Peak District Dales Woodlands	England
East Devon Pebblebed Heaths	England
River Wye/Afon Gwy	England/Wales
River Teifi/Afon Teifi	Wales
Dallochbuie	Scotland
Boundary changes to existing sites	
Peak District Dales	England
The Broads	England
The New Forest	England
Essex Estuaries	England
Fal and Helford	England
Plymouth Sound and Estuaries	England
Morecambe Bay	England
Solway Mosses	England

Proposals list sent to the Commission

Sites	
Changes to the interest of existing site within existing boundaries	
Tulach Hill and Glen Fender Meadows	Scotland

Barking-Gospel Oak Line

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions what discussions his Department has had with Railtrack and train-operating companies concerning the electrification, upgrading and extension of services on the Barking to Gospel Oak line; and if he will make a statement. [45348]

Ms Glenda Jackson: I understand that Railtrack are currently assessing the options for upgrading the Gospel Oak-Barking line. The final decision will ultimately be a commercial one for Railtrack.

Rocket Launch Site, Anguilla

Mr. Randall: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the criteria to be used by the Environment Agency in deciding whether to approve a request to build a rocket launch-pad on Sombrero Island, Anguilla. [44649]

Mr. Battle: I have been asked to reply.

Beal Aerospace, a US firm, has approached the Government of Anguilla with a proposal to develop a satellite launch site on Sombrero Island. A US environmental consultancy firm is currently conducting an Environmental Impact Assessment (EIA) of the proposal. This EIA will form part of Beal Aerospace's planning application.

This will be the first application the UK has received for a commercial launch site and so it is not possible, at this early stage in the process, to list the criteria to be used in evaluating the application. Officials in the British National Space Centre (BNSC) will consult the US authorities who have relevant experience and, in conjunction with the Environment Agency (EA) and other relevant governmental organisations, they will provide advice to Ministers on suitable evaluation criteria.

HOME DEPARTMENT

Racial Violence

19. **Mr. Corbett:** To ask the Secretary of State for the Home Department what has been the trend in the reported incidence of racial violence over the past five years. [44262]

Mr. Mike O'Brien: The number of racial incidents reported to the police has risen in recent years.

Between 1992 and 1997 the number of incidents reported rose, from 7,734 in 1992 to 11,878 in 1994–95 and to 13,151 in 1996–97. That is why we are taking steps to tackle it.

Reoffending

20. **Fiona Mactaggart:** To ask the Secretary of State for the Home Department what assessment he has made of the contribution which family responsibilities make to reducing reoffending; and if he will give priority to placing prisoners within easy reach of their families. [44263]

Ms Quin: Home Office research suggests that family responsibilities and the formation of a stable relationship are a factor in young women aged 14 to 25 desisting from offending. Young men may be similarly influenced, but at a later age. Further research is being undertaken.

The Government's view is that it is certainly desirable to keep prisoners closely in touch with their families and for them to be located close to their homes and families wherever possible.

25. **Mrs. Brinton:** To ask the Secretary of State for the Home Department what steps he is taking to ensure that there is early intervention with young offenders to prevent reoffending. [44268]

Mr. Straw: My hon. Friend is right to stress the importance of early intervention with young offenders to prevent reoffending. The child safety order and local child curfews, both for under 10s, and the Final Warning Scheme, for those aged 10 and over, will help to nip offending in the bud. New local crime reduction strategies and the new youth offending teams will help local action to reduce youth crime. We are also providing new powers to enable the police to deal with truants in partnership with the education authorities.

Asylum Procedures

21. **Mr. Gerrard:** To ask the Secretary of State for the Home Department when he expects to announce the outcome of his review of asylum procedures. [44264]

Mr. Mike O'Brien: We hope to make an announcement before the recess.

Closed Circuit Television

22. **Mr. Bill O'Brien:** To ask the Secretary of State for the Home Department what assistance he offers to private businesses to install closed circuit television; and if he will make a statement. [44265]

Mr. Michael: No direct assistance is offered to private businesses to install closed circuit television on their premises but businesses gain enormously from CCTV coverage of public areas in town and city centres.

34. **Mr. Gray:** To ask the Secretary of State for the Home Department what priority will be given to spending on closed circuit television beyond 1998 in the Government's spending review. [44277]

Mr. Michael: The expenditure plans we inherited from the previous administration made no provision whatsoever to support closed circuit television (CCTV) after 1998–99. Decisions on expenditure for 1999–2000 and beyond will be announced in a White Paper, to be published in July.

Metropolitan Police

23. **Mr. Beard:** To ask the Secretary of State for the Home Department what assessment he has made of the impact on security of contracting out the Metropolitan police information technology systems. [44266]

Mr. Michael: The Metropolitan Police Service is carrying out a thorough assessment of the security implications associated with all its Information Technology systems. It will not contract work out unless it is satisfied that all security needs will be met.

Prisons (Ministerial Visits)

26. **Mr. Cranston:** To ask the Secretary of State for the Home Department if he will make a statement on ministerial visits to prisons. [44269]

Ms Quin: Ministers visit prisons to see for themselves what is happening at individual establishments, to talk to staff and their union representatives, to prisoners and to members of Boards of Visitors about matters of concern to them. While most visits are notified in advance I have made it clear that I intend to make some unannounced visits. I also have sought to vary visits by arranging to 'shadow' governors and prison officers to accompany Her Majesty's Chief Inspector of Prisons as one of his inspectors.

Prison Officers

27. **Mr. Baldry:** To ask the Secretary of State for the Home Department in how many instances when the Civil Service Appeals Board has recommended reinstatement of a prison officer, that officer has been reinstated in the last five years. [44270]

Ms Quin: In the last five years, the Civil Service Appeals Board has recommended the reinstatement of four prison officers. This recommendation was accepted in two cases.

Parc Prison

28. **Ann Clwyd:** To ask the Secretary of State for the Home Department what action he plans to take in respect of Parc prison, Bridgend. [44271]

Ms Quin: The performance of the contractor, Bridgend Custodial Services, is being monitored regularly by senior Prison Service officials and reports on progress conveyed to me. An action plan has been agreed to address areas of concern; and an experienced Governor has been seconded to Parc to support the recently appointed Director. Both the Director General and I have visited Parc on separate occasions. Deductions in respect of failures to meet performance measures are made from the invoices due to Bridgend Custodial Services in accordance with the contract.

Crime and Disorder Bill

29. **Mr. Coaker:** To ask the Secretary of State for the Home Department what plans he has to pilot measures contained in the Crime and Disorder Bill [*Lords*]. [44272]

Mr. Michael: We plan to pilot a number of initiatives to tackle youth offending; measures to tackle delay in the youth justice system; the drug treatment and testing order; and use of live TV links between prison and court. Provided the Bill receives Royal Assent before the summer, we plan to commence these pilots in the autumn.

Voting Commission

30. **Mr. Bayley:** To ask the Secretary of State for the Home Department when he expects the Independent Commission on the Voting System to report. [44273]

Mr. George Howarth: The Independent Commission on the Voting System began its work in January and was asked to report within twelve months. However, I understand that the Commission hopes to be able to complete its work ahead of schedule and report by October.

Miss McIntosh: To ask the Secretary of State for the Home Department when he expects the Independent Commission on the Voting System to report. [44259]

Mr. Straw: The Independent Commission on the Voting System began its work in January and was asked to report within twelve months. However, I understand that the Commission hopes to be able to complete its work ahead of schedule and report by October.

Rape Victims

31. **Dr. Julian Lewis:** To ask the Secretary of State for the Home Department what plans he has to introduce measures to increase the protection provided to victims of rape. [44274]

Mr. Michael: Last week my right hon. Friend the Home Secretary published the report of the interdepartmental Working Group on Vulnerable or Intimidated Witnesses which we set up to help deliver our manifesto commitment to provide greater protection for victims, especially in rape trials. The report recommends a wide range of measures designed to provide greater protection to vulnerable or intimidated witnesses from the investigation stage through to the trial. The proposals include the use of screens, live television links, changes in the law to set out more clearly the limited circumstances in which evidence on previous sexual history may be admitted in evidence, and a ban on unrepresented defendants personally conducting cross-examination and power for the judge to clear the public gallery when the witness is giving evidence.

Crime Rates

32. **Mr. Swayne:** To ask the Secretary of State for the Home Department what research he has *(a)* commissioned and *(b)* evaluated on the link between crime rates and the numbers of convicted offenders detained in prison. [44275]

Mr. Michael: Research published by the Home Office in 1993 suggested that a 25 per cent. increase in the prison population is required to obtain a one per cent. drop in recorded crime in England and Wales. The Home Office Research and Statistics Directorate continually monitor and analyse information on crime rates and prison populations in different jurisdictions. They are currently examining the relationships between these in a range of countries and the results of this work will be sent to the Home Affairs Committee shortly to assist their inquiry into Alternatives to Custody.

Supermarket Polling Stations

33. **Ms Stuart:** To ask the Secretary of State for the Home Department what evaluation he has made of the use of supermarkets as polling stations. [44276]

Mr. George Howarth: The Home Office Working Party on Electoral Procedures which I chair will, in the course of its work, review recent experience in Dudley, the London Borough of Croydon and Rye, where polling stations have recently been set up in supermarkets.

Probation Service

35. **Ms Ryan:** To ask the Secretary of State for the Home Department what recent representations he has received about the work of the Probation Service. [44278]

Ms Quin: We have received a wide range of representations making a variety of points.

Speed Cameras

36. **Sir Sydney Chapman:** To ask the Secretary of State for the Home Department if he will make a statement about the effect of speed cameras in reducing driving offences. [44280]

Mr. Michael: The Home Office "Cost Benefit Analysis of Traffic Light and Speed Cameras" has shown that the deployment of cameras has proven to be very effective in detecting offences, modifying the behaviour of drivers and reducing road casualties. A copy of the report has been placed in the Library.

The Government are committed to improving road safety and strongly support the police service in their use of enforcement technology. We are reviewing the current funding arrangements for these cameras to see what more might be done.

Prisoners

Mr. Llwyd: To ask the Secretary of State for the Home Department if he will make a statement on trends in the prison population in the United Kingdom since 1996. [44257]

Ms Quin: The prison population in England and Wales rose by 11 per cent. over the 12 months to 6 June 1997, when it stood at 60,850, and 8 per cent. over the last 12 months to 5 June 1998, when it stood at 65,434.

Trends in the prison populations for Scotland and Northern Ireland are matters for my right hon. Friends the Secretaries of State for Scotland and for Northern Ireland.

Civil Liberties

Mr. Baker: To ask the Secretary of State for the Home Department what plans he has to amend the Criminal Justice and Public Order Act 1994 in respect of provisions relating to civil liberties. [44258]

Mr. Mike O'Brien: Clause 35 of the Crime and Disorder Bill *[Lords]* amends section 25 of the Criminal Justice and Public Order Act 1994. We are also considering the importance of the Murray judgment of the European Court of Human Rights, which has implications for the 1994 Act.

Suicides

Mr. Woolas: To ask the Secretary of State for the Home Department what plans he has to issue guidance to police forces and coroners in respect of investigation into apparent suicides. [45130]

Mr. Michael: We have no plans to issue any guidance to the police or coroners on the conduct of their inquiries into deaths by apparent suicide. All such deaths are already subject to thorough investigation and reported to the coroner. The police will conduct initial inquiries into any death in suspicious circumstances. If the police are satisfied that no offence has been committed, it is for the coroner to decide what inquiries (beyond, for example, witness statements taken by the police) may be needed. This may include further information about the cause of death or the circumstances in which the death occurred.

The conduct of the coroner's inquiries is a matter for the coroner. The courts have held, though, that, to bring a verdict of suicide, the coroner or his jury needs to be satisfied in accordance with the criminal standard of proof (beyond reasonable doubt), rather than the normal civil standard. This is likely to require some indication that the deceased intended to take his or her own life.

While it is not for the coroner to establish the particular reason why the deceased may have killed him or herself, it may be necessary to seek to establish that there was some motivation for the suicide. Where there is documentary evidence in connection with this issue (ie notes or letters left by the deceased), the Coroners Rules provide for documentary evidence made by a deceased person to be admitted in evidence, but such documentary evidence need not be read aloud if the coroner so directs. Most coroners will publicly disclose only as much as may be necessary from such "suicide notes" for the purpose of the inquest.

Forensic Science Service

Mr. Clappison: To ask the Secretary of State for the Home Department (1) what is the average time taken for scientific analysis to be carried out by the Forensic Science Service at the request of the police in respect of material submitted for DNA testing; [44165]

(2) what is the average time taken for analysis of blood to be carried out by the Forensic Science Service at the request of the police; [44163]

(3) what is the average time taken for scientific analysis to be carried out by the Forensic Science Service at the request of the police in respect of samples believed to be *(a)* heroin, *(b)* ecstasy, *(c)* LSD, *(d)* amphetamines, *(e)* cocaine and *(f)* cannabis. [44164]

Mr. Michael: The plans for the Forensic Science Service for the next two years include a focus on delivering improvements in turn-around times to meet all police requirements. This will mean an expansion in output of over 30 per cent. which will be achieved by the substantial recruitment and training of new staff and the development of existing staff.

Where police forces have requested analysis of material by techniques other than DNA (conventional blood grouping techniques), the average turn-around time (taken

over the year 1997/98) is 66 days. This is compared with 65 days in 1996/97. The year 1997/98 has seen a 112 per cent. increase in submissions.

In cases involving cannabis identification, the average turn-around time (taken over the year 1997/98) is 24 days, compared with 19 days in 1996/97. For non-cannabis drugs, the average time taken is 22 days, compared with 17 days in 1996/97. Figures are not kept separately for each individual non-cannabis drug.

Where police forces have requested DNA analysis of material from crime scenes, or for intelligence or casework purposes, the average turn-around time (taken over the year 1997/98) is 44 days, compared with 71 days in 1996/97.

The times are measured from submission of the material to the Forensic Science Service to the delivery of a written statement. The average figures include urgent cases where a rapid response is needed and an improvement in turn-around times in all these cases over the year.

Prisoners (Incentives and Earned Privileges Scheme)

Mr. Clappison: To ask the Secretary of State for the Home Department, pursuant to his answer to the hon. Member for Newark (Mrs. Jones) on 1 June 1998, *Official Report*, columns *50–51*, what estimate he has made of the aggregate licence fees which would be paid in respect of in-cell television when it is fully available in the event of the ending of Crown exemption. [44609]

Ms Quin: None, as yet. The Government propose to consider the practicability of a licensing regime later on in the context of licensing arrangements more generally. Meanwhile, prisoners with this earned privilege will pay a weekly charge of about £1, against average weekly earnings of £7.50, which will fully cover the costs of sets, their replacement and wall brackets.

Incapacitant Sprays

Mr. Maclean: To ask the Secretary of State for the Home Department (1) what assessment he has made of allegations that police officers in Cumbria have used oleoresin capsicum in an inappropriate way; and if he will make a statement; [44848]

(2) what reports he has received from the police service on the use of oleoresin capsicum to *(a)* make arrests that they would not otherwise have been able to make, *(b)* resolve peacefully potentially violent incidents and *(c)* enhance the effectiveness of women officers in dealing with incidents; [44847]

(3) what evidence he has collated on police officer injury rates following the introduction of incapacitating sprays; and if he will give such figures as are available on a police force basis. [44849]

Mr. Michael: CS sprays were first carried by police officers during operational trials in 16 forces between 1 March and 31 August 1996. Since then, an increasing number of forces have adopted the spray, and it is currently carried by officers in 40 forces in England and Wales. No force has introduced incapacitant sprays containing oleoresin capsicum.

It was found during the trials that there was little difference between trial and control locations in the risk officers experienced of sustaining injury requiring hospital attention. Officers in trial locations were slightly less likely than those in control areas to sustain other, more minor, injuries. The officers themselves were clear that carrying CS sprays significantly improved their safety.

There has been no subsequent evaluation carried out centrally of the effect of the introduction of CS sprays on officer injury rates. Overall statistics of assaults on officers may be affected by many factors. Statistics for 1995–96 and 1996–97 are as follows:

1995–96	*Fatal assaults*	*Serious assaults*	*Other assaults*	*Total*
Avon and Somerset	0	17	360	377
Bedfordshire	0	51	163	214
Cambridgeshire	0	7	53	60
Cheshire	0	23	632	655
City of London	0	0	28	28
Cleveland	0	6	116	122
Cumbria	0	2	144	146
Derbyshire	0	6	303	309
Devon and Cornwall	0	11	363	374
Dorset	0	6	82	88
Durham	0	13	200	213
Dyfed-Powys	0	4	64	68
Essex	0	15	133	148
Gloucestershire	0	5	88	93
Greater Manchester	0	47	712	759
Gwent	0	7	109	116
Hampshire	0	15	348	363
Hertfordshire	0	4	39	43
Humberside	0	8	235	243
Kent	0	2	217	219
Lancashire	0	108	272	380
Leicestershire	0	11	160	171
Lincolnshire	0	4	92	96
Merseyside	0	50	783	833
Metropolitan Police	1	78	3,023	3,102
Norfolk	0	3	237	240
North Wales	0	11	187	198
North Yorkshire	0	8	95	103
Northamptonshire	0	1	219	220
Northumbria	0	27	550	577
Nottinghamshire	0	9	349	358
South Wales	0	7	512	519
South Yorkshire	0	9	172	181
Staffordshire	0	9	275	284
Suffolk	0	1	127	128
Surrey	0	4	178	182
Sussex	0	2	391	393
Thames Valley	0	7	402	409
Warwickshire	0	6	164	170
West Mercia	0	2	230	232
West Midlands	0	208	565	773
West Yorkshire	0	14	522	536
Wiltshire	0	5	112	117
Total	1	833	14,006	14,840

1996–97	*Fatal assaults*	*Serious assaults*	*Other assaults*	*Total assaults*
Avon and Somerset	0	9	312	321
Bedfordshire	0	2	180	182
Cambridgeshire	0	46	54	100
Cheshire	0	15	579	594
City of London	0	0	32	32
Cleveland	0	1	103	104
Cumbria	0	5	156	161
Derbyshire	0	5	295	300
Devon and Cornwall	0	5	409	414
Dorset	0	4	88	92

1996–97	Fatal assaults	Serious assaults	Other assaults	Total assaults
Durham	0	4	180	184
Dyfed-Powys	0	13	59	72
Essex	0	1	132	133
Gloucestershire	0	1	100	101
Greater Manchester	0	31	724	755
Gwent	0	8	176	184
Hampshire	0	8	359	367
Hertfordshire	0	2	75	77
Humberside	0	5	250	255
Kent	0	4	210	214
Lancashire	0	82	254	336
Leicestershire	0	2	218	220
Lincolnsnire	0	1	121	122
Merseyside	0	46	856	902
Metropolitan Police	0	421	2,859	3,280
Norfolk	0	15	275	290
North Wales	0	4	150	154
North Yorkshire	0	3	84	87
Northamptonshire	0	0	157	157
Northumbria	0	17	637	654
Nottinghamshire	0	6	378	384
South Wales	0	4	422	426
South Yorkshire	0	7	228	235
Staffordshire	0	11	242	253
Suffolk	0	1	115	116
Surrey	0	4	200	204
Sussex	0	3	390	393
Thames Valley	0	12	388	400
Warwickshire	0	6	189	195
West Mercia	0	10	210	220
West Midlands	0	51	1,008	1,059
West Yorkshire	0	23	594	617
Wiltshire	0	3	139	142
Total	0	901	14,587	15,488

Notes:

1. Serious assaults are those for which the charge would be under sections 18 and 20 Offences Against the Person Act 1861. Other assaults are those for which the charge would be under section 47 Offence Against the Persons Act, section 38 Offences Against the Person Act, sections 51(1) and 51(3) Police Act 1964 and section 39 Criminal Justice Act 1988

2. Figures for 1997–98 are not yet available

Firearms

Mr. Martyn Jones: To ask the Secretary of State for the Home Department if registered firearms dealers will be permitted to act as referees for applicants for the granting or renewal of a firearm certificate under the Firearms Rules currently being prepared; and if he will make a statement. [45009]

Mr. Michael: The proposed new Firearms Rules will not permit registered firearms dealers to act as referees in applications for the grant or renewal of a firearm certificate. The Government have concluded that, despite the good character of registered firearms dealers, the risk of a conflict of commercial interest in endorsing an application could cast doubt on their impartiality.

The only exception to this rule will be when a firearm certificate holder is applying for renewal of a certificate in respect of a firearm held for target shooting. In his Report, Lord Cullen recommended that one of the referees in these circumstances should be an official of the target shooting club of which the applicant is a member, and the Rules will therefore provide that firearms dealers who are also club officials may act as referees in these particular circumstances.

Mr. Peter Atkinson: To ask the Secretary of State for the Home Department when he expects to settle claim Ref. NBRF 016830 under the terms of the Firearms Compensation Scheme. [45340]

Mr. Michael: The claim with the police reference number NBRF 016830 was received in the Firearms Compensation Section on 6 August 1997, and the Option A and B elements of the claim were processed on 12 November 1997. The Option C elements, which will require individual consideration of the evidence of value provided, will be dealt with as soon as possible. I outlined the timetable for these payments in the reply I gave to the hon. Member for Thanet, North (Mr. Gale) on 8 June 1998, *Official Report*, columns *438–39*.

Mr. Peter Atkinson: To ask the Secretary of State for the Home Department what is the total of claims paid to handgun owners under option C of the Firearms Compensation Scheme; and if he will make a statement. [45387]

Mr. Michael: Payments amounting to £440,160 have so far been made to handgun owners under Option C of the compensation scheme. I outlined the timetable for these payments in the reply I gave to the hon. Member for Thanet, North (Mr. Gale) on 8 June 1998, *Official Report*, columns *438–39*. These payments are in addition to the £2.6 million paid to firearms dealers under Option C, and the £49.4 million paid to owners and dealers under Options A and B of the scheme.

Special Advisers

Mr. Sayeed: To ask the Secretary of State for the Home Department how many special advisers, political advisers and other political appointees are working in his Department; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43322]

Mr. Straw: For details of the numbers of Special Advisers and the annual cost of employing them, I refer the hon. Member to the answer my right hon. Friend the Prime Minister gave to the hon. Member for Woodspring (Dr. Fox) on 11 June 1998, *Official Report*, column *664*.

National Insurance contributions are excluded from the figures but are paid under the same rules and at the same rates as for other civil servants. Information on the paybill costs for Special Advisers within individual Departments is not provided in order to protect the privacy of the individuals concerned.

Information on the cost of employing Special Advisers in previous years was given by my right hon. Friend the Chancellor of the Duchy of Lancaster to the hon. Member for Gordon (Mr. Bruce) on 25 November 1997, *Official Report*, columns *472–73*.

Electronic Monitoring

Mr. Clappison: To ask the Secretary of State for the Home Department if his officials have approved the Strategic Technologies' electronic tag system; and if it is currently in use. [45397]

Ms Quin: Strategic Technologies' system has not been approved by the Home Office for use in England and Wales.

Mr. Clappison: To ask the Secretary of State for the Home Department what was the outcome of the test on the Strategic Technologies' electronic tag system. [45396]

Ms Quin: Strategic Technologies' design failed one element of the Home Office test. We understand that this is now being addressed by the manufacturer and that a new design may be submitted for acceptance testing in the near future.

Mr. Clappison: To ask the Secretary of State for the Home Department if any offenders who have been tagged during the current trials have had an allergic reaction to the conductive loop tag system; and what research has been carried out into the cause. [45400]

Ms Quin: We are not aware of any offender having an allergic reaction to the electronic monitoring equipment used during the current trials.

Mr. Clappison: To ask the Secretary of State for the Home Department how many offenders who have been electronically tagged during the current trials have removed the tag without setting off the tamper alert mechanism; and what system was used. [45399]

Ms Quin: Of the 1,415 offenders tagged as of 8 June 1998, we are aware of three such cases. One was caused by an offender circumventing the strap of the equipment provided by Digital Products Corporation, which has since been withdrawn. The other cases were caused by critical medical information about the offender not being known to the contractor and an incorrect fitting.

Mr. Clappison: To ask the Secretary of State for the Home Department what research his officials have conducted into the reliability of the conductive loop electronic tag system. [45398]

Ms Quin: All electronic monitoring equipment in England and Wales is tested, prior to its authorisation for use, against the technical criteria specified by the Home Office.

Forensic Science Inspectorate

Mr. Mullin: To ask the Secretary of State for the Home Department what plans he has to establish a forensic science inspectorate; and if he will make a statement. [45359]

Mr. Michael: As my right hon. Friend indicated in the answer he gave to my hon. Friend the Member for Northampton, North (Ms Keeble) on 21 May 1998, *Official Report*, columns *449–50*, the Government considered three sets of proposals for oversight of forensic science, including one by Professor Caddy recommending consideration of the establishment of an Inspectorate of Forensic Science Services. In light of the progress made in recent years by the forensic science industry to promote quality and standards, including the external accreditation of laboratories by the United Kingdom Accreditation Service and the British Standards Institution, we believe that the forensic science community's own proposals to establish a Registration Council for Forensic Practitioners offers the most practical way forward. The Government accordingly support the setting up of the Registration Council.

Members' Offices (Theft)

Mr. Matthew Taylor: To ask the Secretary of State for the Home Department how many thefts from the offices of hon. Members have been recorded in (i) 1991, (ii) 1992, (iii) 1993, (iv) 1994, (v) 1995, (vi) 1996, (vii) 1997 and (viii) 1998. [45326]

Mr. Michael: The figures have been supplied by the Palace of Westminster authorities and relate to recorded offences of theft specifically from the offices of hon. and right hon. Members. Figures for 1998 are not yet available.

Year	*Number*
1991	38
1992	16
1993	14
1994	15
1995	5
1996	14
1997	2

Private Prison Operators

Mr. Beith: To ask the Secretary of State for the Home Department on how many occasions private prison operators have been fined for breaking contract conditions; if he will give details; and if he will make a statement. [45618]

Ms Quin: There have been four occasions on which payments have been withheld from the fees paid to the contractors running privately managed prisons, as shown in the table.

Payments withheld from contractors running privately managed prisons

Prison	*Date*	*Amount £*	*Circumstances*
Blakenhurst	February 1994	41,167	Temporary reduction in cell availability
Buckley Hall	February 1997	526	Reduction in payments due to failure to meet performance standards
Parc	April 1998	54,782	Non-reporting of incident
Altcourse	May 1998	28,088	Reduction in payments due to failure to meet performance standards

Animal Refuges and Sanctuaries

Mrs. Dunwoody: To ask the Secretary of State for the Home Department what plans he has to introduce the *(a)* registration, *(b)* regulation and *(c)* inspection of animals in refuges and sanctuaries. [45553]

Mr. George Howarth: There are no plans to introduce specific controls in respect of animal refuges and sanctuaries. The welfare of all domestic and captive animals is provided for in the Protection of Animals Act 1911, under which it is a criminal offence to cause any unnecessary suffering to such animals.

Police

Sir Norman Fowler: To ask the Secretary of State for the Home Department (1) how many police constables are currently employed in the police service in England and Wales; and if he will make a statement; [45176]

(2) what is the current police officer strength of the police service in England and Wales; and if he will make a statement; [45177]

(3) how many civilians, including traffic wardens and caterers, are employed in the police service; and if he will make a statement. [45185]

Mr. Michael *[holding answer 11 June 1998]:* Provisional figures supplied by the police, which are subject to validation, show that there was a total of 98,212 police constables as at 31 March 1998. The total police service strength was 126,769. The civilian strength, which includes contract catering staff, was 57,397, including 3,790 traffic wardens.

Ministers have no direct control over police numbers. Under the Police and Magistrates' Courts Act passed by the previous Government in 1994, it is for individual chief constables to determine the number of police officers in their force area, within the resources available to them.

Breathalyser Tests

Mr. Maclean: To ask the Secretary of State for the Home Department how many breathalyser tests were conducted by police forces in England and Wales for each month in the last 10 years; and how many people failed. [45677]

Mr. Michael: The information requested is published annually in Home Office Statistical Bulletins "Breath Test Statistics, England and Wales", copies of which are in the Library.

Prison Visitors (Drugs)

Mr. Pearson: To ask the Secretary of State for the Home Department if he will estimate the number of visitors to prisons who were arrested by the police in connection with possible drug-related offences in the last year who were subsequently charged with an offence. [45328]

Mr. George Howarth *[holding answer 11 June 1998]:* I refer my hon. Friend to the answer I gave him on 8 June 1998, *Official Report*, column *439*.

Police and Fire Services (Pensions)

Mr. David Heath: To ask the Secretary of State for the Home Department what plans he has to review pension arrangements for the police and fire services. [44245]

Mr. George Howarth: Consultation documents on the police and fire service pension schemes were published on 31 March of this year. We have invited comments by 31 July on the issues raised in the documents. We will take careful account of the comments we receive when we come to consider any changes to the pension arrangements for new entrants to the police and fire services and to medical retirement procedures.

Drink Licensing Laws

Mr. Hoyle: To ask the Secretary of State for the Home Department when he plans to introduce legislation to amend the alcoholic drink licensing laws. [45966]

Mr. George Howarth: The Government's liquor licensing review will aim to produce general proposals, for discussion and comment, on how to modernise the present licensing regime. It is too early to set a timetable for legislation.

Animals (Scientific Procedures)

Mr. David Taylor: To ask the Secretary of State for the Home Department when his Department last inspected the Harlan UK animal breeding establishment at Belton in north west Leicestershire; with what results; and how it ensures that the treatment of animals bred at this establishment conforms to the highest standards of animal welfare *(a)* at the breeding stage and *(b)* for the rest of their lives. [44240]

Mr. George Howarth: The use of protected animals in scientific procedures is controlled by the Animals (Scientific Procedures) Act 1986.

All establishments designated under the terms of section 6 or 7 of the Act must comply with the terms and conditions of their Certificate of Designation and meet the standards set out in published Codes of Practice. All regulated procedures, including the breeding of transgenic animals, must be authorised in a project licence and all those carrying out the procedures must hold appropriate personal licence authorities.

Inspectors visit all establishments, on both an announced and an unannounced basis, to ensure that the terms and conditions of licences and certificates are being met.

Animals which have been used in procedures normally remain under the control and protection of the Animals (Scientific Procedures) Act 1986 for their lifetime. Discharge from these controls must be authorised by the Secretary of State and is considered only if a veterinary surgeon has certified that the animal is unlikely to suffer any adverse effects as a result of any procedure it has been involved in.

The Protection of Animals Act 1911 also provides for the welfare of laboratory, and other animals.

The establishment in question was last inspected on 4 June 1998. The visit lasted for five hours. No material departures from the standards set out in the Codes of Practice, or from the terms and conditions of the Certificate and licences, were found.

Feltham Young Offenders Institution

Dr. Cable: To ask the Secretary of State for the Home Department how many hours per day *(a)* 15 and *(b)* 16 year old inmates of Feltham Young Offenders' Institution spend locked in their cells. [43361]

Ms Quin: The Prison Service records time prisoners spend unlocked as a Key Performance Indicator. Time out of cell is not recorded by age group, but is dependent on location and status. At Feltham, the average time out of cell for juveniles on the remand unit holding 15 and

16 year olds varies from 2 to 8 hours for weekdays. The average time out of cell for juveniles on the convicted units holding 15 and 16 year olds varies between five and eight and a half hours out of cell for weekdays. The table shows how this time out of cell varies with the type of regime a juvenile is placed on.

Feltham: Time out of cell 15 and 16 year olds (weekdays)

Hours

	Basic regime	*Standard regime*	*Enhanced regime*
Remand over school age	2	4	9
Remand under school age	4	6	9
Sentenced (employed/USLA')	6	8	10
Sentenced (unemployed)	2	6	10

USLA = under school leaving age

EDUCATION AND EMPLOYMENT

"Excellence for all Children"

Mrs. May: To ask the Secretary of State for Education and Employment when he expects to publish his Department's response to the consultation on the Green Paper "Excellence for all Children". [45972]

Ms Estelle Morris: There have been many thoughtful comments on the Green Paper. Taking account of those, and of advice from the National Advisory Group on Special Educational Needs, we expect to publish an action programme in the early autumn.

Schools Access Initiative

Mr. Terry Davis: To ask the Secretary of State for Education and Employment how much money has been allocated to Birmingham under the Schools Access Initiative in each year of its operation. [45766]

Ms Estelle Morris: Birmingham Local Education Authority has been allocated £135,000 in financial year 1996–97, £75,000 in 1997–98 and £175,000 for 1998–99 as supplementary credit approvals under the Schools Access Initiative.

Departmental Employees

Mr. Willetts: To ask the Secretary of State for Education and Employment how many people are employed by his Department who are aged between 16 and 21 years, broken down by year, and of those how many are paid *(a)* less than £3.60 and *(b)* between £3.60 and £4.00 an hour. [44304]

Dr. Howells: The number of people employed by the Department are as follows:

Age	*Total employed*
16	1
17	3
18	6
19	13
20	9
21	29

Following implementation of the DfEE 1998 pay offer, effective from 1 April 1998, nobody employed by the Department will be paid less than £4.00 an hour.

Mr. Willetts: To ask the Secretary of State for Education and Employment how many people are currently employed in *(a)* his Department, *(b)* advisory bodies and *(c)* executive agencies responsible to his Department; and what the comparable figures were on 1 May 1997 or the nearest available date. [44303]

Dr. Howells: Information on the number of people employed in the DfEE and the Employment Service can be found in Annexe F of the Department's Annual Report (Cm 3910). A copy of this Report is available in the Library. There are no staff employed in advisory bodies.

Student Loans

Mr. Cousins: To ask the Secretary of State for Education and Employment what were the costs of *(a)* fees, *(b)* expenses and *(c)* other items paid to N. M. Rothschild and Lovell White Durrant in the course of the sale of the first tranche of student loan debt; and if he will make a statement on the nature of the financial agreements to facilitate the sale of the second tranche of debt. [45638]

Dr. Howells: Contractual arrangements, including fees paid and expenses reimbursed, in respect of advice received from N. M. Rothschild and Sons and Lovell White Durrant during the first student loan debt sale are a matter of commercial confidence.

Rothschilds have been appointed to advise us during the second debt sale following a competitive tendering process carried out under EC directives. Lovell White Durrant's appointment as commercial legal advisers was renewed on the basis of their experience and expertise developed during the first debt sale. The financial arrangements and other terms and conditions under which both advisers have been appointed are again a matter of commercial confidence.

Standard Assessment Tests

Mr. Don Foster: To ask the Secretary of State for Education and Employment what is the national aggregate of the percentages of all maintained 11 year old pupils who are to attain Level 4 or better at Key Stage 2 in English by the year 2002 according to the targets agreed with the Government by each local education authority *(a)* on current pupil numbers per local education authority for 1998 and *(b)* on projected pupil numbers per local education authority for 2002; and if he will list the numbers of pupils per local education authority in each case. [43107]

Ms Estelle Morris: The national target for 2002 is 80 per cent. The targets agreed with each LEA will achieve that. The numbers of pupils in each LEA who took the 1997 Key Stage 2 English test are shown. The Department does not produce projected pupil numbers by age for each local authority.

Numbers of pupils per local education authority at all levels at Key Stage 2 in English, 1997

LEA (Post 1998 LGR)	Number of pupils taking the 1997 English test
201 City of London	30
202 Camden	1,295
203 Greenwich	2,478
204 Hackney	1,883
205 Hammersmith and Fulham	1,058
206 Islington	1,811
207 Kensington and Chelsea	771
208 Lambeth	2,156
209 Lewisham	2,545
210 Southwark	2,504
211 Tower Hamlets	2,583
212 Wandsworth	1,793
213 City of Westminster	1,110
310 Barking	1,941
302 Barnet	3,005
303 Bexley	2,590
304 Brent	2,637
305 Bromley	3,093
306 Croydon	3,412
307 Ealing	2,892
308 Enfield	2,972
309 Haringey	2,272
310 Harrow	2,249
311 Havering	2,616
312 Hillingdon	2,584
313 Hounslow	2,238
314 Kingston upon Thames	1,358
315 Merton	1,584
316 Newham	3,255
317 Redbridge	2,488
318 Richmond upon Thames	1,307
319 Sutton	1,779
320 Waltham Forest	2,351
330 Birmingham	13,053
331 Coventry	3,806
332 Dudley	3,825
333 Sandwell	3,753
334 Solihull	2,610
335 Walsall	3,398
336 Wolverhampton	3,090
340 Knowlsey	2,261
341 Liverpool	5,931
342 St. Helens	2,291
343 Sefton	3,536
344 Wirral	3,965
350 Bolton	3,475
351 Bury	2,149
352 Manchester	5,462
353 Oldham	3,073
354 Rochdale	2,736
355 Salford	2,768
356 Stockport	3,309
357 Tameside	2,813
358 Trafford	2,533
359 Wigan	3,828
370 Barnsley	2,701
371 Doncaster	3,849
372 Rotherham	3,073
373 Sheffield	5,614
380 Bradford	6,400
381 Calderdale	2,355
382 Kirklees	4,728
383 Leeds	8,373
384 Wakefield	3,935
390 Gateshead	2,350
391 Newcastle upon Tyne	2,860
392 North Tyneside	2,260
393 South Tyneside	2,132
394 Sunderland	3,775
420 Isle of Scilly	28

Numbers of pupils per local education authority at all levels at Key Stage 2 in English, 1997

LEA (Post 1998 LGR)	Number of pupils taking the 1997 English test
800 Bath and North East Somerset	1,663
801 City of Bristol	4,109
802 North Somerset	1,989
803 South Gloucestershire	2,853
805 Hartlepool	1,243
806 Middlesbrough	2,069
807 Redcar and Cleveland	1,945
808 Stockton-on-Tees	2,375
810 City of Kingston upon Hull	3,375
811 East Riding of Yorkshire	3,683
812 North East Lincolnshire	2,215
813 North Lincolnshire	1,913
815 North Yorkshire	5,954
816 York	1,794
820 Bedfordshire	4,370
821 Luton	2,328
825 Buckinghamshire	4,905
826 Milton Keynes	2,564
830 Derbyshire	8,192
831 City of Derby	2,785
835 Dorset	3,924
836 Poole	1,359
837 Bournemouth	1,463
840 Durham	5,935
841 Darlington	1,134
845 East Sussex	4,613
846 Brighton and Hove	2,099
850 Hampshire	13,259
851 Portsmouth	2,069
852 Southampton	2,199
855 Leicestershire	6,822
856 Leicester City	3,646
857 Rutland	353
860 Staffordshire	9,548
861 Stoke-on-Trent	2,935
865 Wiltshire	4,544
866 Swindon	2,224
867 Bracknell Forest	1,219
868 Royal Borough of Windsor and Maidenhead	1,294
869 West Berkshire	1,654
870 Reading	1,398
871 Slough	1,324
872 Wokingham	1,717
873 Cambridgeshire	5,514
874 City of Peterborough	1,932
875 Cheshire	7,656
876 Halton	1,847
877 Warrington	2,336
878 Devon	7,218
879 City of Plymouth	2,854
880 Torbay	1,366
881 Essex	14,040
882 Southend	1,814
883 Thurrock	1,599
884 Herefordshire	1,835
885 Worcestershire	5,824
886 Kent	14,433
887 Medway	3,118
888 Lancashire	13,926
889 Blackburn	2007
890 Blackpool with Darwin	1,574
891 Nottinghamshire	8,507
892 City of Nottingham	2,919
893 Shropshire	2,998
894 Telford and Wrekin	1,958
908 Cornwall	5,507
909 Cumbria	5,552
916 Gloucestershire	6,014
919 Hertfordshire	11,327

Numbers of pupils per local education authority at all levels at Key Stage 2 in English, 1997

LEA (Post 1998 LGR)	*Number of pupils taking the 1997 English test*
921 Isle of Wight	1,392
925 Lincolnshire	6,873
926 Norfolk	8,049
928 Northamptonshire	7,328
929 Northumberland	3,600
931 Oxfordshire	5,983
933 Somerset	5,255
935 Suffolk	7,207
936 Surrey	9,228
937 Warwickshire	5,594
938 West Sussex	7,444

Disabled People

Ms Keeble: To ask the Secretary of State for Education and Employment what is the total budget for capitation grants for disabled people in supported employment placements. [45322]

Mr. Alan Howarth: The total budget for 1998–99 for the supported employment grant, which is paid to Local Authorities and Voluntary Bodies, is £56.7 million.

Mr. Cotter: To ask the Secretary of State for Education and Employment what definition of disability will be used when assessing people as eligible for the training provisions set out under the Welfare to Work package; and if he will make a statement. [44979]

Mr. Alan Howarth: The New Deal for 18–24 year olds allows young people with disabilities who are claiming Jobseeker's Allowance (JSA) to choose to join the programme early. The definition of disability used for this purpose is that contained within the Disability Discrimination Act 1995.

To be eligible for the New Deal for Disabled People programme, disabled people and those with a long term illness must be claiming Incapacity Benefit, Income Support with a Disability Premium or Severe Disablement Allowance, or be at risk of moving onto those benefits as a result of a long term illness or disability.

Nursery Classes

Mr. St. Aubyn: To ask the Secretary of State for Education and Employment what estimate his Department has made of the average number of children in each pre-year 1 nursery class in maintained schools in the most recent year for which information is available. [44985]

Ms Estelle Morris *[holding answer 10 June 1998]:* The average size of reception classes in mainland primary schools in England was 25.8 in January 1998.

Child Care

Jackie Ballard: To ask the Secretary of State for Education and Employment which of his Ministers has the lead responsibility for child care issues. [45793]

Mr. Alan Howarth: I have the lead responsibility for the National Childcare Strategy in England. I work closely with Ministerial colleagues within the Department for Education and Employment and elsewhere, including the Ministers for Women. I also work closely with Ministerial colleagues in the Scottish Office, the Welsh Office and the Northern Ireland Office who are each launching their own child care consultations focusing on the particular issues in those parts of the United Kingdom.

Access to Work (Wheelchairs)

Mrs. May: To ask the Secretary of State for Education and Employment what proportion of the money spent during the past five years for financial assistance to purchase wheelchairs through Access to Work has been spent on *(a)* indoor/outdoor powered wheelchairs and *(b)* manual wheelchairs. [44679]

Mr. Alan Howarth: Responsibility for the subject of the question has been delegated to the Employment Service agency under its Chief Executive. I have asked him to arrange for a reply to be given.

Letter from Peter Collis to Mrs. Theresa May, dated 15 June 1998:

The Secretary of State for Education and Employment has asked Leigh Lewis to reply to your question about the financial assistance given towards the purchase of wheelchairs through the Access to Work programme during the past five years. This is something which falls within the responsibilities delegated to Mr. Lewis as the Chief Executive of the Employment Service. I am replying in his absence.

I am afraid that we do not hold information centrally on the number of grants made under Access to Work for wheelchairs or their cost. I attach a table detailing expenditure under Access to Work over the last five years broken down by the main categories of expenditure. Expenditure on wheelchairs falls within the Special Aids and Equipment category.

I am sorry I cannot be more helpful.

Expenditure on Access to Work elements for the last five years

£

Element	*1993–94*	*1994–95*	*1995–96*	*1996–97*	*1997–98*
Assistance with fares to work	2,289,615	2,616,028	3,332,228	3,679,465	4,391,037
Adaptations to vehicles	—	113,935	401,175	208,643	96,149
Personal reader service	1,183,346	1,259,351	1,480,239	970,361	951,140
Support worker	—	214,503	1,032,017	1,397,820	1,885,934
Special aids and equipment	7,243,143	10,698,285	12,504,284	5,513,235	6,206,601
Adaptations to premises and equipment	487,586	654,612	1,031,340	621,202	822,335
Communicator support at interview	—	48,702	59,890	38,876	45,759
Miscellaneous support	—	116,486	146,453	136,089	187,860
Total	11,203,690	15,721,902	19,987,626	12,565,691	14,586,815

New Deal (Foyer Organisations)

Mr. Love: To ask the Secretary of State for Education and Employment if he will list those Foyer organisations currently contracted to provide *(a)* the Gateway service, *(b)* services to the unemployed and *(c)* other services in the delivery of the New Deal. [45096]

Mr. Andrew Smith *[holding answer 9 June 1998]:* The following Foyer organisations have contracted directly with the Employment Service to provide Gateway services to New Deal clients. All of these contracts offer services to the unemployed in the delivery of the New Deal.

Camberwell Foyer
Sheffield Foyer
St. Helens Foyer
Western Foyer
Swindon Foyer
Yeovil Foyer
Darlington Foyer[1]
Ipswich Foyer[1]
Cambridge Foyer[1]
Lincolnshire Foyer[1]

[1] As part of local consortia

Organisations contracted to the Employment Service to deliver elements of the New Deal may themselves enter into sub-contracts with other organisations. Information on such sub-contracts is available only locally and is not held centrally. Foyers holding such sub-contracts may not be included in the list.

EU Structural Funds

Ms Jenny Jones: To ask the Secretary of State for Education and Employment what method of scoring was used to assess the 1998 bids for funding under Objective 3 of the European Social Fund programme. [44418]

Mr. Andrew Smith: Key principles of the 1998 Objective 3 scoring process were that it should be impartial and transparent, with the aim of selecting the best quality projects which met the needs of the Objective 3 client groups. Selection criteria and a scoring framework were developed in consultation with regional partners, and endorsed by the Objective 3 National Monitoring Committee.

Projects were assessed against four main areas: labour market justification, integration, beneficiary analysis and outcomes. Each region also had flexibility to influence the scoring process to reflect regional aims and priorities.

Ms Jenny Jones: To ask the Secretary of State for Education and Employment what is the definition of unemployed for the purposes of the bids for funding under Objective 3 of the 1998 European Social Fund's programme. [44419]

Mr. Andrew Smith: For the purposes of the European Social Fund (ESF), the general definition of unemployment is a period where a person is not in paid employment. Registration with the Employment Service is not required as evidence of unemployment. A more detailed definition of unemployment is in the ESF 1998 Applications Guidance part 1, which is available in the Library.

Ms Jenny Jones: To ask the Secretary of State for Education and Employment how the scoring of bids for funding under Objective 3 of the 1998 European Social Fund's programme was monitored for accuracy. [44426]

Mr. Andrew Smith: Objective 3 Regional Committees and the Committees for Scotland, Wales and Gibraltar are responsible for the implementation of Objective 3 in their areas, in line with the Single Programming Document for Great Britain. A sub-committee of the Great Britain Monitoring Committee deals with national projects.

Regional and national scoring panels held standard setting exercises and took steps to maintain standards and to moderate scores. Scorers operated in pairs and switched around regularly. Some projects were re-scored by different scorers to ensure consistency in approach. Panel chairs ensured the impartiality and veracity of the process.

Applicants were informed of their scores and were given the opportunity to challenge them, and to appeal formally against the decision of the relevant Committee or GB National Monitoring Committee.

Mr. Sanders: To ask the Secretary of State for Education and Employment what assessment he has made of his Department's preparedness to meet the 1 January 2000 start date for the Agenda 2000 Structural Fund Programme. [43838]

Mr. Andrew Smith: Negotiation of the Commission's proposed Regulations for the Structural Funds in the period 2000 to 2006 have begun during the UK Presidency of the EU. Good progress is being made. It is too early to determine the detailed implementation of the new Funds but my Department will be ready to administer the European Social Fund from its agreed start date.

Mr. Sanders: To ask the Secretary of State for Education and Employment what proposals he has to speed up payments to voluntary sector organisations running projects under the European Social Fund. [43846]

Mr. Andrew Smith: I refer the hon. Member to the reply I gave on 27 March 1998, *Official Report*, column *337*.

Mr. Sanders: To ask the Secretary of State for Education and Employment what the costs were in each year since 1990 of administering European Structural Fund programmes in England. [43840]

Mr. Andrew Smith: The figures in the table show the running costs of the European Social Fund in the Department for Education and Employment, and include some costs associated with the administration of ESF in Scotland and Wales which it is not possible to identify separately. The increase since 1990 is due to the increase in the sums administered in Great Britain and to the increasing complexity of the work involved.

European social fund unit: running costs budget

Year	
1990–91	0.531
1991–92	0.808
1992–93	1.410
1993–94	1.701
1994–95	2.212
1995–96	2.387
1996–97	2.557
1997–98	2.705

Mr. Sanders: To ask the Secretary of State for Education and Employment how many permanent and short-term staff are employed by his Department to administer *(a)* the European Social Fund, *(b)* the European Regional Development Fund and *(c)* other European Structural Fund programmes in the United Kingdom.

[43845]

Mr. Andrew Smith: The Department for Education and Employment Head Office currently has 87.6 permanent staff in post on the administration of the European Social Fund (ESF). It also has 30 short term staff in post to cope with peaks in workload, equivalent to 12.5 full-time posts averaged over the whole year. None of our full-time staff is involved in the administration of the European Regional Development Fund, but about 0.5 per cent. of a permanent post is involved in policy matters.

The equivalent of approximately 40 full time posts from this Department are funded by the DfEE in the Government Offices for the regions on the administration of the European Structural Fund programmes.

HEALTH

Emergency Contraception

Mr. Li[illegible]one: To ask the Secretary of State for Health w[illegible]plans he has to make emergency contraception more widely available in the United Kingdom. [43702]

Ms Jowell: As a prescription only medicine under United Kingdom and European Community legislation, the emergency contraceptive pill is currently available from general practitioners, family planning clinics, some accident and emergency units and many genito-urinary clinics. Currently no applications have been received to reclassify the product to allow wider availability.

Dr. Tonge: To ask the Secretary of State for Health what was the cost of emergency contraception on the National Health Service in each of the last five years. [43489]

Ms Jowell *[holding answer 10 June 1998]:* The information is not available in the form requested.

The number of National Health Service prescriptions for hormonal emergency contraception dispensed in England, and the cost of those drugs (excluding dispensing costs and fees), for the past five years is:

Year	*Prescription items*	*Net ingredient costs (£)*
1993	313,300	450,800
1994	363,800	520,800
1995	475,400	678,500
1996	565,600	900,200
1997	552,800	897,700

Excluded from these figures are occasions on which post-coital contraception was obtained via a family planning clinic service. These are (corresponding costs are not held):

Year	*Prescription items*
1992–93	68,600
1993–94	82,800
1994–95	102,200
1995–96	145,300
1996–97	174,900

In addition, intrauterine devices may be used as a form of post-coital contraceptive. Comprehensive figures for their use or costs are not held centrally.

Independent Advocacy

Mr. Kidney: To ask the Secretary of State for Health what contribution he plans that *(a)* professional and *(b)* voluntary citizens' advocacy will make to improving access to services by people with learning difficulties and people with acute mental health difficulties. [44338]

Mr. Boateng: We attach great importance to advocacy for people with learning disabilities and people with acute mental health problems, and provide central government funding for the voluntary sector in this area. We have also issued guidance to health authorities and social services which includes the need to consider making appropriate arrangements for independent advocacy.

Complementary Medicine

Mr. Tredinnick: To ask the Secretary of State for Health if he will make a statement on the role of complementary medicine organisations in the proposed network of healthy living centres. [44375]

Ms Jowell: The aim of the healthy living centres initiative is to target areas containing the most deprived sections of the population in order to reduce health inequalities and improve the health of the worst off in society. Within this context proposals for local healthy living centres could include the provision of complementary therapies if they would contribute to achieving local health priorities. These would need to be evaluated for effectiveness.

Wheelchair Service

Mrs. May: To ask the Secretary of State for Health when he will announce what input users will have into the new national service frameworks for the wheelchair service. [44669]

Mr. Boateng: The initial programme of national service frameworks will take forward the existing frameworks for cancer and paediatric intensive care and will begin to develop new frameworks for mental health and coronary heart disease. Suggestions for the next phase of the programme are welcome. However, there will usually be only one topic every year.

Mrs. May: To ask the Secretary of State for Health what specific guidelines have been issued by his Department or the NHS Executive on the procedures to be followed by health authorities and NHS trusts for consultation with user groups of the wheelchair service; and if he will set out those guidelines. [44663]

Mr. Boateng: When National Health Service provision of electrically powered indoor/outdoor wheelchairs was introduced in 1996 the NHS Executive issued guidelines which stated that users and their representative groups should be involved in the development of local eligibility criteria. These guidelines, and the guidelines issued when the wheelchair voucher scheme was introduced in the same year, also encouraged wheelchair services to use, or consult, the specialist staff of voluntary disability organisations who may have particular expertise in dealing with people with specific disabilities.

A series of national and regional conferences has promoted the involvement of users and their representatives in the development, monitoring and evaluation of wheelchair services.

Mrs. May: To ask the Secretary of State for Health what arrangements have been made to ensure that funding for the wheelchair voucher scheme which has been carried

over to the financial year 1998–99 *(a)* remains ring-fenced and *(b)* is not diverted to mainstream wheelchair provision which is not ring-fenced. [44661]

Mr. Boateng: No funding made available for the wheelchair voucher scheme in 1997–98 was carried over to 1998–99.

Mrs. May: To ask the Secretary of State for Health what specific guidelines have been issued by his Department or the NHS Executive on the procedures for users chairing user groups on the wheelchair service. [44668]

Mr. Boateng: No such guidelines have been issued. The procedures adopted by user groups are for the group themselves to determine in the light of the activities which they wish to pursue.

However, the Department's national user involvement project seeks to increase the involvement of people who use community services in decisions made about what services are offered. In 1996 the project published "Community Service Users as Consultants and Trainers", a guide to user participation in community care planning.

Mrs. May: To ask the Secretary of State for Health what arrangements his Department has made to monitor how funding is spent in the event of an underspend of *(a)* the indoor/outdoor powered wheelchair funding scheme and *(b)* the voucher funding scheme. [44662]

Mr. Boateng: Spending on the indoor/outdoor powered wheelchair funding schemes and the voucher funding scheme for manual wheelchairs is monitored centrally through the routine quarterly return process. In 1997–98, following evidence of a potential underspend on wheelchair vouchers, action was taken to ensure that the money was retained in the wheelchair service and used to provide chairs for more patients.

Mrs. May: To ask the Secretary of State for Health what consultations were held with groups in advance of communication of the Health Service Circular, wheelchair voucher scheme: funding in 1997–98 and 1998–99 (HSC 1998–004); and if he will list the groups consulted. [44660]

Mr. Boateng: I refer the hon. Member to the reply given to my hon. Friend the Member for Wentworth (Mr. Healey) on 4 June 1998, *Official Report*, column 336.

Paediatric Cardiac Unit (Bristol Royal Infirmary)

Mr. Harvey: To ask the Secretary of State for Health what will be the start date of the period to be covered by the inquiry he is considering into events at the paediatric cardiac unit at the Bristol Royal Infirmary. [44578]

Mr. Milburn: We have made clear our commitment to holding an inquiry into the paediatric cardiac surgery services at the United Bristol Healthcare National Health Service Trust prior to 1996. The exact form, timing and scope of the inquiry and the membership of the inquiry team are currently under consideration. A final decision will be announced after the General Medical Council have completed their proceedings later this month.

Care Homes

Dr. Cable: To ask the Secretary of State for Health if he will list the care homes with education currently in operation in London and the South East; and how many have closed in the last five years. [45012]

Mr. Boateng: The information requested as at 31 March 1997 is in the table. Information on the closure of homes is not held centrally.

Children's homes with educational facilities at 31 March 1997, London and South East (Government Office Regions)

Local Authorities	*Homes*
Maintained community homes	
Buckinghamshire	Heathercroft
Croydon	Kempfield
Hammersmith	Stamford House
Hampshire	2 Cambridge Road
Hampshire	Glen House (Avon & Hamble)
Newham	101 Dongola Road
Oxfordshire	Thornbury House
Southwark	Orchard Lodge Regional Resource Centre
Surrey	The Oaks Centre for Children
Waltham Forest	North and Central Resource Centre
West Sussex	Shermanbury Grange
West Sussex	St. Christopher's
West Sussex	Beechfield
Private registered children's homes	
Berkshire	Swaay
Bexley	Chartswood
Croydon	Tudor Lodge
Ealing	Martin Fisher School
East Sussex	Beacon Lodge
Hampshire	Aflington Manor
Hounslow	More House
Kent	Next Step
Kent	Lynstead Children's Services
Kent	Sandyridge
Kent	The Brolly Programme
Kent	The Brolly Programme
Newham	20/24 Earlham Grove
Newham	20/24 Earlham Grove
Oxfordshire	Hillcrest Ltd, Steps
Surrey	Apple Orchard
Surrey	Tudor Lodge
Surrey	Cornerways
Surrey	The Oaks Centre
Wandsworth	Chartswood Wandsworth
West Sussex	Hillcrest Slinford
West Sussex	Gleniffer House
Westminster	Mahala Wheatle
Dual registered schools	
East Sussex	Downshead
East Sussex	Frant Court
Haringey	Limewood
Registered residential care homes	
Islington	Tufnell House
Kent	The Rowan
Assisted community homes	
Bromley	Barnados/Knotley
Voluntary children's homes	
Voluntary Home (S. Norwood, London)	Cumberlow

Paediatric Nose and Throat Operations

Dr. Cable: To ask the Secretary of State for Health if he will list by health authority or trusts the average waiting time for paediatric nose and throat operations after referral to a consultant. [45013]

Mr. Milburn: The information requested is not available centrally, since waiting times information is collected only by medical specialty.

Food Poisoning

Mr. Steen: To ask the Secretary of State for Health what statistics are collated by *(a)* the Government and *(b)* the European Commission on incidents of food poisoning in each EU member state; and if he will publish them. [45118]

Ms Jowell *[holding answer 9 June 1998]:* The Public Health Laboratory Service (PHLS) collates statutory food poisoning notifications, data on laboratory confirmed cases of gastrointestinal infection and outbreak data on foodborne illness in humans in England and Wales. This information is published in PHLS's Communicable Disease Report (CDR), copies of which are available in the Library.

The European Union does not routinely collect such information. The Scientific Co-operation Directive has a number of initiatives in hand to identify the sources of communicable disease surveillance data within Member States. The Commission supports the publication "Eurosurveillance" which provides data from surveillance networks in Member States, copies of which are available in the Library. PHLS is part of the "Enter-net" on international surveillance network which involves 15 countries within the EU. The network allows the exchange of information on reported cases of enteric infection due to *Salmonella* and verocytotoxin producing *Escherichia coli* between the countries involved. Information on "Enter-net" can be found in CDR.

Consultants (Discretionary Points)

Dr. Tonge: To ask the Secretary of State for Health if he will instruct trust boards to publicise which consultants have discretionary points. [45274]

Mr. Milburn: Discretionary points are decided and funded locally by the National Health Service employer, and it will be for the individual employer to decide whether to publish this information.

Cancer Services

Mr. Love: To ask the Secretary of State for Health what arrangements he has agreed to implement the Calman/Hine recommendations for cancer services in the North Thames Region of the National Health Service. [45297]

Mr. Boateng: I refer my hon. Friend to the reply I gave on 14 May 1998, *Official Report*, columns *206–07*.

Health Quality Service

Mrs. Lait: To ask the Secretary of State for Health (1) what are the terms of the contract between the King's Fund and the NHS to provide Health Quality Services; and to whom the surveyors are contracted; [45411]

(2) if the Health Quality Service surveyors are wholly employed by the National Health Service and seconded to the survey; how many days a week on average they work for the survey; what are their qualifications; and how many of them there are; [45405]

(3) how many health trusts and authorities will be surveyed by the Health Quality Service survey; and if the survey will be extended to private sector hospitals; [45404]

(4) what is the budgeted cost to the NHS of the Health Quality Service surveyors. [45407]

Mr. Milburn: The Health Quality Service is independent of Government. There is no central contract between the King's Fund and the National Health Service to provide Health Quality Services, and the number of NHS and private sector organisations surveyed, the terms under which this work is carried out and the terms under which surveyors are engaged are matters for the Health Quality Service and those organisations which engage its services. No estimate has been made of the cost to the NHS of Health Quality Service surveyors.

Bed and Breakfasts (Food Poisoning)

Mr. Ainger: To ask the Secretary of State for Health how many reports his Department has received in each of the past five years of cases of food poisoning originating in unlicensed bed and breakfast establishments in England and Wales. [45374]

Ms Jowell: Information on sporadic cases of food poisoning originating in unlicensed bed and breakfast establishments is not available centrally. Current outbreak data is not detailed enough to identify information on food poisoning incidents from these types of establishments. Information on general outbreaks of food poisoning is published quarterly in the Communicable Disease Report, copies of which are available in the Library.

Medical Treatment (Ex-gratia Payments)

Mr. Wigley: To ask the Secretary of State for Health what guidance he has given to health authorities on the circumstances in which they can make ex-gratia payments to patients whose health has suffered as a result of medical treatment; and if health authorities are entitled to make such payments to women who have suffered permanent injury after having been in receipt of radiotherapy treatment for breast cancer. [45266]

Mr. Boateng: Specific guidance on clinical negligence claims handling has been issued by the National Health Service Executive in Executive Letter (96) 11, copies of which have been placed in the Library.

Health authorities may make ex-gratia payments in accordance with this guidance.

Health Services Accreditation

Mrs. Lait: To ask the Secretary of State for Health (1) how many expressions of interest have been received for the disposal of Health Services Accreditation; [45412]

(2) whether National Audit Office criteria for the disposal of a state-owned function apply to Health Services Accreditation; [45413]

(3) whether Health Service Guidelines NHS Trading Agencies: Future Arrangements No HSC(94)54 Annex B by Price Waterhouse on the disposal process applies to Health Services Accreditation. [45414]

Mr. Milburn: Both the National Audit Office criteria for the disposal of a state owned function and the Health Service Guidelines "NHS Trading Agencies: Future Arrangements" Health Service Circular (94)54 are being applied wherever they are applicable to the disposal of Health Service Accreditation.

As the process of disposal is underway, the exact number of expressions of interest is commercially sensitive information.

Runaway Children

Mr. Cox: To ask the Secretary of State for Health how many children in England he estimates ran away from home last year; and if he will make a statement. [45213]

Mr. Boateng: Information is not available centrally in the form requested. However, I refer my hon. Friend to the reply on the same issue given by my hon. Friend the Minister of State, Home Office on 6 April 1998, *Official Report*, column *27*.

General Practitioners

Mr. Levitt: To ask the Secretary of State for Health what assessment he has made of the balance between supply and demand of GPs in the National Health Service in the next three years. [45478]

Mr. Milburn: We are advised on these matters by the Specialty Workforce Advisory Group (SWAG). SWAG balances a range of factors in considering the numbers of doctors in training to meet future requirements, including the overall supply of junior doctors and healthcare needs across the whole of the National Health Service.

Mr. Levitt: To ask the Secretary of State for Health what measures he proposes to take to encourage the recruitment of GPs to the NHS. [45479]

Mr. Milburn: Measures have been put in place to encourage the recruitment of general practitioners to the National Health Service.

These include changes to the out-of-hours arrangements for GPs which impact on the quality of their working life, making it easier for them to combine work and family life.

Flexible employment opportunities such as the salaried GP scheme and an improved retainer scheme to encourage GPs to return after career breaks have been introduced. These are especially important given the numbers of women entering general practice and the need to provide alternatives to the independent contractor GP model of employment.

The introduction of Primary Care Act (Personal Medical Services) Pilots and flexibilities to the national GP contract given GPs scope to shape the range of services they provide and increase the attractiveness of general practice as a career choice.

Private Finance Initiative

Mr. Baldry: To ask the Secretary of State for Health how many PFI projects his Department has put out to re-tender during the last year; and what is their combined value. [45469]

Mr. Milburn: No Private Finance Initiative projects with a capital value of more than £10 million have been put out to re-tender since 1 May 1997.

Details on individual schemes with a capital cost of less than £10 million are not held centrally.

Children in Care

Mr. Cox: To ask the Secretary of State for Health how many children were in care in England and Wales on 1 June. [45446]

Mr. Boateng: There were 51,200 children looked after in England at 31 March 1996, which is the latest date for which such statistics are available. Figures for the year ending 31 March 1997 are due to be published in July 1998. Figures for Wales are the responsibility of my right hon. Friend the Secretary of State for Wales.

Child Developmental Checks

Mr. Gerrard: To ask the Secretary of State for Health (1) how many health authorities carry out 18 to 24 month developmental checks on *(a)* a selective basis and *(b)* all children; [45718]

(2) pursuant to his answer of 1 June 1998, *Official Report*, column *130*, if the guidance issued by his Department recommends that 18 to 24 month developmental checks should be carried out on all children. [45717]

Mr. Boateng: The Department's guidance recommends that developmental checks are carried out on all children aged 18–24 months, as part of a core programme of child health surveillance. We do not monitor its implementation by health authority. However, in 1997 94 per cent. of general practitioners were involved in arranging for these checks to be carried out.

Needle Exchanges

Mr. Waterson: To ask the Secretary of State for Health what guidance her Department has issued to NHS trusts concerning the location of needle exchanges and local drug rehabilitation facilities. [45441]

Ms Jowell: Guidance sent to health authorities in 1988 and 1992 about the provision of needle exchange schemes notes that the geographic location of a scheme will influence its ability to attract and retain clients. The guidance says that schemes should be set up in areas which have a high prevalence of injecting drug misuse. When selecting a site, consideration should be given to the proximity of local residences, the preservation of clients' anonymity, and the ease with which clients will be able to use the scheme. However, it is for the local health authority, local authority and providers of services to decide what is appropriate for local circumstances. Copies of Health Circular (88)53 and Executive Letter (92)47 are available in the Library.

The Department has not issued any guidance on the location of drug rehabilitation schemes. The location of these services is also for local decision.

Leeds Health Authority

Mr. Truswell: To ask the Secretary of State for Health what share Leeds Health Authority has received of the *(a)* £300 million to address winter pressures, *(b)* £1.2 billion allocation, *(c)* £500 million to reduce waiting lists, *(d)* funding for districts facing major organisational change and *(e)* other special allocations for 1998–99. [45758]

Mr. Milburn: The information requested is set out in the table:

£000

	(1) Total for England	*(2) Allocation to Leeds HA cash*
(a) winter pressures[1]	159,000	3,089
(b) HA revenue allocations growth 1998–99[2]	1,028,000	15,900
(c) waiting lists[3]	288,000	4,276
(d) special assistance (funding for HAs facing organisational change)	47,600	6,500
(e) other special allocations for 1998–99[4]	1,971,517	24,917

[1] Of the £300 million made available to the National Health Service for winter pressures, £269 million was for the NHS in England. £159 million was allocated to health authorities, £30 million was generated through efficiency savings and £80 million was used to fund Family Health Services expenditure, including the Drugs Bill.

[2] Of the £1.2 billion allocated to the NHS last July, £1 billion was for the NHS in England.

[3] Of the £500 million made available to the NHS for waiting lists, £417 million was for the NHS in England. £288 million is to be used for direct elective admissions, £32 million will be used on performance indicators and £65 million will be used on "whole system" action to reduce waiting lists. No decisions have yet been made about the remaining £32 million.

Leeds Health Authority will also be able to bid for funds from the £65 million announced in Health Services Circular 1998–2006 for "whole system" action to support reductions in waiting lists.

[4] Special allocations are funds for specific services allocated to health authorities through a weighted capitation formula or by another method specific to that allocation.

For 1998–99 these cover—

General Medical Services cash limited
Out of hours development fund
Joint finance
Drug misuse
HIV prevention
AIDS treatment and care
Old long stay.

Carers

Mr. Burstow: To ask the Secretary of State for Health (1) if he will issue guidance to commissioners on how best to undertake local needs assessment and planning, including carers needs, to inform local health improvement programmes; [45734]

(2) if he will issue further guidance to health authorities and primary care groups on the partnership strategies that should be adopted in relation to parents and carers; and how their representation is to be secured in the commissioning process; [45733]

(3) if, in response to the report Ignored and Invisible: Carers Experiences of the NHS, he will strengthen guidance to health authorities, trusts and primary health care teams on implementing the Carers (Recognition and Services) Act 1995; [45732]

(4) what plans he has to implement the recommendations contained in the report Ignored and Invisible: Carers Experiences of the NHS. [45735]

Mr. Boateng: My right hon. Friend the Prime Minister announced on 10 June that I will be leading a Government-wide review of measures to help carers as part of a national strategy for carers. Our strategy will bring together a range of existing initiatives and policies from across Government and will also examine how the problems faced by carers could be tackled by new initiatives and policies. It is too early to say what the outcome of our review will be, but the report "Ignored and Invisible?" will be a real help in identifying areas where there is a need for change. We will be setting up an independent group for carers' organisations and others to give advice to Ministers and policy makers and expect to consult on the strategy early in 1999.

Whittington Hospital

Mr. Corbyn: To ask the Secretary of State for Health when he will announce the form of expansion of the Whittington Hospital; what proportion of the expenditure will come from public sources; and if he will make a statement. [45393]

Mr. Milburn: The Whittington Hospital National Health Service Trust is presently working on its strategy for developing services on the site. This will help to determine the extent and nature of the redevelopment needed, and to ensure that the investment provides an appropriate solution for the future.

Health Action Zones

Mr. Corbyn: To ask the Secretary of State for Health what plans he has to declare Camden and Islington a health action zone. [45386]

Mr. Milburn: I have invited 34 areas, including Camden and Islington, to submit an expression of interest in applying for the second wave of Health Action Zones. From these will be selected the candidates to join the 11 Health Action Zones from the first wave. It is too early to say if Camden and Islington will form part of the second wave.

Homicide Inquiries

Dr. Julian Lewis: To ask the Secretary of State for Health, pursuant to his answers of 16 February 1998, *Official Report*, columns *494–95*, 13 March 1998, *Official Report*, column *377*, and 5 June 1998, *Official Report*, column *407*, if he will provide a complete list of all inquiries currently under way which have been established under HSG(94)27, giving the full title of each inquiry, the commissioning authority in each case, the name of the chairperson in each case and, where known, the likely reporting date of each inquiry. [45639]

Mr. Boateng: A complete list of inquiries currently under way is shown in the table.

Region	*Name—commissioning authority*	*Chairperson*	*Anticipated publication date*
Northern and Yorkshire	Mr. A. J.—County Durham	Mr. Arthur Taylor	End July
	Mr. J. C.—Tees	Mr. Tony Brown	December
Trent	Mr. B. S-P.—Leicestershire	Prof. M. Gunn	Not available
	Mr. M. C.—Nottingham	Prof. M. Gunn	Not available
Anglia and Oxford	Mr. G. N.—Bedfordshire	Not available	Not available
	A. M.—Berkshire	Mr. R. Williams	July
	Mr. A. C.—Berkshire	Not available	Not available
	Mr. S. A.—Berkshire	Not available	Not available
	Mr. N. A.—Bucks	V. Rubenstein	Not available
	Mr. P. H.—East Norfolk	W. Armstrong	July
	Mr. K. B.—East Norfolk	Not available	Not available
North Thames	Mr. R. L.—North Essex	Kieran Coonan	15 June
	Mr. M. D.—North Essex	Peter Herbert	November
	T. K.—Camden and Islington	Not available	Not available
	Mr. P. L.—Brent and Harrow	Not available	Not available
	Mr. W. M.—Brent and Harrow	Not available	December
	Mr. P. Rees—Ealing, Hammersmith and Hounslow	Not available	Not available
	Mr. K. K.—Enfield and Haringey	Not available	October
	Mr. M. E.—Kensington, Chelsea and Westminster	Ken Dixon	December
South Thames	Mr. W. H.—Lambeth, Southwark and Lewisham	Kieran Coonan	Not available
	Mr. M. F.—Lambeth, Southwark and Lewisham	Baroness Patricia Scotland	Not available
South West	Mr. D. E.—Southampton and South West Hants	Ms Geraldine Johns	July
	Mr. S. B.—Dorset	Prof. Genevra Richardson	Not available
North West	Mr. D. H.—East Lancashire	Mr. Greenwood	September
	Mr. B.—Bolton	Mr. R. Lingham	September
West Midlands	None	—	—

Titles of inquiries are not always available until publication but a recognised format is as follows:

"Report of the Independent Inquiry Team into the care and treatment of X (name)".

There are now 25 inquiries under way.

Homelessness

Mr. Cox: To ask the Secretary of State for Health how many children he estimates are in homeless households; and if he will make a statement. [45209]

Mr. Raynsford: I have been asked to reply.

In the fourth quarter of 1997 about 60 per cent. of the households for whom local authorities accepted responsibility to secure accommodation (under the homelessness provisions of the 1985 and 1996 Housing Acts) included one or more dependent children.

The available data on the numbers of children are as follows:

	Number
Total number of households accepted as homeless	24,810
Of which:	
households with dependent children	
1 child	6,470
2 children	4,540
3 or more children	3,390
	14,400

TRADE AND INDUSTRY

EU Structural Funds

Ms Atherton: To ask the President of the Board of Trade what the population is of each UK region currently receiving Objective 1 structural funds from the European Union. [45302]

Mrs. Roche: The estimated population figures for 1995 are:

	Population
Highlands and Islands	373,000
Merseyside	1,427,200
Northern Ireland	1,649,000

Note:
The Highlands and Islands Objective 1 area corresponds to the Highlands and Islands Enterprise area.

Acquired Rights Directive

Mr. Boswell: To ask the President of the Board of Trade if she will make a statement *(a)* on the Government's policy towards the Süzen Judgment in connection with the Acquired Rights Directive and *(b)* on the European Council's recent consideration of proposed changes to the Directive. [45998]

Mr. Ian McCartney: The UK Presidency achieved a notable success at a Council of Ministers meeting in Luxembourg on 4 June in securing Member States' agreement to a revision of this Directive. Amongst other improvements, the revised Directive will include a new broad definition of a transfer of an undertaking. This

draws on the European Court's judgments in *Süzen* and other leading cases, without relying on any of them exclusively, in order to clarify the Directive's scope without in any way diminishing employees' existing rights. As we indicated in our "Fairness at Work" White Paper, the Government intend to amend the UK's implementing legislation, the Transfer of Undertakings (Protection of Employment) Regulations 1981 (commonly known as the TUPE Regulations), in order to improve its operation. The revision of the Directive gives us a much sounder basis for doing so than would otherwise have been the case.

Restrictive Practices

Mr. Boswell: To ask the President of the Board of Trade if she will list all registered restrictive practice agreements involving trade associations. [44984]

Mr. Battle *[holding answer 9 June 1998]:* The Restrictive Trade Practices Act 1976 requires the Director General of Fair Trading to maintain a public register of qualifying agreements. The register is open to the public. For convenience I am asking him to write to the hon. Member to provide the information requested, and place a copy of that information in the Library of the House.

Local Authorities (Pilot Schemes)

Mr. Burstow: To ask the President of the Board of Trade if she will list the pilot schemes announced since 1 May by her Department that involve local authorities in a lead or partnership capacity; if she will list each of the local authorities involved in each case; and what revenue and capital funding each local authority will receive through the pilot in (i) 1997–98, (ii) 1998–99, (iii) 1999–2000 and (iv) 2000–2001. [45336]

Mrs. Beckett *[holding answer 11 June 1998]:* The DTI has announced no pilot schemes since 1 May 1997 that involve local authorities in a lead or partnership capacity.

Utilities Regulation

Mr. Chaytor: To ask the President of the Board of Trade if she will list those organisations which have submitted a formal response to the Green Paper on utilities regulation. [45039]

Mrs. Beckett *[holding answer 11 June 1998]:* Over 200 representations have been received in response to the Utility Review Green Paper. A full list of those that have submitted representations will be published when the conclusions of the review are announced.

Investors in People

Mr. Chidgey: To ask the President of the Board of Trade if she will make a statement on progress towards attaining Investors in People Awards of *(a)* employment tribunals, *(b)* the Insolvency Service, *(c)* the Radiocommunications Agency and *(d)* the Patent Office; when she estimates each will achieve accreditation; and if she will make a statement on the role of Investors in People within her Department. [44928]

Mr. Nigel Griffiths: The Department, the Employment Tribunals Service, the Insolvency Service, the Radiocommunications Agency and the Patent Office all aim to meet the target set by the Development and Training White Paper (Cm 3321) that by the year 2000 all civil servants will be employed in organisations recognised as Investors in People.

All have made a written commitment to meeting the Investors in People standard. The headquarters Department will be seeking assessment later this year, the Employment Tribunals Service in September 1998, and Radiocommunications Agency in January 1999. The Insolvency Service is currently working towards assessment in December 1998. The Patent Office is currently in the process of assessment.

My right hon. Friend the President of the Board of Trade and I strongly support the emphasis which Investors in People places on training and developing all staff, and see the journey towards recognition as making an important contribution towards best practice in management in the Department.

Competition Act

Mr. Chidgey: To ask the President of the Board of Trade what discussions her Department had with the Office of Fair Trading concerning the publication of "A Guide to the Major Provisions of the Competition Act 1998". [45170]

Mr. Ian McCartney: My officials have been in regular contact with their counterparts in the OFT about the guidelines that are to be published under clause 52 of the Competition Bill, including the draft of the one on the major provisions of the Competition Act 1998.

Indonesia

Ann Clwyd: To ask the President of the Board of Trade if she will list the *(a)* British and *(b)* Indonesian companies involved in the Cikampek to Padalarang Toll Road project in Indonesia; what expenditure has been (i) allocated and (ii) incurred by her Department to date; what is the state of progress with the project; and if she will make a statement. [44982]

Mrs. Roche *[holding answer 9 June 1998]:* In 1987 the DTI offered Cementation International Ltd. and Cleveland Bridge Engineering Ltd. (then part of Trafalgar House Construction International Ltd. and now part of the Kvaerner Group), Overseas Project Fund assistance of £198,000 towards their pre-contractual costs in pursuing the project. All this financial assistance was spent by the companies in pursuit of the project by July 1989. Trafalgar House International Ltd. formed a joint venture with PT Yala Perkasa International, an Indonesian company, to design and construct the toll road.

I am informed that progress with this project has been delayed for environmental, administrative and financial reasons.

Ann Clwyd: To ask the President of the Board of Trade if she will list the foreign direct investments by UK companies in Indonesia which have been cancelled, suspended or reviewed by the Indonesian Government in the last 12 months *(a)* as a condition of the IMF assistance programme, *(b)* as a result of links with the family of former President Suharto and *(c)* for any other reason, in

each case specifying the reason and stating the nature and value of the investment and the expenditure incurred to date; and if she will make a statement. [44983]

Mrs. Roche *[holding answer 9 June 1998]:* To cope with the sharp depreciation of the Rupiah, a Presidential Decree was issued on 20 September 1997 which postponed and put under review 156 infrastructure projects, worth about US$37 billion. Among these projects, three involve UK companies, but we do not have firm details of the value of the investment, or expenditure incurred to date. As far as we are aware, no project has been cancelled as a result of links with the family of former President Suharto.

It is not possible to assess accurately the value of investment cancelled for any other reason.

Export Licences

Ann Clwyd: To ask the President of the Board of Trade for which countries in respect of which at least one arms export licence application was rejected, no arms export licences have been granted since May 1997. [44334]

Mrs. Roche: The Export Control Organisation's computer databases have been interrogated and the following results were obtained. Between 2 May 1997 and 10 May 1998, six countries were the stated consignee or end-user destination on one or more refused applications for Standard or Open Individual Export Licences that covered goods subject to export control by being listed in Part III of Schedule 1 to the Export of Goods (Control) Order 1994, but were not the stated consignee or end-user destination on any such licence issued in that period. These countries were Armenia, Croatia, Iran, Nigeria, Paraguay and Sudan.

This information should be considered in light of my answer to my hon. Friend the Member for Don Valley (Caroline Flint), 30 October 1997, *Official Report*, columns *870–71*. It does not, of course, include Media OIELs, which are Open Individual Export Licences authorising the export to all destinations of protective clothing, mainly for the protection of aid agency workers and journalists when working in areas of conflict. If Media OIELs were taken into account, no countries would meet the definition.

Multilateral Agreement on Investment

Mr. Corbyn: To ask the President of the Board of Trade what recent representations she has received concerning the Multilateral Agreement on Investment; and if she will publish them. [45355]

Mrs. Roche: This Department has received many representations on the Multilateral Agreement on Investment (MAI) from interested parties. These representations were not made to us on the basis that they would be made public.

Mr. Corbyn: To ask the President of the Board of Trade which multi-national companies she has consulted on the future of the Multilateral Agreement on Investment; and if she will publish their replies. [45354]

Mrs. Roche: This Department has been in close touch with British business throughout the negotiations on the Multilateral Agreement on Investment (MAI), notably via the CBI and the International Chambers of Commerce (ICC-UK). Our consultation with industry was not carried out on the understanding that their responses would be made public.

Mr. Corbyn: To ask the President of the Board of Trade if she will make a statement on progress with the Multilateral Agreement on Investment. [45356]

Mrs. Roche: The Government welcome the decision by OECD Ministers at the Ministerial meeting of 27–28 April 1998 to extend the negotiating for the Multilateral Agreement on Investment (MAI), seeking a successful and timely conclusion. The next negotiating session for officials at the OECD will be in October. We intend to use the intervening period for further assessment and consultation with interested parties. We will continue to work for our key aims to be met: we are seeking strong provisions on environmental and labour standards, an agreement attractive to developing countries, and an acceptable balance between the commitments we take on and the commitments offered by others.

Mr. Corbyn: To ask the President of the Board of Trade what discussions she has held concerning the environmental aspects of the Multilateral Agreement on Investment; and if she will make a statement. [45384]

Mrs. Roche: Ministers and officials from this Department are in constant contact across Whitehall and with NGOs and other interested parties on the Multilateral Agreement on Investment (MAI), including on its environmental aspects. The Government will continue to press for strong language on the environment in the MAI and would not support an Agreement which failed to address these issues.

ACP Countries

Mr. Corbyn: To ask the President of the Board of Trade what discussions her Department has held with representatives or individual members of the Group of 77 ACP countries; and if she will make a statement. [45357]

Mrs. Roche: The department has regular discussions with many individual developing countries and with developing country regional groupings on a wide range of trade and investment related issues.

Vertical Agreements

Mr. Jim Cunningham: To ask the President of the Board of Trade what assessment she has made of the impact of vertical agreements, with particular reference to suppliers using selective distribution, on competitive practices and consumers. [44408]

Mrs. Beckett *[holding answer 9 June 1998]:* Recent work on vertical agreements has been undertaken in the context of the European Commission Green Paper on Vertical Restraints (Distribution Agreements) in EC Competition Policy and of the Competition Bill that is currently before Parliament. In addition the Office of Fair Trading (OFT) and Monopolies and Mergers Commission (MMC) have investigated vertical agreements in a number of specific sectors of the economy.

Wide consultations were held on the European Commission Green Paper during which more than 80 responses were received. The assessment of the Commission's proposal also took into account the views

of the OFT and the earlier OFT Research paper on Vertical Restraints and Competition Policy (published in December 1996).

Patents

Mr. Dalyell: To ask the President of the Board of Trade what recent representations she has received from the Royal Society on harmonising the dates accorded to patents in different counties; and if she will urge the Council of Ministers to adopt the US system of having research note-books signed daily, and notarised by a lawyer at regular intervals. [45762]

Mr. Ian McCartney: I have received no representations from the Royal Society on the issue of dates accorded under patent law. However, I am aware of discussion on this topic in relation to United States patent law.

The United States stands almost alone in the world in basing the grant of patent rights upon evidence of being first to invent. This leads to auditory overheads on researchers, such as the need to have note-books signed daily and notarised regularly. In Europe and elsewhere the simpler approach of being first to file an application is the determinant for the grant of rights, and this approach is key in reducing auditory and administrative burdens on researchers and business. To move to the US system would add to the burdens of all applicants seeking rights in Europe.

United States patent law has recently become more liberal as far as foreign inventors are concerned. Prior to 1996 all research establishing a date of invention for patent purposes in the United States had to be carried out there. With the advent of the World Trade Organisation (WTO) and especially its Agreement on Trade Related Aspects of Intellectual Property (TRIPS), the United States was obliged to change its law so that research and development carried out in any WTO country is now acceptable for establishing a date of invention.

Small Businesses

Mr. Fraser: To ask the President of the Board of Trade on how many occasions Ministers have met representatives of *(a)* small businesses and *(b)* the Federation of Small Businesses. [44704]

Mrs. Beckett: *(a)* DTI Ministers regularly meet representatives of small businesses at meetings, receptions, conferences, and other engagements they undertake.

(b) DTI Ministers have met representatives of the Federation of Small Businesses, formally, on the following occasions:

President of the Board of Trade: 1

Minister for Small Firms, Trade and Industry: 5 (and 2 telephone calls)

Minister for Competition and Consumer Affairs: 3.

Takeover Bids

Mr. Gale: To ask the President of the Board of Trade when she expects to announce proposals resulting from a review of the workings of the MMC and OFT to improve efficiency in determining the implications of takeover bids. [44471]

Mr. Nigel Griffiths *[holding answer 8 June 1998]:* In the summer of 1997 the Office of Fair Trading (OFT) and the Monopolies and Mergers Commission (MMC) set up a joint working party to examine the scope for streamlining their procedures for handling merger cases, with the aim of reducing the burden on organisations which provide information to them. As a result, the arrangements for presentations made by the OFT to the MMC during a merger inquiry have been refined to enable the MMC to gain a better understanding of the main issues more swiftly, thereby helping it to focus its lines of inquiry. The working party is now considering whether the form used to prenotify the OFT formally of a merger can be modified in order to simplify and improve the effectiveness of the information-gathering procedures. In addition, the OFT and MMC have established a forum with lawyers from City law firms to consider possibilities for further streamlining of the way in which the OFT and MMC gather information.

Enemy Property

Mr. Letwin: To ask the President of the Board of Trade if she will make a statement on the progress made since her Department's public statement on 3 April, with the review which she is conducting on compensation for people whose assets were seized under the policy adopted during the Second World War towards enemy property. [44710]

Mrs. Beckett *[holding answer 8 June 1998]:* On 30 April 1998, *Official Report*, column *242*, I announced the publication on the Internet, of about 25,000 records of those residents of Bulgaria, Germany, Hungary, Japan and Romania whose property was confiscated under the Trading With the Enemy legislation. A further 5,000 records for other countries will be published, also on the Internet, as soon as possible.

My statement on 3 April indicated that the Government would set up a claims procedure and that a suitable independent third party would be asked to advise on the form of the scheme the Government should adopt. I hope to be able to make an announcement about the appointment of such an individual shortly. In the meantime, my officials continue to register potential claimants' interest in the scheme.

Human Rights

Sir John Stanley: To ask the President of the Board of Trade, pursuant to the answer of 24 April 1998, *Official Report*, column *722*, on human rights, if she will state which aspects of the Government's human rights policy are her Department's responsibilities. [44876]

Mrs. Roche *[holding answer 11 June 1998]:* The Department supports the FCO's lead in this area, notably on matters relating to international trade policy, ethical trading, employment rights, and the application of strategic export controls.

Utility Regulators

Mr. Stunell: To ask the President of the Board of Trade (1) what measures she will implement to ensure that the utilities regulators co-ordinate their activities to achieve the Government's pledged reduction in carbon dioxide emissions; [44879]

(2) what action she will take to ensure that the new gas and electricity regulators' decisions will take account of *(a)* Government energy-saving policy and *(b)* the environmental impacts of regulatory action. [44882]

Mrs. Beckett: The Green Paper "A Fair Deal for Consumers" sets out the Government's proposals for reform of utility regulation, including proposals to give new guidance to the regulators on social and environmental objectives relevant to their tasks, and to merge Offer and Ofgas into a single regulatory office.

The responses to the Green Paper are presently being considered, and I will announce the Government's intentions as regards changes to the regulatory framework in due course.

Mr. Stunell: To ask the President of the Board of Trade what plans her Department has to give a defined role to the fuel regulators in achieving the United Kingdom's carbon dioxide commitments; and if she will make a statement. [44880]

Mrs. Beckett: The Government will shortly be consulting on their approach to tackling climate change and greenhouse gas emissions, including options for delivering the UK's international commitments. The consultations are likely to include possible options for promoting energy efficiency, which may include regulatory measures.

Firearms

Dr. Tonge: To ask the President of the Board of Trade what action her Department is taking following the G8 summit regarding export control of firearms. [43726]

Mrs. Roche: As part of an action plan agreed in the G8 Lyons firearms sub-group and endorsed by the G8 summit, to help combat the illegal manufacture of, and trafficking in firearms, their parts, components and ammunition, G8 members agreed to

"establish or maintain an import/export and in-transit licensing or similar authorisation regime for the international transfer of firearms"

respectively. The UK will continue to maintain its current licensing regime and, in its dealings with other states on export control matters, where relevant, will encourage them to establish their own regimes. The Department will also work with other relevant Government agencies to combat the threats posed by illegal manufacture and trafficking in firearms and in its dealings with manufacturers, dealers, importers and exporters seek to obtain their support and co-operation in this endeavour.

Anpost Scheme

Mr. Vaz: To ask the President of the Board of Trade what research her Department has commissioned into the operation of the Anpost scheme. [45647]

Mr. Ian McCartney: None, but I understand that Post Office Counters Ltd. and the Department of Social Security undertook an examination of the Anpost system in the context of the PFI "Horizon Project" contract to automate post offices and benefits payments.

Post Offices

Mr. Vaz: To ask the President of the Board of Trade if she will make a statement on the role of her Department in ensuring efficiency in the payment of benefits via post offices. [45648]

Mr. Ian McCartney: The Government are committed to providing a secure, convenient and cost effective means of payment of benefits and the programme to automate all post offices is an important element of this.

Mr. Vaz: To ask the President of the Board of Trade what steps she is taking to ensure the computerisation of Crown post offices. [45646]

Mr. Ian McCartney: The programme being undertaken jointly by Post Office Counters Ltd., the Benefits Agency and ICL Pathway provides for the automation of all post offices.

Electrical Goods

Dr. Whitehead: To ask the President of the Board of Trade, pursuant to his answer of 6 April 1998, *Official Report*, column *67*, what estimate has been made of the proportion of people who have the opportunity to take their old appliances back free of charge and do so. [45102]

Mr. Nigel Griffiths: Within the UK it is estimated that over 50% of new white goods are sold with the opportunity to take back the old appliance free of charge. For some products, estimates indicate that this opportunity may be as high as seven out of every ten appliances sold. To date no information is available on the proportion of people who decide to opt for free take-back, and we are advised that consumer habits may vary greatly for different types of products.

Genetically Modified Food

Mr. Reed: To ask the President of the Board of Trade what plans she has to introduce additional consumer protection measures in respect of imported genetically modified food. [44978]

Mr. Rooker: I have been asked to reply.

Stringent consumer protection measures are already in place: all genetically modified foods, whether imported or produced in the UK, have to undergo a rigorous safety assessment in accordance with the requirements of the EC Regulation on novel foods and novel food ingredients before they are allowed to be marketed. In addition, this and other EC regulations require all foods containing genetically modified material to be clearly labelled.

TREASURY

Correspondence

Mr. Paice: To ask the Chancellor of the Exchequer when he expects to complete the responses to all the letters received from hon. Members prior to the Budget. [41722]

Mr. Gordon Brown *[holding answer 12 May 1998]*: I received about a thousand Budget representations from hon. Members. All have been answered.

Mr. Yeo: To ask the Chancellor of the Exchequer when the Financial Secretary expects to reply to the letter from the hon. Member for South Suffolk of 7 April about the Green Book. [45764]

Dawn Primarolo: I did so on 10 June 1998.

Mr. Alan Williams: To ask the Chancellor of the Exchequer when the right hon. Member for Swansea, West will receive a reply to his letter of 8 April about the impact of tax regimes on inward investment. [46074]

Dawn Primarolo: I have replied today.

Mr. Fallon: To ask the Chancellor of the Exchequer when he expects to reply to the question from the hon. Member for Sevenoaks for answer on 14 May relating to Sandline (41914). [45808]

Dawn Primarolo: I hope to do so shortly.

Contingent Liabilities

Mr. Cousins: To ask the Chancellor of the Exchequer if he will list the projects, departments, agencies and partners of Government whose expenditure is recorded in the public accounts solely on the basis of contingent liabilities. [44722]

Mr. Darling *[holding answer 10 June 1998]:* Amounts outstanding for individual actual and contingent liabilities as at 31 March 1997 (the latest figures available) were published in Table B15 of the Supplementary Statements to the Consolidated Fund and National Loans Fund Accounts for 1996–97 (House of Commons Paper No. 378 of 1996–97). This statement excludes (a) cases involving £100,000 or less; (b) cases arising in the normal course of departments' business; and (c) a small number of other cases, of which details have been supplied to the National Audit Office, where there are considerations of national security, or commercial confidentiality, or where public knowledge of a guarantee could prompt claims from third parties.

The annual Supplementary Statement is published by the Treasury under section 21(3) of the National Loans Act 1968. The amount to be reported is the amount outstanding at the end of each financial year and details of the amounts outstanding as at 31 March 1998 will be laid before the House in mid to late December 1998. The statement is based on returns submitted by government departments; it would not be cost-effective for details to be collected more frequently.

Contingent liabilities do not appear in the current cash-based appropriation accounts of individual departments. Government bodies which produce accruals-based accounts, such as executive agencies, trading funds and some non-departmental public bodies, follow generally accepted accounting practice, including Statement of Standard Accounting Practice (SSAP) 18 *Accounting for Contingencies* which requires the disclosure by way of note of material contingent losses. Following the introduction of resource accounting, government departments will also account in this way.

Personal Investment Authority Ombudsman

Mr. Laurence Robertson: To ask the Chancellor of the Exchequer what discussions he has had with the Personal Investment Authority Ombudsman Bureau about the charge of £500 made on companies against which complaints are made and investigated. [44921]

Mrs. Liddell *[holding answer 10 June 1998]:* The charges levied by the Personal Investment Authority Ombudsman Bureau (PIAOB) are a matter for the Board of the PIAOB.

Departmental Expenditure

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what his policy is on separating capital spending plans from current spending plans for Government departments; and if he will make a statement. [45490]

Mr. Darling: My right hon. Friend the Chancellor's statement of 11 June 1998, *Official Report*, columns 1195–215, and the Economic and Fiscal Strategy Report published on that day set out clearly the Government's policy on public expenditure planning. Departmental spending plans—based on this treatment—will be announced as part of the Comprehensive Spending Review outcome which will be announced before the summer Recess.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what his policy is on setting long-term plans for departmental expenditure; and if he will make a statement. [45489]

Mr. Darling: My right hon. Friend the Chancellor's statement of 11 June 1998, *Official Report*, columns 1195–215, and the Economic and Fiscal Strategy report published on that day made clear the policy on long term planning of public expenditure. Departmental spending plans will be announced as part of the Comprehensive Spending Review outcome which will be announced before the summer Recess.

Public Sector Borrowing Requirement

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will make it his policy to publish a series of ranges for future PSBR outturns in the annual Financial Statement and Budget report reflecting different economic assumptions; and if he will make a statement. [45487]

Mr. Darling: The March 1998 Financial Statement and Budget Report (FSBR) included estimates of the effect of alternative GDP growth assumptions on the public sector net cash requirement. Published forecasts have also illustrated the effect of uncertainty by including cyclically adjusted deficits based on both a central and cautious assumption of the level of output relative to its trend.

A prudent and cautious approach to the public finances, which allows for uncertainties, is essential if the Government are to achieve their fiscal rules and learn the lessons from the last economic cycle.

Euro

Mr. Jenkins: To ask the Chancellor of the Exchequer what assessment he has made of the impact on the London Stock Exchange of the United Kingdom staying out of the euro. [45526]

Mrs. Liddell: The London Stock Exchange is well-prepared for the introduction of the euro next year. It has completed its analysis of responses to its consultation paper "Economic and Monetary Union: proposals for the equity markets" (published 20 February). Its ensuing proposals to ensure that UK equity markets are fully ready for EMU and able to support the euro as a trading currency from 4 January 1999 are set out in the Bank of England publication "Practical Issues arising from the introduction of the euro" published 11 June 1998. The Exchange will provide facilities to list and trade debt in euro from the same date.

Mr. Bercow: To ask the Chancellor of the Exchequer if he plans to publish the six-monthly reports on preparations for joining EMU; when the first such report is due; and if he will make a statement on the outline national changeover plan. [45303]

Mrs. Liddell: The first six-monthly report on the state of preparations for the euro will be published in early July. It will focus in particular on the preparations in the United Kingdom for the launch of the euro in other Member States on 1 January 1999.

The Standing Committee on preparations for EMU has agreed that the Government should compile an outline national changeover plan setting out the steps that the United Kingdom would need to take if we were to decide to join the euro. We will publish this outline plan around the end of the year. The outline plan will be compiled with the help of representatives from business and public authorities.

Mr. Cohen: To ask the Chancellor of the Exchequer what estimate he has made of the money supply level of the euro relative to the total of the combined currencies of those countries merging for the euro; what forecast he has made of trends in the overall money supply level following the introduction of the euro; if he expects international demand for the euro to be met by an increase in money supply; and if he will make a statement. [45418]

Mrs. Liddell: Monetary policy in the euro area is the responsibility of the European System of Central Banks. The European Central Bank will be constructing statistics for euro area monetary aggregates.

Mr. Cohen: To ask the Chancellor of the Exchequer what rôle he will have in respect of the deliberations of the committee responsible for the Euro on its total money supply level; and if he will make a statement. [45419]

Mrs. Liddell: Monetary policy in the euro area is the responsibility of the European System of Central Banks.

Departmental Reviews

Mr. Allan: To ask the Chancellor of the Exchequer if he will list, for each of the last four years, the departmental inquiries and reviews instigated by Ministers which have been chaired by individuals outside his Department; and in each case if he will give the date of establishment and the name of the chairman. [44366]

Mrs. Liddell: The table lists the inquiries and reviews, with the date of establishment and the name of the chairman, instigated by Treasury Ministers for each of the last four years, which have been chaired by individuals outside the Chancellor's departments:

Title	*Chairman*	*Date*
Fundamental expenditure review of the Treasury	Sir Colin Southgate	6 June 1994
The Board of Banking Supervision inquiry into the circumstances of the collapse of Barings	Sir Alan Hardcastle	27 February 1995
Market testing the Treasury's micro economic forecasting function	KPMG Management Consulting	7 January 1997
Review of the Private Finance Initiative	Mr. Malcolm Bates	8 May 1997
Government task force on tax and benefits	Mr. Martin Taylor	19 May 1997
Reform of the financial regulatory system	Mr. Andrew Large	20 May 1997
Welfare to work advisory taskforce	Sir Peter Davis	5 June 1997
Working group on financing high technology companies	(i) Dr. Keith McCullagh (ii) Dr. Peter Williams	25 November 1997
Government taskforce on the industrial use of energy	Sir Colin Marshall	17 March 1998

Underground Economy

Mr. Flight: To ask the Chancellor of the Exchequer if he will calculate the size of the underground economy in the United Kingdom using the same criteria as the European Commission used to determine that of Italy. [44372]

Mrs. Liddell: All EU Member States submit Gross National Product (GNP) data to the Commission as part of the data requirements set out in Council Directive 89/130/EEC. This information is required to be complete in its coverage of economic activity as defined under the European System of Accounts (ESA 1979). A common methodology to cover the so called 'underground economy' was set down in Commission Decision C(93)3521 of 22 February 1994. Work to improve the harmonisation of these estimates continues.

Special Advisers

Mr. Sayeed: To ask the Chancellor of the Exchequer how many special advisers, political advisers and other political appointees are working in his Department; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43315]

Mrs. Liddell: For details of the numbers of Special Advisers and the annual cost of employing them, I refer the hon. Member to the answer the Prime Minister gave to the hon. Member for Woodspring (Dr. Fox) on 11 June 1998, *Official Report*, column *664*.

National Insurance contributions are excluded from the figure but are paid under the same rules and at the same rates as for other civil servants. Information on the paybill

costs for Special Advisers within individual Departments is not provided in order to protect the privacy of the individuals concerned.

Information on the cost of employing Special Advisers in previous years was given by my right hon. Friend the Chancellor of the Duchy of Lancaster to the hon. Member for Gordon (Mr. Bruce) on 25 November 1997, *Official Report*, columns *472–473*.

Money Laundering

Mr. Cohen: To ask the Chancellor of the Exchequer what arrangements are in place to require those involved with securities and investments to disclose suspicious activity to law enforcers; and if he will make a statement. [45415]

Mrs. Liddell: The legislation dealing with money laundering provides for suspicious transactions to be reported to a constable (usually in practice the Economic Crime Unit of the National Criminal Intelligence Service) and is a universal duty. It applies to those involved with securities and investments in the same way as to any other person and whether in the course of business or otherwise. Failure to make a report may result in the commission of a money laundering offence, for which the maximum penalty is fourteen years' imprisonment and an unlimited fine.

In addition, those dealing with securities and investments are subject to the provisions of the Money Laundering Regulations 1993. These require that firms carrying on such business must have internal reporting procedures which ensure that, where knowledge or suspicion arises that a person is engaged in money laundering, this is disclosed to a constable. This is a positive duty for which failure to comply can lead, on conviction on indictment, to two years' imprisonment and/or a fine.

Financial Services Authority

Mr. Loughton: To ask the Chancellor of the Exchequer (1) what is his estimate of the annual cost that the FSA will pass on to the financial services industry by way of *(a)* fees in respect of compliance and *(b)* other fees; [45753]

(2) what is his estimate of the cost of the *(a)* staff, *(b)* premises and *(c)* set up costs of the Financial Services Authority. [45752]

Mrs. Liddell: The Government intend that the Financial Services Authority should continue to be responsible for its own costs, with public consultation on its budget. It is intended that the Financial Services Authority should be required to have regard to the need to be efficient and economic and ensure that costs and restrictions on firms are proportionate to the benefits of regulation.

Holiday Insurance

Mr. Efford: To ask the Chancellor of the Exchequer what assessment he has made of the adequacy of consumer protection in respect of holiday insurance offered by UK firms, with particular reference to the extent of insurance companies' responsibility when they assess an accident to be related to an individual's consumption of alcohol; and what representations he has received on this matter. [45713]

Mrs. Liddell: Insurers' responsibilities in this area are governed by the Association of British Insurers' Code of Practice on the marketing and selling of general insurance and they include assessing whether policyholders' actions or omissions contributed to the claim. It does not appear that the Treasury has received representations about an accident relating to an individual's alcohol consumption.

Economic and Finance Council

Mr. Timms: To ask the Chancellor of the Exchequer if he will make a statement on the council meeting of the Economic and Finance Ministers of the European Union held on 5 June. [45507]

Mr. Gordon Brown: I chaired the Economics and Finance Council—ECOFIN—of the European Union in Luxembourg on 5 June. The Economic Secretary represented the UK.

The Council began by preparing Economics and Finance Ministers' inputs into the Cardiff European Council.

ECOFIN agreed conclusions on the fundamental importance of Agenda 2000 to the future economic and financial development of the EU, after a wide-ranging discussion of the Commission's 18 March proposals on future financing, and reform of the Community's core spending policies (the Common Agricultural Policy and the Structural and Cohesion Funds). ECOFIN conclusions will be sent to the European Council.

The Broad Economic Guidelines for 1998 were agreed, and conclusions on them will be discussed at the Cardiff European Council before the recommendation is adopted by ECOFIN next month.

The Council held a discussion of the National Employment Action Plans on the basis of some issues highlighted by the Presidency. Agreement was reached on a set of principles to be included in a Presidency report to Cardiff.

ECOFIN welcomed the Commission's paper on Pan-European Risk Capital Markets, and agreed conclusions inviting the European Council to ask the Council and Member States to consider its recommendations.

In addition to Cardiff preparation, the Council also heard a presentation from Commissioner Monti on his proposed Directive on the taxation of savings. The proposal will now be examined in detail at official level.

ECOFIN took note of the Conclusions of the 19 May Telecommunications Council on the report by the Chairman of the Ad-Hoc Group, and invited the commission to bring forward a Communication as soon as possible on the indirect tax treatment of electronic commerce.

External Sales and Exports

Mr. Denzil Davies: To ask the Chancellor of the Exchequer what is his estimate for the latest available year

of the external sales ratio to GDP and the export ratio to GDP of (i) England, (ii) Scotland, (iii) Wales and (iv) Northern Ireland. [45370]

Mrs. Liddell: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to reply.

Letter from John Kidgell to Mr. Denzil Davies, dated 15 June 1998:

In the absence of the Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on external sales and export ratios for England, Wales, Scotland and Northern Ireland.

No figures are available on the contributions to their respective GDPs of sales either between the countries of England, Wales, Scotland and Northern Ireland; or from these individual countries to the rest of the world.

SOCIAL SECURITY

Women's Aid Refuges

Ms Moran: To ask the Secretary of State for Social Security if she will make a statement on the future funding of women's aid refuges. [42763]

Ms Ruddock: To enable the Government to obtain an accurate picture of current provision, including funding arrangements, the Department of the Environment, Transport and the Regions, the Department of Health, the Department of Social Security and the Women's Unit are commissioning a package of research into the accommodation and support services provided to victims of domestic violence.

We are already looking at funding of supported housing with other responsible Departments. This review is charged with finding sustainable, long term arrangements for support services to vulnerable people including deciding the future role of Housing Benefit. We will be looking at refuge funding as part of this work.

Elderly People (Scotland)

Mr. Gorrie: To ask the Secretary of State for Social Security what estimate she has made of the increase in spending on benefits for the elderly in Scotland up to the year 2000. [43815]

Mr. Denham: Information is not available in the format requested. However, it is estimated that Social Security benefit expenditure on the elderly in Scotland has increased by £111 million (3 per cent.) in real terms between 1996–97 and 1997–98 (1997–98 prices). Government spending plans for Great Britain for future years (1999–2000 to 2001–02) will be published after completion of the Comprehensive Spending Review.

Disability Living Allowance

Ms Walley: To ask the Secretary of State for Social Security what estimate she has made of the numbers of people eligible for higher rate disability living allowance whose eligibility in respect of mobility has ceased as a result of the most recent changes. [44029]

Mr. Denham: There have been no recent changes in the conditions of entitlement for Disability Living Allowance. The purpose of the Benefit Integrity Project is to collect up to date information from claimants receiving the higher rate of the mobility component, with either the highest or the middle rate of the care component, to ensure they are receiving their correct entitlement.

As of 31 March, 72,470 Disability Living Allowance (DLA) cases had been examined under the Benefit Integrity Project. This included 14,815 renewal claims following the expiry of a fixed period award. Entitlement to the higher rate of the mobility component ceased in 6,540 cases, including 3,336 renewal claims where the mobility component was not re-awarded.

A copy of the Benefit Integrity Project statistics up to 31 March is in the Library.

Dr. Cable: To ask the Secretary of State for Social Security when reviews take place of eligibility for disability living allowance; and what procedures are followed in order to ensure that consultations take place with the recipient's GP *(a)* before the test of eligibility and *(b)* after the test and before a decision is made. [44145]

Mr. Denham: The administration of Disability Living Allowance is a matter for Mr. Peter Mathison, Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Dr. Vincent Cable, dated 11 June 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking when reviews take place of eligibility for Disability Living Allowance (DLA) and what procedures are followed in order to ensure that consultations take place with the recipient's GP (a) before the test of eligibility and (b) after the test and before a decision is made.

Each claim for DLA is considered very carefully before a decision is made about entitlement to the allowance. Claims are assessed individually and decisions are only made when it is felt that all the necessary evidence is available.

Entitlement to DLA depends on the effects the disability has on the person's life and not on the particular disability or illness itself. It is recognised that the person best able to provide this information is the customer or their representative. It is for independent Adjudication Officers (AOs) to decide if further information is required to enable them to decide on entitlement to DLA and also from where this is obtained.

A customer can request a review if they are dissatisfied with the decision on entitlement to benefit. A review may also be instigated when there is sufficient up to date information to show that there has been a change in a customer's circumstances which may affect eligibility for benefit, or doubt has arisen as to whether the original decision to award benefit was correct.

As you may be aware, the Benefit Integrity Project (BIP) is a programme of reviews by postal enquiry and home visit to seek up to date information about the care and mobility needs of DLA customers receiving the higher rate mobility component with either the middle or highest rate care component.

A customer's General Practitioner will not always be consulted before a person's eligibility for benefit is reviewed. The AO will obtain further information from the most appropriate source, which may be the GP. Alternative sources of information are the customer's carer or an Examining Medical Practitioner (EMP). EMPs have a wide experience of general medicine. They are given specific training in the benefits concerned and in the completion of the detailed forms involved. EMPs gather information for the AOs on the likely care and mobility requirements arising from common disabilities.

Guidance for AOs on the most appropriate sources of further information is provided in the Disability Handbook which is produced in consultation with the Disability Living Allowance

Advisory Board and groups representing disabled people. Guidance is also provided to staff by Medical Advisors who work for the Benefits Agency Medical Services.

I hope that this is helpful.

Dr. Cable: To ask the Secretary of State for Social Security what medical qualifications are required of medical examiners carrying out tests of eligibility for disability living allowance. [44141]

Mr. Denham: The administration of the Benefits Agency Medical Services is a matter for Mr. Peter Mathison, the Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Dr. Vincent Cable, dated 11 June 1998:

The Secretary of State has asked me to reply to your recent Parliamentary Question about what medical qualifications are required of medical examiners carrying out tests of eligibility for Disability Living Allowance (DLA).

It may be helpful if I explain that claims for benefit are decided by independent adjudicating authorities. Neither Ministers nor officials of the Benefits Agency, including examining doctors, can intervene in or alter their decisions. For their part, the adjudicating authorities are bound by the provisions of legislation. For DLA, the adjudicating authorities are the Adjudication Officer (AO), the Disability Appeal Tribunal (DAT), and the Social Security Commissioner.

Therefore medical examiners employed by Benefits Agency Medical Services (BAMS), or who provide their services on a self employed basis, do not decide eligibility for any social security benefit. Rather, they act as a specialist medical disability analyst who provides information to the AO on the customer's ability to perform particular functions associated with work or on the customer's care and mobility needs.

All BAMS' medical examiners are required to hold a full medical degree and must be fully registered medical practitioners.

BAMS also require their doctors to normally have at least three years post registration experience, including one year in general practice and at least six months experience of psychiatry or rehabilitation/occupational medicine. Alternatively BAMS require five years post registration experience as a principal (or equivalent) in general practice. BAMS doctors also receive specific training in relation to the type of work they carry out for the BA Medical Services.

I hope this reply is helpful.

Mr. Burns: To ask the Secretary of State for Social Security what plans she has to raise awareness of disability living allowance and of entitlement to the benefit amongst the public; and if she will make a statement. [45189]

Mr. Denham: Since the introduction of Disability Living Allowance the number of people receiving the benefit has almost doubled, from just over one million in 1992–93 to almost two million in 1997–98, and the expenditure has risen from £2.2 billion to £5 billion at 1997–98 prices. Nevertheless, we are concerned about the recently published provisional estimates of take-up from the disability follow-up to the Family Resources Survey, and this was discussed in the Social Security Select Committee inquiry whose report was published on 13 May 1998. Discussions have already begun with disability organisations to establish the reasons for the apparent low take-up figures, and the new Disability Benefits Forum will provide for on-going debate. A number of positive steps have been taken by the Benefits Agency to raise awareness and the Chief Executive of the Benefits Agency will write to the hon. Member separately about this.

Letter from Peter Mathison to Mr. Simon Burns, dated 11 June 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question, about what plans she has to raise awareness of Disability Living Allowance (DLA) and of entitlement to the benefit amongst the public.

There are two leaflets available, which provide information on the entitlement to benefit. Leaflet DS704 provides general information on DLA and DS706 provides information on DLA for children. Both these leaflets are available from the Disability Benefits Directorate, District Offices, and Intermediary Advisors, for example Welfare Rights Organisations. There are also a core series of BA leaflets which provide more general information on disability benefits. These leaflets are currently under review in order to ensure the material is more accessible to customers, and the first set of products is due to be launched around October 1998.

In addition to the above, the Disability Claim Pack, Charter Standard Statement and all other correspondence or forms issued to customers about DLA can be converted into braille, and the Charter Standard Statement is also available on cassette tape. Information can be provided in large print for those customers with a visual impairment. Customers with hearing or speech difficulties, who have the use of a text phone and require information on DLA can use the Text Phone service which is provided by the Disability Benefits Directorate Customer Care Helpline. Minicom facilities and LOOP systems are also available at the BA's regional Disability Benefit Centre's and the DBU. A video incorporating British Sign language and subtitles, entitled DV3 (Sickness & Disabled), is available, which provides information on DLA and other Sickness Benefits.

The BA is continually seeking to improve the service it offers to its customers in order to ensure that the needs of people with disabilities are met in full.

You may also wish to know that the BA has an Internet site on the World Wide Web. This is available 24 hours a day, seven days a week at WWW.DSS.GOV.UK

I hope you find this reply helpful.

Benefit Integrity Project

Mr. Burstow: To ask the Secretary of State for Social Security, pursuant to her answer of 9 June 1998, *Official Report*, columns *545–46*, concerning the BIP, what timescale the review is working to and when she will report its outcome. [45769]

Mr. Denham: The purpose of the Benefit Integrity Project is to collect up to date information from claimants receiving the higher rate of the mobility component, with either the highest or the middle rate of the care component, to ensure they are receiving their correct entitlement.

We have made substantial progress on a number of initiatives. My noble Friend Baroness Hollis of Heigham will be meeting the Disability Benefits consortium on 29 June to discuss progress to date and consider outstanding issues.

Benefit Payments

Mr. Cousins: To ask the Secretary of State for Social Security how many post offices, and in which locations, are using the magnetic strips benefits payments card service; and how many post offices he estimates will be using this service by 31 March 1999. [45562]

Mr. Field: Presently 204 post offices in the North-East and South-West of England are automated and paying Child Benefit by Payment Card as part of a limited trial. On current plans the trial will be extended by approximately 100 post offices in early 1999.

Mr. Vaz: To ask the Secretary of State for Social Security what steps the Benefits Agency is taking with regard to the computerisation of benefit payments. [45692]

Mr. Field: The Benefits Agency, Post Office Counters Ltd. and ICL Pathway are undertaking the automation of post offices and benefit payments. Order books and Girocheques will be phased out and replaced by a magnetic stripe plastic card to provide a modern, secure and convenient method of paying benefits. This will involve the automation of over 19,000 post offices and the conversion of approximately 20 million Social Security benefit recipients who choose to collect payment at the post office. The project is being implemented under the terms of a PFI contract let to ICL Pathway under the previous administration in 1996.

Mr. Vaz: To ask the Secretary of State for Social Security what discussions have taken place with Girobank with regard to the improvement of efficiency of payments of benefits. [45693]

Mr. Field: This Department is routinely in discussion with Girobank plc on matters relating to the contracts held for the provision of girocheques. These discussions cover only the efficiency of processes, and improvements to the security of the girocheque.

Mr. Vaz: To ask the Secretary of State for Social Security what research her Department has evaluated into the operation of the Anpost scheme. [45694]

Mr. Field: This Department and Post Office Counters Ltd. undertook a feasibility study before inviting tenders for the Private Finance Initiative contract, subsequently let in 1996, to automate post offices and benefit payments. This included an examination of the Anpost system in the Republic of Ireland both before and during the qualitative evaluation of the tenders.

Lone Parents

Mr. Burns: To ask the Secretary of State for Social Security, pursuant to her answer of 7 April 1998, *Official Report*, column *224*, concerning the New Deal for Lone Parents, if she will update her answer to cover the periods *(a)* 1 March to 31 March and *(b)* 1 April to 30 April. [45192]

Mr. Keith Bradley: Information on the operation of the New Deal for Lone Parents is available up to and including 24 April 1998:

As at 31 March:

- 21,334 initial letters have been issued (in addition to this 3,461 lone parents have initiated contact with the personal adviser).
- 6,085 initial interviews have been arranged, and 5,178 lone parents have attended interviews.
- 4,637 lone parents have agreed to participate in the programme following mutual interviews.
- 1,530 lone parents have found jobs following agreement to participate in the programme.

As at 24 April:

- 22,402 initial letters have been issued (this does not include those who have initiated contact with the personal adviser).
- 7,102 initial interviews have been arranged, and 5,832 lone parents have attended interviews.
- 5,235 lone parents have agreed to participate in the programme following initial interviews.
- 1,678 lone parents have found jobs following agreement to participate in the programme.

Vaccine Damage Payments

Mr. Yeo: To ask the Secretary of State for Social Security when she expects to make a decision about changes to the Vaccine Damage Payments Scheme. [45763]

Mr. Denham: An announcement was made on 19 May 1998, *Official Report*, column *358*, that the Vaccine Damage Payment Scheme will be considered as part of the overall review of welfare which includes disability benefits, in consultation with the Department of Health. Also, at the same time it was announced that the intention is to increase the current payment of £30,000 to £40,000, as soon as Parliamentary approval can be obtained.

Written Answers to Questions

Tuesday 16 June 1998

LORD CHANCELLOR'S DEPARTMENT

Junior Barristers

Mr. Peter Bottomley: To ask the Parliamentary Secretary, Lord Chancellor's Department what representations he has received concerning the rights of junior barristers to share the silk's bench in court; and if he will make a statement. [45147]

Mr. Hoon: I have received no representations on this subject. Where different types of authorised advocate sit in court is merely a matter of tradition and courtesy, rather than of law. It would be for the judiciary and for the legal profession, rather than for the Government, to consider whether any change is desirable.

WALES

NHS Trusts

Mr. Wigley: To ask the Secretary of State for Wales if he will make a statement on the powers of the National Assembly for Wales in regard to the restructuring of health trusts in Wales. [45156]

Mr. Ron Davies: Subject to the forthcoming consultation, the present restructuring will be completed when the new trusts assume their full responsibilities on 1 April 1999, prior to the first elections to the National Assembly for Wales. The powers under which trusts are being reconfigured are among those that I propose to transfer to the National Assembly. It will, therefore, be open to the Assembly to make further changes at a later date, if necessary.

School Vandalism

Mr. Hanson: To ask the Secretary of State for Wales what discussions he has had with LEAs about vandalism to school buildings. [45952]

Mr. Hain: Following the issue of the Report of the Working Group on School Security to all local education authorities in June 1996, the Welsh Office has consulted LEAs on a wide range of school security issues resulting in the publication of the following guidance:

Directory of Local Authority Practice on School Security

School Security: Dealing with Troublemakers

Improving Security in School.

Mr. Hanson: To ask the Secretary of State for Wales what steps he is taking to reduce vandalism in schools. [45951]

Mr. Hain: School security measures are a priority category for funding under the New Deal for Schools capital funding initiative. £654,000 was made available for such measures in 1997–98; we are currently evaluating local authorities' bids for 1998–99.

Mr. Hanson: To ask the Secretary of State for Wales what is his estimate of the cost of vandalism to school buildings in the last year for which figures are available. [45950]

Mr. Hain: The information requested is not collected centrally.

Welsh Development Agency

Mr. Barry Jones: To ask the Secretary of State for Wales what steps he has taken to facilitate the co-ordination of the Mid Wales Development and the Welsh Development Agency; and if he will make a statement. [45891]

Mr. Hain: The Government of Wales Bill makes provision for the amalgamation later this year of the Development Board for Rural Wales with the Welsh Development Agency and the Land Authority for Wales, and the appropriate statutory and administrative arrangements are being made to effect this amalgamation.

Mr. Barry Jones: To ask the Secretary of State for Wales what estimate he has made of the consequences for the Welsh Development Agency of the setting up of regional development agencies in England; and if he will make a statement. [45881]

Mr. Hain: The new Regional Development Agencies in England will enable the English regions to deploy expertise and resources to secure improvements in economic and social development, and their establishment is welcomed.

Mr. Barry Jones: To ask the Secretary of State for Wales if he will list the members of the board of the Welsh Development Agency. [45883]

Mr. Hain: The members of the board of the Welsh Development Agency are:

Mr. David Rowe-Beddoe—Chairman

Mr. Robin Lewis OBE—Deputy Chairman

Professor Garel Rhys OBE

Mrs. Rhiannon Chapman

Mr. George Wright MBE

Mrs. Patricia Woodward

Mr. Graham Hawker

Mr. Trefor Glyn Jones OBE DL

Mr. William Legge-Bourke DL

Councillor T. P. Noel Crowley

Mr. Brian Willott CB—Chief Executive.

ATTORNEY-GENERAL

Sierra Leone

Mr. John M. Taylor: To ask the Attorney-General when he was first informed of the Sandline operation in Sierra Leone. [45806]

The Attorney-General: I refer the hon. Member to my written answer to the right hon. Member for Wells (Mr. Heathcoat-Amory) on 20 May 1998, *Official Report*, columns *400–01*. That represented my first involvement with the Sandline case.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Road Accident Rates

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions what evaluation he has made of the accident rates on the *(a)* A69 and *(b)* A66 in each of the last 10 years. [44895]

Ms Glenda Jackson: Accident rates cannot be calculated as traffic data are not readily available. The number of accidents is shown in the following table:

Accidents on the A69 and A66: 1988–1996

Year	*A69*	*A66*
1988	204	249
1989	174	255
1990	189	282
1991	98	233
1992	115	199
1993	84	229
1994	99	227
1995	80	205
1996	115	178
1997	106	175

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions what evaluation he has made of the accident rates on the section of the M6 between junction 44 and the Scottish border in each of the last 10 years. [44841]

Ms Glenda Jackson: Accident rates cannot be calculated as traffic data are not readily available. The number of accidents is shown in the following table:

Accidents on the road (A74) between junction 44 on the M6 and the Scottish border

Year	*Number*
1988	21
1989	15
1990	15
1991	22
1992	14
1993	15
1994	10
1995	19
1996	15
1997	14

Driver Test Centre, Stafford

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions if he will halt the closure of the Driver Test Centre in Stafford. [44976]

Ms Glenda Jackson: The landlord of the premises where the current test centre is located has the normal contractual freedom whether or not to grant the Agency a replacement lease and has refused to accede to the Agency's request to do so in this case.

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions if he will require the Driving Standards Agency to make provision for an alternative test centre in Stafford before closing the existing test centre. [44977]

Ms Glenda Jackson: The Driving Standards Agency is keen to retain a testing presence within Stafford and is searching for suitable accommodation in the town. Since receiving notice from the Ordinance Survey of their intention to end the lease on the premises in Wolverhampton Road, ten properties have been considered but none was suitable. The Agency has been unable to renegotiate a short-term lease for the current centre whilst alternative premises are sought.

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions what factors determined the length of notice the Ordnance Survey gave the Driving Standards Agency of its intention to vacate its premises on Wolverhampton Road, Stafford. [44975]

Ms Glenda Jackson: The Ordnance Survey first notified the Driving Standards Agency of their decision to vacate the offices of Wolverhampton Road, Stafford, in November 1996, in accordance with Government guidelines that require a minimum of 12 months notice to be given. Ordnance Survey no longer need this office, which they vacated on 12 December 1997, and have arranged to terminate their lease on 23 June 1998.

Driver Test Centres (Closure)

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions what guidance his Department has issued to the Driving Standards Agency on the minimum notice period required before closure of a driver test centre. [44974]

Ms Glenda Jackson: No specific guidance has been given to the Driving Standards Agency about periods of notice for test centre closures but, wherever possible, the Agency consults with the driver training industry, local authorities, the local MP and local driving instructors.

Minister for the Environment

Mr. Hawkins: To ask the Secretary of State for the Environment, Transport and the Regions what were the travel arrangements for the Minister for the Environment's visit to the Waste Management Conference in Torbay on 9 June; and what was the cost to public funds. [45431]

Mr. Meacher: I travelled by helicopter; there was no cost to public funds.

Properties (Derbyshire)

Mr. McLoughlin: To ask the Secretary of State for the Environment, Transport and the Regions what statistics his Department collates on the number of properties in the

county of Derbyshire, excluding the city of Derby, in each of the council tax bands A, B, C, D, E, F, G and H; and what are the latest figures. [45537]

Ms Armstrong: The Department collects the following data, for each Council Tax band, from billing authorities each year:

- Total number of dwellings on the valuation list
- Number of Class A to W exempt dwellings on the valuation list
- Number of demolished dwellings and dwellings outside area of authority
- Number of chargeable dwellings
- Number of chargeable dwellings eligible for disabled relief
- Number of dwellings effectively subject to Council Tax for a band by virtue of disabled relief
- Number of chargeable dwellings adjusted in accordance with the above figures for disabled relief
- Number of dwellings entitled to a 25 per cent. discount
- Number of dwellings entitled to a 50 per cent. discount
- Number of other dwellings (assumed to be entitled to no discounts)
- Total equivalent number of dwellings after discounts, exemptions and disabled relief
- Number of Band D equivalents
- Number of Band D equivalents of contributions in lieu of council tax (in respect of Class O dwellings)
- Taxbase for Revenue Support Grant purposes.

I have today placed in the Library of the House tables showing the above information for district councils in Derbyshire, excluding the city of Derby. The data refer to the number of dwellings on the valuation list at 16 October 1997 and the position on exemptions and discounts as at 3 November 1997, which are the reference dates for the calculation of the taxbase for Revenue Support Grant purposes for 1998–99.

West Coast Main Line

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions how many of the fast lines on the West Coast Mainline will be devoted to Virgin Rail Services following the upgrading agreed by the Rail Regulator. [45321]

Ms Glenda Jackson: None. The upgrade proposal initially submitted to the Regulator reserved the fast lines on the WCML south of Rugby for high speed services. The Regulator's decision was that such rights to exclusivity were inappropriate, and this aspect of the proposal has been withdrawn.

Roads (Winter Maintenance)

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions if he will rank each local authority in England in terms of the amount spent on winter road maintenance per mile for *(a)* trunk and *(b)* other roads for the latest year for which figures are available. [45327]

Ms Glenda Jackson: Data on local authority winter road maintenance are collected by the Chartered Institute of Public Finance and Accountancy (CIPFA). The most recent data on spending on winter maintenance on local authority-owned roads by English local highway authorities are for 1995–96. In that year, 84 authorities provided non-zero returns for their spending on winter maintenance. A further 16 authorities returned zero spending on winter maintenance. The remaining 34 authorities did not separate out spending on winter maintenance from other maintenance spending.

Winter maintenance expenditure depends on local weather conditions and will therefore vary widely. It will also vary from year to year, so that a single year's results are of limited utility. Data for 1996–97 will be available later in the year.

Data on the 84 authorities providing non-zero returns are set out in the table. It is derived from data collected and published by CIPFA as Highways and Transportation Statistics 1997, CIS 14.97, November 1997.

Local authority	*Winter maintenance actual expenditure £ per km*
Cornwall	69
Sutton	96
Camden	121
Isle of Wight	173
Somerset	178
Devon	207
Lincolnshire	215
Norfolk	248
Oxfordshire	261
Essex	287
Cambridgeshire	295
Suffolk	300
St. Helens	318
Redbridge	326
Dorset	332
Liverpool	337
Wirral	344
Shropshire	344
Bexley	356
Sefton	360
Warwickshire	364
Wakefield	369
Wigan	374
Cumbria	374
Croydon	376
Cheshire	378
Gloucestershire	382
Havering	388
East Sussex	389
Stockport	396
Solihull	402
Enfield	407
Hampshire	410
West Sussex	415
Hounslow	432
Knowsley	442
North Yorkshire	450
Doncaster	451
Trafford	453
Nottinghamshire	458
Manchester	476
Hammersmith & Fulham	479
Hertfordshire	489
Hereford & Worcester	497
Rotherham	497
Barking & Dagenham	502
Northamptonshire	503
Coventry	506
Staffordshire	509
Kent	529
Bromley	535
Westminster	539
Hackney	546
Bury	547
South Tyneside	549

Local authority	Winter maintenance actual expenditure £ per km
Richmond-upon-Thames	563
Salford	581
Kingston-upon-Thames	588
Rochdale	607
Wiltshire	613
Newham	638
Hillingdon	643
Northumberland	683
Leeds	685
Lancashire	686
Bolton	745
Barnet	761
Dudley	772
Derbyshire	799
Newcastle upon Tyne	803
Wandsworth	804
Bradford	819
Buckinghamshire	822
Kirklees	862
Barnsley	865
Surrey	874
Durham	875
Bedfordshire	902
Harrow	966
Birmingham	1,060
Gateshead	1,075
Calderdale	1,185
Oldham	1,208
Ealing	1,705

In 1995–96, £21.6 million was allocated for winter maintenance on trunk roads by the Highways Agency to its maintenance agents, not all of whom are local authorities.

M5

Mr. Sanders: To ask the Secretary of State for the Environment, Transport and the Regions when he expects work on the M5 around the Avon Bridge to be completed; and if he will make a statement. [45163]

Ms Glenda Jackson: I have asked the Chief Executive of the Highways Agency, Mr. Lawrie Haynes, to write to the hon. Member.

Letter from Lawrie Haynes to Mr. Adrian Sanders, dated 16 June 1998:

The Transport Minister, Glenda Jackson has asked me to reply to your recent Parliamentary Question about the roadworks on the M5 at Avonmouth.

The strengthening of the M5 Avonmouth Bridge to comply with new loading standards, including 40 tonne lorries, will take longer than anticipated to complete due to the bridge being in a much worse condition than expected. Some traffic management will have to remain in place whilst the strengthening is completed. All parties to the contract are working in a partnering arrangement with the aim of completing the strengthening work by the end of the year 2000.

However, the actual widening of the M5 Motorway between Junctions 18 and 19 to dual four lanes, and the associated improvements to the junctions, is expected to be completed in August this year. This will allow more than half of the existing contraflow to be removed.

Great Western Trains

Jackie Ballard: To ask the Secretary of State for the Environment, Transport and the Regions what recent representations he has received about the performance of Great Western trains on the Penzance to Paddington route; and if he will make a statement. [45516]

Ms Glenda Jackson: My Department and the Office of Passenger Rail Franchising have received some 90 representation about the performance of Great Western's train services generally since the beginning of 1998.

Great Western has experienced a number of operational and infrastructure problems in recent months which have resulted in an unacceptable quality of service to passengers. OPRAF monitors performance and has agreed with the company an action plan to address the causes of the problems, involving Railtrack as appropriate. To provide further incentive to improve, a performance regime was introduced on 1 April under which Great Western pays a penalty to the Franchising Director of £250 in the event of a train being 20 minutes late, £500 if 30 minutes late or if it does not operate the full journey, and £1,000 if cancelled altogether. This is the first time that such a performance regime has been applied to an InterCity train operator.

Public Inquiries

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions what provision is available to compensate parties whose legal costs become nugatory when a planning public inquiry has to be recommenced with a new inspector due to the long-term illness of the original planning inspector; and if he will make a statement. [45438]

Mr. Raynsford: There is no provision for reimbursing parties for expenses incurred in participating in a planning inquiry which is not completed due to the illness of the Inspector. The Planning Inspectorate normally agrees to meet the cost of any reasonable additional or wasted expenses where the Inspectorate accepts that it has been at fault. However, the Inspectorate is not prepared to entertain claims relating to circumstances beyond its control.

Green Belt (Worcestershire)

Mr. Michael J. Foster: To ask the Secretary of State for the Environment, Transport and the Regions what was the area of Green Belt in Worcestershire in each of the years 1979 to 1997. [45620]

Mr. Caborn: The current estimate of the size of Worcestershire's Green Belt is 40,400 hectares. It is not possible to estimate the size at earlier dates as, during the period 1979–1997, many small detailed changes took place as part of the preparation and adoption of local plans in the area by the local authorities.

Urban Areas (Green Spaces)

Mr. Love: To ask the Secretary of State for the Environment, Transport and the Regions what action he is taking to safeguard the development of new open space in urban areas following recent guidance relating to housing development on brownfield sites. [45714]

Mr. Raynsford: Our planning policy guidance already recognises the value of urban open space and advises that planning policies should seek to achieve a reasonable

balance between the need to make adequate provision for development and the need to protect open land from development. We will be considering whether we need to strengthen existing guidance in the revising Planning Policy Guidance Note 3 on Housing. In doing this, we will take into account research, which we hope to publish shortly, on the effectiveness of Planning Policy Guidance Note 17 on Sport and Recreation. We are also tightening up planning controls in respect of development of local authority owned playing fields where the English Sports Council advises against the proposals.

Electoral Boundaries (Cumbria)

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received on the Boundary Commission's review of electoral boundaries in Cumbria; and when he will announce his decision on the boundaries. [45690]

Mr. Raynsford: We have received 20 representations on the Local Government Commission's final recommendations on the future electoral arrangements for Cumbria. We are currently considering these representations and intend to announce our preliminary response to the recommendations shortly. At present, it is intended that the new arrangements will be established in time for the 1999 elections.

Channel Tunnel Rail Link

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the guarantees which *(a)* the Government and *(b)* LCR have given to Railtrack for the construction of the Channel Tunnel Rail Link. [45624]

Ms Glenda Jackson: The Government have not given to Railtrack any direct guarantees in relation to the construction of the Channel Tunnel Rail Link. As my right hon. Friend the Deputy Prime Minister explained in his statement to the House on 3 June 1998, *Official Report*, columns 367–70, the Government have agreed to assist the capacity of Eurostar (UK) Ltd. to meet its commitments, including to Railtrack; this support is forecast to amount to not more than £140 million, none of which would fall due before 2010, and which would be more than offset by the Government's 35 per cent. share in LCR pretax cashflow after 2020.

LCR has agreed to give Railtrack an exclusive option to commit to purchase the second phase of construction provided that option is exercised no later than 1 July 2003.

Eurostar

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions how much of Eurostar's management company will be controlled by French and Belgian railways; and what percentage shareholdings they currently have in the Eurostar trilateral partnership. [45627]

Ms Glenda Jackson: The SNCF and SNCB initial shareholding in the Eurostar management company is proposed to be 35 per cent. and 15 per cent. respectively. This will reduce to 21.7 per cent. and 8.7 per cent. respectively if British Airways exercise an option to increase its shareholding. The Eurostar trilateral partnership has no formal shareholding structure. Each company is responsible for operations and physical assets within its own territory.

Mr. Jenkins: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the Government's recent decision to write off the cost of Eurostar sleeper trains. [45533]

Ms Glenda Jackson: The rolling stock for this service was ordered from Metro Cammel in 1992 by European Night Services Ltd. (ENS) using a lease purchase facility. ENS is a joint venture company owned by Eurostar (UK) Ltd. along with the national railways of France, Germany and Holland. The liabilities of Eurostar (UK) Ltd. under the lease purchase facility were the subject of a Government Guarantee agreed by the previous Government which was notified to Parliament in 1996. Following the decision by ENS not to run night services, the lease on the partially built rolling stock was terminated. Eurostar (UK) Ltd. were unable to meet their portion of the termination of the termination costs so in order to avoid the collapse of the CTRL project, the Government consented to call on their Guarantee being made. The Government made payments to the lessors totalling £109,477,725.33 inc. VAT on 1 June 1998 but have arranged a provision so that there would be an opportunity of a return to the taxpayer in the event that the rolling stock were sold on by the manufacturer.

Ministerial Travel

Mr. Pickles: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the modes of transport the Minister of the Environment used in his official capacity on 9 June, specifying the amount of time spent and distance travelled in each mode. [45747]

Mr. Meacher: I travelled to and from my engagements on 9 June by whatever means were most convenient to enable me to conduct Government business most efficiently. (This included walking, car, bicycle and helicopter).

Trans-urban Heavy Rail Scheme

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the Government's policy on the role of trans-urban heavy rail schemes in an integrated transport strategy. [45523]

Ms Glenda Jackson: We will shortly publish a White Paper which will deliver our commitment to introduce an integrated transport policy. Meanwhile, last November we approved the Franchising Director's interim planning criteria, which provide a framework for developing and implementing worthwhile rail investment.

Accidents (Colchester)

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions what evaluation he has made of the accident rates in Colchester High Street in each of the last 10 years. [45547]

Ms Glenda Jackson: Records of personal injury accidents are kept by Essex County Council and their agents Colchester Borough Council as highway authorities for local roads in Colchester. Evaluation of these accidents is for these authorities.

However, I am able to tell the hon. Member that the accidents in Colchester High Street since 1984 were as follows:

Colchester High Street—Accident Summary

Before works	*Fatal*	*Serious*	*Slight*	*Total*
1 January 1984–31 December 1984	0	4	15	19
1 January 1985–31 December 1985	0	3	8	11
1 January 1986–31 December 1986	1	0	9	10
1 January 1987–31 December 1987	0	4	9	13
1 January 1988–31 December 1988	0	6	9	15
1 January 1989–31 December 1989	0	3	7	10
1 January 1990–31 December 1990	0	2	9	11
1 January 1991–31 December 1991	0	2	13	15
1 January 1992–31 December 1992	0	3	6	9
1 January 1993–31 December 1993	0	3	6	9
Total	1	27	91	119

Note:
Annual average = 11.9

Experimental works started in early February 1994

After works	*Fatal*	*Serious*	*Slight*	*Total*
24 April 1994–23 April 1995	0	0	7	7
24 April 1995–23 April 1996	0	1	4	5
24 April 1996–23 April 1997	0	1	6	7
24 April 1997–31 March 1998	0	3	3	6
Total	0	5	20	25

Note:
Annual average = 6.38

Traffic calming and other measures in the High Street were commenced in February 1994. The annual accident rate since then has reduced by 46 per cent.

Private Tenancies (Licensing Schemes)

Mr. Wilkinson: To ask the Secretary of State for the Environment, Transport and the Regions what proposals he has received from the Association of Residential Letting Agents for a national private housing tenancy licensing scheme; and what response he gave to them. [45435]

Mr. Raynsford: I met the Chairman of the Association of Residential Letting Agents on 8 December 1997 to discuss their proposals for compulsory registration of all landlords and their properties in the private rented sector. I confirmed in my letter to him of 3 February that the Government are not persuaded that this would be either feasible or desirable because of the huge burden it would place on local authorities and the risk of discouraging sideline landlords from letting property. However, I reaffirmed our commitment to develop proposals for licensing Houses in Multiple Occupation where the risks to health and safety tend to be the greatest.

Private Hire Vehicles (Disabled People)

Mr. Woolas: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received on the operation of section 35 of the Disability Discrimination Act 1995 with particular reference to problems faced by blind people with guide dogs in obtaining access to private hire taxis. [45550]

Ms Glenda Jackson: None. Section 37 of the Disability Discrimination Act will require drivers of licensed taxis to carry passengers and their guide or hearing dogs and to do so without additional charge. The taxi provisions of the Act do not apply to private hire vehicles.

Section 37 will be brought into force after we have consulted on procedures for medical exemptions later this year.

Biodiversity

Ms Rosie Winterton: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the outcome of the conference of the Parties to the Biodiversity Convention Meeting in Bratislava. [46420]

Mr. Meacher: The Fourth Meeting of the Conference of Parties to the Convention on Biological Diversity was held in Bratislava from 4 to 15 May. The United Kingdom led active participation by the European Union, which helped ensure that many of our objectives for this meeting, as agreed at the March Environment Council, were achieved.

A range of further work was agreed on measures to safeguard biodiversity in inland water, forest, agriculture, and coastal and marine ecosystems. Arrangements were agreed for the conclusion of the negotiation of a Biosafety Protocol to the Convention by early next year, and to hold an inter-sessional working group to consider further the implementation of the Convention's provisions on traditional knowledge. The meeting commissioned further work to analyse the first round of national reports from Parties, and the preparation of guidance on the nature and timing of the next round. Attention will also be given inter-sessionally to access to genetic resources and benefit-sharing.

The UK laid particular emphasis on the need to improve the operations of the Convention and the Conference of the Parties, and while some progress was made on this in Bratislava, further consideration will take place at an inter-sessional meeting next year. The UK will continue to press for improvements in the efficiency and effectiveness of the Convention's operations, in order to maximise delivery of the Convention's objectives.

Cyclists (Injuries)

Mr. Ainger: To ask the Secretary of State for the Environment, Transport and the Regions how many cyclists suffered minor injuries on roads in the United Kingdom in each of the last five years. [45798]

Ms Glenda Jackson: The information requested is shown in the following table.

Slight cyclist casualties: UK 1993–97

Year	*Total*
1993	20,495
1994	21,056
1995	21,260
1996	21,049
1997	21,274

Rail Services (Matlock to Buxton)

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions what plans have been put to his Department for the re-establishment of passenger rail services from Matlock to Buxton; and if he will make a statement. [45349]

Ms Glenda Jackson *[holding answer 15 June 1998]:* We are aware of the proposal to re-establish passenger rail services from Matlock to Buxton as part of a wider strategy for the area. Any decision to re-establish services will be a matter for the promoters of the scheme, together with Railtrack, the local authorities and the relevant train operating companies.

Environmental Impact Assessment Directive

Mr. Dafis: To ask the Secretary of State for the Environment, Transport and the Regions if he will place in the Library copies of the correspondence his Department has received in the last six months concerning the implementation of the Environmental Impact Assessment Directive as it affects the offshore oil and gas industry. [46009]

Mr. Raynsford: Implementation of the Environmental Impact Assessment Directive (85/337/EEC) as it applies to the offshore oil and gas industry is a matter for my right hon. Friend the President of the Board of Trade. However, my Department has taken the lead in the initial public consultation on the implementation generally of the amended EIA Directive (97/11/EC) which must be done by 14 March 1999, and I refer the hon. Member to the answer my hon. Friend, the Minister for the Regions, Regeneration and Planning, gave on 12 May 1998, *Official Report,* column *66.*

Public Toilets

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the number of public toilets per 10,000 population in each local authority in England. [46083]

Mr. Raynsford: None. The Audit Commission, however, publish annually the number of public conveniences provided by each authority. Their latest report "Local Authority Performance Indicators 96–97" is available in the House of Commons Library.

Taxi Vouchers

Mr. Wyatt: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the role of taxi vouchers, pursuant to the recently announced Rural Transport initiative. [45640]

Ms Glenda Jackson *[holding answer 15 June 1998]:* The main aim of the new finance for rural transport, announced in the Budget, is to promote additional services; it is not available for concessionary fares, including taxi vouchers. Concessionary fare schemes remain a matter for individual local authorities, who will doubtless wish to consider whether taxi vouchers could provide useful flexibility in rural areas.

Transport White Paper

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what reasons underlie the delays in publishing the White Paper on Transport; and on what date it will be published. [46216]

Ms Glenda Jackson: My right hon. Friend the Deputy Prime Minister has said that the White Paper will be published soon after the Comprehensive Spending Review. On the day of publication, a statement will be made to the House in the normal way.

Rail Infrastructure

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what is his policy in respect of the direct use of public funds for construction of new rail infrastructure. [46144]

Ms Glenda Jackson: Resources are available from a number of budgets within the Department. Schemes are considered on their own merits in terms of the value for money that they provide.

Cars (London)

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions what schemes are being evaluated by his Department to reduce private car use in London; and if he will make a statement. [45568]

Ms Glenda Jackson: We have said that we wish to see fewer private cars in cities, with more people walking, cycling and using public transport. Our proposals for achieving these aims will be published in the Integrated Transport White Paper. The responsibility for implementing them in London will rest with the new Greater London Authority.

We have of course already made additional money available to London Transport over two years to improve the Underground. We have issued revised Traffic Management and Parking Guidance with greater emphasis on measures to assist buses, cyclists, and pedestrians in London, and we are working with the boroughs and transport operators on a number of initiatives to open up a wider set of transport choices for all and reduce dependency on the car, over the next two years.

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions how many car parking places have been approved in developments in inner London in the past year; and what data his Department has collated on previous years. [45567]

Mr. Caborn: My Department does not hold this information.

Mr. Corbyn: To ask the Secretary of State for the Environment, Transport and the Regions how many developments in London *(a)* he has called in and *(b)* have been referred to him due to the number of car parking spaces that are included in them. [45569]

Mr. Caborn: In the last twelve months, four planning applications in London have been called in where the Secretary of State has indicated that parking is one of the issues about which he specifically wishes to be informed in reaching his decision. No planning applications have been referred to him solely because of the number of car parking spaces provide.

Sewerage

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the extent to which the draft water industry specifications for plastic sewage pipes are in line with Part H of the Building Regulations covering household drainage. [45207]

Mr. Raynsford: Only one draft water industry specification for plastic sewage pipes is currently under development and this is for thermoplastic structured pipes for the construction of gravity sewers. These pipes are larger than those generally used in household drainage. The guidance in the Approved Document to Part H of the Building Regulations lists pipe materials and the relevant British Standards, but does not specifically address the type of pipe in the water industry specification.

However, the references in Approved Documents are not exclusive and other materials or products may be suitable in the particular circumstance. Given this, pipes and fittings which comply with the draft water industry specification for plastic sewage pipes should be acceptable for use in drainage systems which need to meet the requirements of Part H of the Building Regulations.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions when Part H of the Building Regulations will be reviewed. [45208]

Mr. Raynsford: The need to review the Approved Document to Part H of the Building Regulations was discussed by the Building Regulations Advisory Committee on 19 February 1998. It was decided to consider what would be addressed in the review at the Committee's meeting in October 1998 when the outcome of some supporting research should be available. The review of the Approved Document should commence shortly afterwards.

TREASURY

General Government Expenditure

Mr. Tyrie: To ask the Chancellor of the Exchequer what was the amount in billions of pounds at 1997–98 prices accounted for by General Government Expenditure on Services from 1979–80 to 1997–98, broken down by the current classification of sponsor department. [45425]

Mr. Darling: A series for General Government Expenditure on Services from 1982–83 to 1997–98, broken down by function and presented in 1996–97 prices, is published in Table 3.3 of *Public Expenditure: Statistical Analyses 1998–99* (Cm 3901). Equivalent figures for the period 1978–79 to 1981–82 are presented in the following table. The footnotes are identical to those of Table 3.3.

The figures are presented in 1996–97 prices since GDP outturn for 1997–98 is not yet available. An indication of how these figures would look in 1997–98 prices can be obtained by inflating them using the forecast GDP deflator for 1997–98 of $2\frac{3}{4}$ per cent. as published in Table B1 of the *Financial Statement and Budget Report*, March 1998 (HC 620).

A similar series for this period broken down by present sponsoring departments is not available.

General Government Expenditure by function in real terms—1978–79 to 1981–82

£ billion

	1978–79 outturn	*1979–80 outturn*	*1980–81 outturn*	*1981–82 outturn*
Defence	23.4	24.8	25.6	26.1
International development assistance and other international services	3.3	3.2	3.0	3.0
Agriculture, fisheries, food and forestry	3.2	3.4	3.7	3.4
Trade, industry, energy, employment and training	12.8	11.1	10.8	12.9
Transport	9.2	9.6	9.6	9.7
Housing	13.9	14.7	12.6	8.5
Other environmental services	8.2	8.6	8.5	8.0
Law, order and protective services	7.9	8.6	8.9	9.5
Education[1]	28.1	27.8	28.6	28.4
Memo: Education excluding the sale of student loans portfolio	*28.1*	*27.8*	*28.6*	*28.4*
Culture, media and sport	2.2	2.2	2.3	2.4
Health and personal social services[1]	28.1	28.9	31.2	31.9
of which: Health[1]	*23.8*	*24.4*	*26.4*	*27.1*
Social security	52.2	52.8	53.9	59.9
Central administration and associated expenditure[2]	8.5	8.4	6.7	6.7
Total expenditure on services	201.1	204.1	205.2	210.1
General Government net debt interest	13.6	15.9	16.3	17.5
Other accounting adjustments[3]	6.8	9.2	11.8	8.6
Allowance for shortfall[4]	—	—	—	—
General Government expenditure (X)	221.5	229.2	233.4	236.2
General Government interest and dividend receipts	9.2	9.0	9.1	9.6
National Lottery Privatisation proceeds	0.0	−1.0	−0.5	−1.0
General Government expenditure	230.7	237.2	242.0	244.8

Working Families Tax Credit

Mr. MacShane: To ask the Chancellor of the Exchequer what would be the full year cost of giving two-parent families an additional working families tax credit of £48.80; and if he will publish a table which shows what, if that were done, would be the equivalised net income of a single-earner married couple with two children aged four and six years as a percentage of a single adult's net income if in each case the gross pre-tax income was (i) £150, (ii) £200, (iii) £250, (iv) £300, (v) £350 and (vi) £400 respectively. [44512]

Dawn Primarolo *[holding answer 8 June 1998]:* It is estimated that the additional cost of giving two-parent families an additional credit of £48.80 within the WFTC is around £3 billion (1998–99 prices).

The following table shows the net income (after income tax, including WFTC, NICs and child benefit), and equivalised net income, of a single earner married couple with two young children, at different levels of gross income, with an additional £48.80 of basic WFTC.

Single earner married couple (2 children aged 4 and 6)

Gross income	*Net income (after taxes and benefits)*	*Equivalised net income*
150	269.88	194.16
200	285.14	205.14
250	300.22	215.98
300	315.29	226.83
350	330.37	237.67
400	345.44	248.52

For comparison, the following table shows the net income of a single person.

Single person, no children

Gross income	*Net income (after taxes and benefits)*	*Equivalised net income*
150	127.53	209.07
200	161.44	264.65
250	194.94	319.57
300	228.44	374.48
350	261.94	429.40
400	295.44	484.32

Equivalised net income of a single earner married couple with two children, as a percentage of a single adult's net equivalised income, is as shown:

Gross income	*Percentage*
150	92
200	78
250	68
300	61
350	55
400	51

The figures include the effect of Budget measures taking effect in 1999–2000, although at 1998–99 levels of tax and benefits.

The data assume that the earner in the household is working over 30 hours a week for Working Families Tax Credit purposes; that earnings are from employment; and that there are no other sources of income.

The standard McClements scales have been used to determine equivalised income. This is the same process that is used in the DSS's Households Below Average Income publication.

At some levels of earnings, this family may also be entitled to housing benefit and council tax benefit. However, as this will depend upon the composition of the housing costs (between mortgage payments, council tax, and rent) housing benefit and council tax benefit have been left out of these figures.

National Debt

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will make a statement on the degree to which the present debt to national income ratio is consistent with his fiscal rules. [45491]

Mr. Darling *[holding answer 15 June 1998]:* I refer the hon. Member to the Statement that my right hon. Friend the Chancellor of the Exchequer made in the House on 11 June 1998, *Official Report*, columns 1195–201.

Contingent Liabilities

Mr. Gibb: To ask the Chancellor of the Exchequer if he will list the actual and contingent liabilities of the Consolidated Fund on *(a)* 31 March and *(b)* 30 April, excluding cases (i) involving £100,000 or less and (ii) arising in the normal course of a department's business. [45180]

Mr. Darling *[holding answer 11 June 1998]:* Amounts outstanding for individual actual and contingent liabilities as at 31 March 1997 (the latest figures available) were published in Table B15 of the Supplementary Statements to the Consolidated Fund and National Loans Fund Accounts for 1996–97 (House of Commons Paper No. 378 of 1996–97). This statement excludes *(a)* cases involving £100,000 or less; *(b)* cases arising in the normal course of departments' business; and *(c)* a small number of other cases, of which details have been supplied to the National Audit Office, where there are considerations of national security, or commercial confidentiality, or where public knowledge of a guarantee could prompt claims from third parties.

The figures for actual and contingent liabilities are collected only for one date each year—31 March, which is the end of the financial year. As usual, details of the amounts outstanding as at 31 March 1998 will be published in the Supplementary Statements to the Consolidated Fund and the National Loans Fund Accounts for 1997–98 which will be laid before the House in mid to late December 1998.

Mr. Gibb: To ask the Chancellor of the Exchequer if he will list contingent liabilities accepted by the Government since 1 May 1997. [45179]

Mr. Darling *[holding answer 11 June 1998]:* Details of the amounts outstanding as at 31 March 1998 will be published in the usual way in the Supplementary

Statements to the Consolidated Fund and National Loans Fund Accounts for 1997–98 which will be laid before the House in mid to late December 1998.

Economic and Monetary Union

Mr. Bradshaw: To ask the Chancellor of the Exchequer when he last met his European Union counterparts to discuss the political implications of Economic and Monetary Union. [44548]

Mrs. Liddell: The Chancellor of the Exchequer meets his counterparts on a regular basis to discuss a range of matters relating to Economic and Monetary Union. The last meeting of the Council of Economic and Finance Ministers was on 5 June 1998.

Low Pay

Mr. Jenkins: To ask the Chancellor of the Exchequer if he will estimate how many *(a)* men and *(b)* women working (i) part-time and (ii) full-time in (1) Tamworth and (2) Staffordshire earn less than (x) £3 per hour, (y) £3.60 per hour and (z) £4 per hour; and, in each case, what is the percentage of the total number employed. [45534]

Mrs. Liddell: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to reply.

Letter from John Kidgell to Mr. Brian Jenkins, dated June 1998:

In the absence of the Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on earnings in Tamworth and Staffordshire.

I can give estimates of the percentage of employees in Tamworth and Staffordshire earning less than the hourly rates you mention, but not the number.

The latest information, from the New Earnings Survey 1997, is contained in the attached table.

Employees on adult rates, whose pay for the survey pay-period was unaffected by absence—New Earnings Survey—April 1997

	Percentage of employees with hourly earnings (excluding overtime) less than:		
	£3.00	*£3.60*	*£4.00*
Tamworth[1]			
Full-time men	0.0	3.1	6.2
Part-time men	:—	:—	:—
Full-time women	0.0	0.0	9.6
Part-time women	5.7	34.3	45.7
All employees	1.1	7.9	15.3
Staffordshire			
Full-time men	0.8	2.7	5.2
Part-time men	4.2	29.2	41.7
Full-time women	2.7	9.0	14.9
Part-time women	5.4	21.9	35.9
All employees	2.3	8.9	14.8

[1] Parliamentary constituency
: Estimate which is unavailable because the sample size is too small

Debt Recovery

Mr. Bob Russell: To ask the Chancellor of the Exchequer what proposals he has to regulate the activities of those engaged in debt recovery. [44440]

Mr. Nigel Griffiths: I have been asked to reply.

The Consumer Credit Act 1974 regulates the activities of those engaged in debt collection by requiring them to hold consumer credit licences. The Director General of Fair Trading, who is responsible for enforcement, has taken vigorous action against holders of consumer credit licences who misbehave, including revoking their licences.

The activities of bailiffs are governed by the County Court Rules, including the County Courts Act 1984. These are the responsibility of the Lord Chancellor's Department.

SCOTLAND

Skye Bridge

Mr. Charles Kennedy: To ask the Secretary of State for Scotland what is the status of Crown Production 16 in respect of the right to collect the Skye bridge tolls on the part of the second concessionaire, Miller Civil Engineering; and if he will make a statement. [43194]

Mr. Dewar *[holding answer 10 June 1998]:* The hon. Member's description of Miller Civil Engineering Ltd. as the second concessionaire is incorrect in terms of the relevant statutory provisions in the New Roads and Street Works Act 1991 and the contractual arrangements relating to the procurement of the bridge. There is only one concessionaire, namely Skye Bridge Ltd., formerly known as Skye Bridge Tolls Ltd. The then Secretary of State assigned to Skye Bridge Tolls Ltd. his right to charge and collect tolls on Skye Bridge in accordance with section 28 of the New Roads and Street Works Act 1991 and the relevant toll order. Miller Civil Engineering Ltd. are not a concessionaire since they have not been assigned the Secretary of State's rights to charge and collect tolls.

I understand Crown Production 16 to be a document produced in the context of criminal proceedings in Dingwall Sheriff Court. The production is part of the Memorandum of Agreement made among the then Secretary of State for Scotland, Skye Bridge Tolls Ltd., The Miller Group Ltd., Miller Civil Engineering Ltd., Dyckerhoff & Widmann AG and Miller-Dywidag Joint Venture in relation to documents identified in Appendix 1 to that Memorandum. The documents include the Operation and Maintenance Agreement, in terms of which Skye Bridge Tolls Ltd., the concessionaire, entered into arrangements with Miller-Dywidag Joint Venture relating to the operation and maintenance of the bridge by Miller & Dywidag in joint venture including the collection of tolls on behalf of Skye Bridge Tolls Ltd. The Memorandum represents the then Secretary of State's written consent to those arrangements. This is set out in the Answers which I have lodged as an interested party in response to the Petition by Robbie the Pict seeking to interdict Miller Civil Engineering Ltd. from collecting tolls from him in respect of his use of Skye Bridge. That matter is currently before the Court of Session.

Reviews

Mr. Allan: To ask the Secretary of State for Scotland if he will list, for each of the last four years, the departmental inquiries and reviews instigated by Ministers

which have been chaired by individuals outside his Department; and in each case if he will give the date of establishment and the name of the chairman. [44363]

Mr. Dewar *[holding answer 11 June 1998]:* The information is set out in the table:

Committee/Review	*Date established*	*Chairman/Review Body*
Review of Food Related Scientific Services in Scotland	May 1998	Professor Morag C. Timbury
Advisory Committee on the Co-ordination and Provision of Education for Severe Low Incidence Disabilities	April 1998	Professor Sheila Riddell
The Beattie Committee—review improvement of skills and employability for young people with special needs	April 1998	Mr. Robert Beattie MBE
Expert Panel on Sex Offending	March 1998	Lady Cosgrove
Review of GPs Out of House Service	March 1998	Mrs. Deirdre Hutton
Waiting List Support Force	March 1998	Mr. Tom Divers
Commission on Local Government and the Scottish Parliament	January 1998	Mr. Neil McIntosh CBE
Investigation into Complaints by Members of Parliament against the Scottish Ambulance Service	December 1997	Mr. Owen Clarke
Bovine Spongiform Encephalopathy Inquiry (appointed by MAFF)	December 1997	Lord Justice Phillips
National Review of Resource Allocation	December 1997	Professor Sir John Arbuthnott
Review of aspects of Gaelic Broadcasting	December 1997	Mr. Neil Fraser
Inquiry into Diesel Spill at Burncrooks Water Treatment Works	December 1997	Mr. Robert Fraser OBE
Review of an Eye Transplantation/CJD incident in 1997	November 1997	Sir William Stewart FRS
Mental Welfare Commission Investigation into the Care and Treatment received by Philip McFadden	October 1997	Dr. J. A. T. Dyer
Time Intervals Working Group—To consider improvements in the workings of the children's hearings system	July 1997	Mrs. Sally Kuenssberg
Report on Dispute between Argyll and Bute Council and West Dunbartonshire Council over Disaggregated 1995–96 Notional Budget following Local Government Reorganisation	February 1997	Mr. Sam Craig
Sports Ambassadors Scheme	January 1997	Mr. David Sole
The Pennington Group—report on the circumstances leading to the 1996 outbreak of infection with E.coli 0157 in Central Scotland, the implications of food safety and the lessons to be learned	November 1996	Professor Hugh Pennington
Children's Safeguard Review	July 1996	Mr. Roger Kent
National Committee of Inquiry into Further Education (Jointly appointed by DfEE, WO, NIO and SO)	May 1996	Lord Dearing
The Public Inquiry into the Shootings at Dunblane Primary School on 12 March 1996 (Tribunal of Inquiry)	March 1996	Lord Cullen
Task Force on Underachievement in Scottish Schools	March 1996	Mr. Hamish Robertson CB MBE
Inquiry into the Appointment of Chief Officers in North Lanarkshire Council	December 1995	Mr. D. I. K. MacLeod WS
Study of the Development of the Film and Television Industry in Scotland	November 1995	Hydra Associates
Study of Film Finance in Scotland	November 1995	Hydra Associates
Scottish Salmon Strategy Task Force	November 1995	Lord Nickson
Inquiry into the Appointment Practices of Monklands District Council	July 1995	Mr. W. A. Nimmo Smith QC
External Review of State Hospital Inquiry Report into Incident in December 1994 involving patient at the State Hospital	May 1995	Dr. Rosemary Cope
Scottish Avalanche Information System Review	May 1995	Mr. Andrew T. F. Gibb

Prisoners (Television)

Mr. Maclean: To ask the Secretary of State for Scotland, pursuant to his answer to the hon. Member for Motherwell and Wishaw (Mr. Roy) of 2 June 1998, *Official Report*, column *196*, what was the basis of his calculation that a prisoner paying £1 per week covered the costs of an in-cell television set. [45721]

Mr. McLeish: The sum of around £1.00 per week was arrived at by dividing the likely cost of installing a television in a prisoner's cell by the period of 3 years over which that cost is to be recovered. The cost of installing a television, including purchase, warranty, electrical health and safety checking, and installation, is estimated to be around £150.00. Over 3 years, this gives a figure of around £1.00 per week.

Scottish Parliament

Mr. Dalyell: To ask the Secretary of State for Scotland if he will place in the Library the communications from Langdon's, cost consultants, on the costs of a Scottish Parliament. [46027]

Mr. McLeish *[holding answer 15 June 1998]:* Davis Langdon Everest have been retained by the Scottish Office as cost consultants for the Scottish Parliament Building. Their current advice relates to the estimated construction costs of the different design approaches to the building and is commercially confidential since the construction of the preferred design for the building will in due course be the subject of a competitive tendering exercise. In these circumstances, it would be inappropriate to make details of that advice available in the Library.

Mr. Swinney: To ask the Secretary of State for Scotland (1) what representations he has received regarding the extent of the powers of the Scottish Parliament to give policy and direction to National Lottery distributors in Scotland; [45842]

(2) what consultation he is undertaking in relation to the scope the Scottish Parliament will have to set policy and direction for National Lottery distributors in Scotland; [45981]

(3) to which National Lottery distributors in Scotland the Scottish Parliament will have powers to give policy and financial direction. [45982]

Mr. Galbraith: The Scottish Office has received one representation on this subject, which was also discussed during the Committee Stage of the National Lottery Bill in the House of Lords. The powers of my right hon. Friend the Secretary of State for Scotland in respect of the Scottish Arts Council and the Scottish Sports Council will transfer to Scottish Ministers on devolution. The Government also recognise that the Scottish Executive will have a strong interest in the activities in Scotland of the National Lottery Charities Board, the National Heritage Memorial Fund and the New Opportunities Fund, and intend to provide mechanisms for the Scottish Executive to exercise appropriate powers of direction over these bodies' activities in Scotland. These proposals were set out in a letter of 4 March from Lord McIntosh of Haringey to Lord Fraser of Carmyllie, of which I am sending a copy to the hon. Member. Detailed implementation of the proposals is under discussion: they will be put in place by subordinate legislation to be made under the Scotland Bill.

Local Government Finance

Ms Osborne: To ask the Secretary of State for Scotland if he intends to cap any Scottish local authorities this year. [46453]

Mr. Dewar: No. All Scottish local authorities have set budgets for 1998–99 at or below the expenditure limits implied by the provisional capping principles which I announced on 3 December 1997, *Official Report*, columns *215–18*, as part of the 1998–99 local government finance settlement.

Tuition Fees

Mr. Swinney: To ask the Secretary of State for Scotland what are the expected administrative costs of introducing tuition fees in Scotland in 1998–99. [45860]

Mr. Wilson: The Student Awards Agency for Scotland will be responsible for assessing applications for assistance towards the cost of tuition from Scottish domiciled students. The work is analogous to the Agency's existing functions and we do not expect the administrative costs to be materially different.

Any costs incurred by the educational institutions in relation to the collection of students' own contributions to tuition costs is a matter for the institutions themselves.

Mr. Swinney: To ask the Secretary of State for Scotland what the expected savings are to his Department arising from *(a)* the abolition of maintenance grants and *(b)* the introduction of tuition fees; and what is the expected additional expenditure from the Scottish Office to finance student loans in each of the financial years 1998–99 to 2003–04. [45841]

Mr. Wilson: In financial year 1998–99, the overall effect of the changes will be broadly neutral in expenditure terms. Estimates for future years will depend on a number of factors and have yet to be finalised, but in the longer term we expect the changes to raise about £140 million in Scotland.

EDUCATION AND EMPLOYMENT

Hereford and Worcester Education Authority

Mr. Michael J. Foster: To ask the Secretary of State for Education and Employment if he will make a statement on the additional funding made available to Hereford and Worcester local education authority in 1997–98 and to Worcestershire local education authority in 1998–99. [43730]

Mr. Byers: The following table shows the funding provided to Hereford and Worcester under the original Grants for Education Support and Training Programme (GEST) for 1997–98, its Education Standard Spending Assessment (SSA) for 1997–98 (after adjusting for the abolition of the nursery voucher scheme), and Supplementary Credit Approvals (SCAs) awarded for 1997–98. It also shows the additional funds subsequently made available under phase one of the New Deal for Schools (NDS1), and under the "Books for Schools" initiative. The table shows the corresponding allocations made so far for 1998–99 to Herefordshire and to Worcestershire, the Standards Fund having replaced GEST.

Hereford and Worcester, 1997–98	*£ million*
SSA	234.810
Supplementary credit approvals	1.375
Original GEST allocation	3.947
NDS1 capital allocation	0.734
"Books for Schools"	0.360

Note:
Standard Spending Assessment adjusted to reflect abolition of nursery vouchers

£ million

1998–99 Allocations	*Worcestershire*	*Herefordshire*	*Total*
SSA	187.843	57.159	245.002
SCAs	—	—	—
Standards Fund	3.796	1.644	5.440
NDS2 Capital allocation	1.260	0.282	1.542

Note:
Standards Fund and GEST figures include both the LEA and central government grant contributions

Further Education

Mr. Colvin: To ask the Secretary of State for Education and Employment how many further education colleges currently use franchising arrangements to secure increased student numbers. [44694]

Dr. Howells: It is estimated that, in the 1997–98 teaching year, 292 out of 444 further education colleges are delivering some of their provision through franchising arrangements.

Mr. Colvin: To ask the Secretary of State for Education and Employment what is the current average class size in further education colleges. [44690]

Dr. Howells: Data on this are not collected on a systematic basis by the Department. Information from the Further Education Funding Council Inspectorate suggests that the average number of students on the class register in FE colleges in England in 1996–97 was 14.

Mr. Colvin: To ask the Secretary of State for Education and Employment what is his estimate of the increase in the number of further education students by the year 2002. [44691]

Dr. Howells: Such an estimate cannot be made until the completion of the Comprehensive Spending Review.

Mr. Colvin: To ask the Secretary of State for Education and Employment what has been the national increase over the years 1993–94 to 1997–98 in numbers and percentage terms of further education *(a)* full-time students, *(b)* part-time students, *(c)* full-time lecturers, *(d)* fractional lecturers and *(e)* part-time lecturers. [44692]

Dr. Howells: The information is not available in respect of all the years mentioned. Figures for 1993–94 are not comparable. For students the figures (on a "whole year" basis) are available only up to 1996–97.

Increase in students 1994–95 to 1995–96 and 1994–95 to 1996–97

	Full-time		*Part-time*	
Increase	*1995–96*	*1996–97*	*1995–96*	*1996–97*
Numbers	+111,600	+156,000	+352,300	+698,900
Percentage	+12.6	+17.6	+16.4	+32.5

For lecturers figures are available only up to 1995–96.

Increase in lecturers 1994–95 to 1995–96

Increase	*Full-time lecturers*	*Part-time lecturers*
Numbers	−1,000	+8,300
Percentage	−1.9	+10.7

[1] Includes fractional lecturers

Mr. Colvin: To ask the Secretary of State for Education and Employment when he will publish his response to the Education and Employment Committee's Sixth report of session 1997–98 on Further Education (HC 264). [44794]

Dr. Howells: The Government will respond to this report within two months of its publication.

Mr. Chaytor: To ask the Secretary of State for Education and Employment how many colleges have been subject to financial clawback by the Further Education Funding Council as a result of inaccuracies in their individual student record systems during each of the last three years. [45048]

Dr. Howells *[holding answer 11 June 1998]:* The information requested could be provided only at disproportionate cost.

Sixth Form Education

Mr. Colvin: To ask the Secretary of State for Education and Employment how many students currently attend sixth forms in comprehensive schools; and what is his estimate of the annual cost to public funds of educating them in 1998–99. [44801]

Dr. Howells: The current number of students in school sixth forms is not available. In January 1997, the most recent month for which figures are available, the number of sixth form students in comprehensive schools was 254,532. The amount within the Standard Spending Assessment allocated to schools' post-16 provision is £1,137.7m for 1998–99. These figures can give only a broad indication of the actual cost of educating students in comprehensive school sixth forms because (i) the spending allocation covers all post-16 state school provision, not just comprehensive schools; (ii) spending is a matter for local authorities' own discretion; and (iii) schools' budgets are unhypothecated.

Mr. Colvin: To ask the Secretary of State for Education and Employment how many students currently attend sixth form colleges; and what is his Department's estimate of the cost of educating them in 1998–99. [44802]

Dr. Howells: Provisional figures show that there were 160,300 students studying on 1 November 1997 in sixth form colleges in England. The Further Education Funding Council's overall allocation for 1998–99 to sixth form colleges is £326.1 million.

School Computers (Leicestershire)

Mr. Reed: To ask the Secretary of State for Education and Employment how much has been provided to Leicestershire Local Education Authority for computers in the classroom as part of the National Grid for Learning Initiative. [44943]

Dr. Howells: The Department is supporting £997,900 of ICT-related expenditure in Leicestershire in 1998–99 through Standards Fund Grant for the National Grid for Learning. The grant is funded equally by the Department and the relevant local education authority.

Vocational Training Tax Relief

Jackie Ballard: To ask the Secretary of State for Education and Employment what representations he has received regarding the administration of the vocational training tax relief scheme and the possible introduction of a composite form for use by training providers. [44912]

Dr. Howells: My right hon. Friend the Secretary of State has received no representations about the administration of vocational training relief, which is the responsibility of my right hon. Friend the Chancellor of the Exchequer.

Local Authority Youth Services

Dr. Tonge: To ask the Secretary of State for Education and Employment what plans he has to place the youth services provided by local authorities on a statutory footing. [45169]

Dr. Howells: I refer the hon. Member to the reply I gave her on 11 May 1998, *Official Report*, column 5.

UK Presidency (Young People)

Mr. Flight: To ask the Secretary of State for Education and Employment if he will list the initiatives planned or undertaken to promote among the young awareness of the United Kingdom Presidency of the European Union. [45310]

Dr. Howells: The Department of Education and Employment undertook two initiatives to promote the awareness of the United Kingdom Presidency of the European Union among the young. In January, in conjunction with the Scottish, Welsh and Northern Ireland education departments, we issued the "Partners in

Europe" information and resource pack, which was sent to all UK schools. We also ran a "Celebrating Europe" competition for schools, FE colleges, vocational training organisations and youth groups, which culminated in an awards ceremony for the 10 major award winners on 11 May 1998.

Jean Monnet Awards

Mr. Flight: To ask the Secretary of State for Education and Employment if he will list the Jean Monnet awards for 1998 in the United Kingdom. [45304]

Dr. Howells: Jean Monnet European Centres of Excellence have been created at:

University of Bath
Queen's University Belfast
University of Birmingham
University of Sussex
University of Leeds

Jean Monnet Chairs have been created at:

University of Bristol
University of Kent at Canterbury
University of Exeter
John Moores University
School of Slavonic and East European Studies, University of London
University of Manchester
Manchester Metropolitan University
University of Southampton
University of Oxford
University of Plymouth

Permanent courses have been created at:

University of Ulster
University of Derby
King's College London
University College of Wales, Newport
University of Plymouth
University of Glamorgan
University of Central Lancashire
University of Reading
University of Sheffield
University of Southampton

European modules have been created at:

University of the West of England
University of Kent at Canterbury
University of Abertay
Leeds Metropolitan University
De Montfort University
University of North London
Middlesex University
London Guildhall University
University of East Anglia
University of Oxford
Ruskin College, Oxford
Oxford Brookes University
University of Plymouth
University of Portsmouth
University of Salford
University of St. Andrews
North East Wales Institute of Higher Education.

Internet

Mr. Bercow: To ask the Secretary of State for Education and Employment what were the optional themes for 1997 Netd@ys projects; how many United Kingdom institutions submitted entries; and what were the final projects submitted by the UK. [45295]

Dr. Howells: The main aims of the 1997 European Union Netd@ys project were to develop awareness-raising around existing electronic networks of schools; to use the Internet to promote the benefits of networking, and to implement up to 10 Internet-related projects in each EU member state. Applications for funding under the project were sent direct to the European Commission for consideration. Twenty-one projects were submitted from the United Kingdom and the following were awarded funding by the European Commission:

UK Netday. A consortium of commercial suppliers promoting the use of the Internet to co-ordinate and encourage nationally the development of IT and network applications in schools.

BBC Project. The use of TV in schools to publicise Netd@ys 97, including an on-line lesson and a quiz on European history.

City of Leeds. Building on networks via the Internet use of video conferencing facilities to link up with contacts in the UK and EU.

Devon Council. A project involving 32 schools extending their transitional partnerships through networking in order to disseminate educational practice and support teachers and trainers.

Kent TEC. Developing a Kent Lifelong Learning Video-Conferencing Network and establishing a network of Multimedia Learning Centres based in schools.

Birmingham ABC project. Extending an inner city network of schools in Birmingham both into the West Midlands region and to school networks in European countries. Live concert over the Internet given by children.

Netdays in Scotland. Encouraging parents and teachers to learn about and understand the Internet, dissemination of package training on the Internet on CD ROM and holding a conference on multimedia projects.

Netdays Europe in Northern Ireland. A series of events encouraging parents and teachers to learn about and understand the Internet.

Window on the Future, Window on the World. A local competition designed for the children from the 46 primary schools in the Isle of Wight.

Netdays @ Beacon Community College, East Sussex. Developing a community intranet with web pages co-operatively produced at the college by local businesses. European links established to exchange views on health related topics.

In addition, the European Commission funded the costs of the former National Council for Educational Technology in co-ordinating the programme on behalf of the UK.

Mr. Bercow: To ask the Secretary of State for Education and Employment if he will make a statement on the state of planning for Netd@ys Europe 1998. [45294]

Dr. Howells: This European Commission initiative will take place from 17 to 24 October 1998. The British Educational Communications and Technology Agency (BECTA) has been appointed by my Department as the United Kingdom's national co-ordinator and its role includes the offering of advice and support to UK applicants who submit bids under the project. It is understood that the Commission has so far received 64 project proposals from the UK.

Young Consumer Competition

Mr. Bercow: To ask the Secretary of State for Education and Employment if he will make a statement on the 1997 Young Consumer competition in schools financed by the European Commission. [45271]

Dr. Howells: The 1997 Young Consumer competition was a welcome initiative. It is important that consumer issues are addressed in schools and I hope many pupils were able to participate.

Economic and Monetary Union

Mr. Bercow: To ask the Secretary of State for Education and Employment if he will make a statement on the proposed paper on the EMU and Education proposed by the European Commission for preparation by the UK presidency. [45272]

Dr. Howells: My right hon. Friend the Secretary of State is unaware of any such proposal.

Student Loans

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment how many graduates in each socio-economic group *(a)* deferred and *(b)* defaulted on their student loans in each of the last four years for which figures are available. [45748]

Dr. Howells: Information on the socio-economic groups of borrowers of student loans is not collected centrally. Data on numbers of borrowers of student loans who were in deferment or default at the end of each financial year from the beginning of the scheme up to 1996–97 were published in Statistical Press Notice 391/97 on 26 November 1997. A copy of the Press Notice is in the Library.

The following has been extracted from that Press Notice:

United Kingdom

Thousands

Status of borrowers at end of financial year	*1993–94*	*1994–95*	*1995–96*	*1996–97*
Borrowers with accounts in repayment status	138	263	429	622
Borrowers owing less than two months' repayment	2	3	5	8
Borrowers owing two or more months' repayment	5	11	21	34
Borrowers deferring repayments	61	122	207	312

Myalgic Encephalomyelitis

Mr. Bob Russell: To ask the Secretary of State for Education and Employment what proposals he has to provide additional finance for local education authorities for home tuition for pupils and students suffering from myalgic encephalomyelitis or chronic fatigue syndrome in *(a)* age groups up to 16, *(b)* further education and *(c)* higher education; and if he will make a statement. [45471]

Ms Estelle Morris: All funding for local education authorities is being considered as part of the Comprehensive Spending Review. It will be for authorities to decide within the total resources available to them the level of support to be provided for each of their services.

The Department for Education and Employment will be consulting in the autumn on statutory guidance for local education authorities on educational provision for children who are out of school.

Vocational Qualifications

Mr. Chaytor: To ask the Secretary of State for Education and Employment what assessment he has made of the financial impact on colleges of the removal of Schedule 2A qualifications for the financial year 1998–99. [45046]

Dr. Howells *[holding answer 11 June 1998]:* The effect on college budgets is not a factor taken into account when determining qualifications for inclusion under Schedule 2(a). The Further Education Funding Council is not proposing to withdraw allocated funding from colleges which currently offer qualifications no longer on the list, as it considers colleges are likely to substitute alternative qualifications or increase courses in other areas.

Mr. Chaytor: To ask the Secretary of State for Education and Employment how many Schedule 2A qualifications have been removed by the Further Education Funding Council for the year 1998–99. [45047]

Dr. Howells *[holding answer 11 June 1998]:* My right hon. Friend the Secretary of State approves vocational qualifications under Schedule 2(a) to the Further and Higher Education Act 1992. For the teaching year 1998–99, the approved list currently includes 1,767 individually listed titles, 1,442 fewer than in 1997–98, plus all NVQs, GNVQs, NVQ'D' units, GNVQ'GPA' units, Key Skill units and Language units. More titles will be added as satisfactory in-year applications are approved. Reductions in the list for 1998–99 arise from qualifications which have been withdrawn by awarding bodies, decisions by awarding bodies not to re-submit qualifications as well as decisions not to class qualifications in Schedule 2(a).

Mr. Chaytor: To ask the Secretary of State for Education and Employment how many Schedule 2A qualifications were listed in 1997–98. [45045]

Dr. Howells *[holding answer 11 June 1998]:* 3,209 individually listed titles, plus all NVQs, GNVQs, NVQ'D' units, GNVQ'GPA' units, Key Skill units and Language units.

School Inspections

Mr. Efford: To ask the Secretary of State for Education and Employment what representations he has

received from *(a)* teachers, *(b)* professional bodies, *(c)* trade unions, *(d)* school governors and *(e)* LEAs regarding the Ofsted inspection system. [45707]

Mr. Byers: Many responses to the consultation exercise following publication of the *Excellence in schools* White Paper in July 1997 included comments on the school inspection system. We frequently receive representations about the inspection system from a range of interested parties.

Education Funding (Lincolnshire)

Gillian Merron: To ask the Secretary of State for Education and Employment (1) how much additional funding for education was *(a)* allocated and *(b)* received by Lincolnshire County Council in (i) 1997–98 and (ii) 1998–99; and what future projections his Department has made of the education funding requirements for Lincolnshire County Council; [44961]

(2) what are the intended uses of the additional education funding provided by the Government to Lincolnshire County Council for *(a)* 1997–98, *(b)* 1998–99 and *(c)* future years; and what information his Department has obtained from Lincolnshire County Council with regard to its actual use of additional education funding provided by the Government for each of these years. [44962]

Mr. Byers *[holding answer 15 June 1998]:* The Government provided for an increase in Lincolnshire's education standard spending assessment for 1998–99 of some £14.7 million or 6.6 per cent. The Government believe that all of the education SSA increase for this year should be used to raise standards in schools. The County Council has increased its support to schools by some £3.4 million. Decisions on central government support for education funding in Lincolnshire in future years will be taken in the autumn. The table sets out details of the year-on-year changes in education SSA, education budgets and schools' budgets.

	1997–98 £ million	*1998–99 £ million*	*£ million increase*	*Percentage increase*
Ed. SSA	221.4	236.2	14.7	6.6
Ed. Budget	234.4	241.9	7.5	3.2
Schools' budgets	211.7	215.1	3.4	1.6

Notes:

1. The year-on-year changes have been calculated so as to take account of the ending of the nursery voucher scheme
2. The education budget figures have been derived from the authority's General Fund Revenue Account return
3. The schools' budgets consists of all the General Schools Budget minus capital, as derived from Section 122, plus all AMG recouped from the authority

Dogsthorpe School, Peterborough

Mr. Don Foster: To ask the Secretary of State for Education and Employment if he will conduct an investigation into the discrepancies between two recent inspections of Dogsthorpe School, Peterborough by OFSTED. [45737]

Mr. Byers *[holding answer 15 June 1998]:* This is a matter for HM Chief Inspector of Schools. I have asked him to write to the hon. Member and to place a copy of his letter in the library.

School Play Time

Mr. Jenkins: To ask the Secretary of State for Education and Employment if he will estimate the proportion of schools which have reduced play time since the introduction of the National Curriculum. [45284]

Mr. Byers *[holding answer 15 June 1998]:* Information about the duration of schools' breaks is not collected centrally.

Mr. Jenkins: To ask the Secretary of State for Education and Employment what plans he has to commission research into the impact of a reduction of play time on the welfare of school children. [45285]

Mr. Byers *[holding answer 15 June 1998]:* We have no such plans at present.

Nursery Places

Mr. Ennis: To ask the Secretary of State for Education and Employment what is the current average cost of providing a full-time nursery place in *(a)* Barnsley and *(b)* Doncaster. [45822]

Ms Estelle Morris: This information is not available centrally.

University for Industry

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment to what extent the University for Industry will be concerned with the provision of basic skills training to the New Deal target groups. [45505]

Dr. Howells: One of the priorities for the University for Industry when it is launched in the year 2000 will be to ensure that there are sufficient high quality and easily accessible learning opportunities for people who lack basic skills. It will also encourage those lacking these essential skills to take up the opportunities available. However, the University for Industry will not be aimed only at those in the New Deal target groups: it will seek to serve a much wider audience. The Department will be exploring in the coming period how the University for Industry and New Deal might work together to ensure that the two initiatives best complement each other.

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment how the University for Industry will benefit small and medium-size enterprises; and what steps he plans to take to raise awareness of these benefits. [45506]

Dr. Howells: The small and medium-size business sector will be one of the priority client groups for the University for Industry when it is launched in the year 2000. The University for Industry Pathfinder Prospectus published on 31 March set out how it will seek to help SMEs improve their competitiveness by ensuring that high quality, cost effective education and training opportunities are available to owner managers and employees at the time and place they need them.

A transition board has been established to take forward the development of the University for Industry until permanent structures are set in place later this year. As

part of their remit they will be advising Ministers on an appropriate marketing strategy. This will inform the implementation of a national marketing campaign.

Schoolchildren (Health)

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment (1) what percentage of schoolchildren have failed to attend school classes due to illness in *(a)* the United Kingdom and *(b)* Coventry in each of the last three years; [46219]

(2) what was the total number of days schoolchildren missed during each of the last three academic years in *(a)* the United Kingdom and *(b)* Coventry; [46220]

(3) what was the average number of days lost per schoolchild as a result of failing to attend class due to illness in each of the last three years. [46221]

Ms Estelle Morris: Rates of authorised and unauthorised absence for maintained primary and secondary schools in Coventry for the last three academic years, together with England averages, are given in the following tables.

Absences due to illness are not identified separately in the authorised absence data collected by the Department.

Authorised absence in maintained primary schools

	Percentage of half days missed	*Average number of half day missed per absent pupil*
1994–95		
Coventry	5.9	20
England Average	5.7	19
1995–96		
Coventry	6.4	21
England Average	6.0	20
1996–97		
Coventry	5.9	19
England Average	5.6	18

Unauthorised absence in maintained primary schools

	Percentage of half days missed	*Average number of half day missed per absent pupil*
1994–95		
Coventry	0.5	10
England Average	0.5	10
1995–96		
Coventry	0.5	11
England Average	0.5	10
1996–97		
Coventry	0.4	9
England Average	0.5	10

Authorised absence in maintained secondary schools

	Percentage of half days missed	*Average number of half day missed per absent pupil*
1994–95		
Coventry	7.9	28
England Average	8.2	27
1995–96		
Coventry	8.4	28
England Average	8.4	28
1996–97		
Coventry	8.9	29
England Average	8.1	26

Unauthorised absence in maintained secondary schools

	Percentage of half days missed	*Average number of half day missed per absent pupil*
1994–95		
Coventry	1.4	34
England Average	1.0	22
1995–96		
Coventry	1.3	31
England Average	1.0	21
1996–97		
Coventry	1.3	30
England Average	1.0	20

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment what plans he has to improve the health of schoolchildren to reduce the number of school days lost through illness. [46222]

Ms Estelle Morris: The Government wish to play their part in helping to reduce the number of school days lost through illness. The National Healthy Schools Initiative, launched in May, will raise awareness among children, and their teachers, families and communities, of the important opportunities that exist in schools for improving health and raising achievement.

The Initiative includes a National Healthy Schools Award designed to promote a whole-school approach to health, a Healthy Teacher Focus and the development of strategies for encouraging safe travel to school. These, and other measures, will help young people to develop the knowledge, skills and attitudes required to look after and improve their health in a range of contexts.

Corporal Punishment

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment how many students received corporal punishment in privately funded schools located *(a)* in the United Kingdom and *(b)* in the Midlands, in the last year for which figures are available. [45502]

Ms Estelle Morris: This information is not available centrally.

EU Publicity (East Sussex)

Mr. Bercow: To ask the Secretary of State for Education and Employment what is the cost to public funds in the current financial year of Relay Europe Ltd.'s provision of a Mobile Information Centre to visit schools in East Sussex; and if he will make a statement. [45980]

Dr. Howells: The costs of the Mobile Information Centre are met by the European Commission's Representation to the UK. There is accordingly no direct cost to public funds.

Job Vacancies (Tamworth)

Mr. Jenkins: To ask the Secretary of State for Education and Employment how many job vacancies were notified to the Tamworth Job Centre in each month since May 1997. [45535]

Mr. Alan Howarth: Responsibility for the subject of the question has been delegated to the Employment Service agency under its Chief Executive. I have asked him to arrange for a reply to be given.

Letter from Leigh Lewis to Mr. Brian Jenkins, dated June 1998:

As the Employment Service is an Executive Agency, the Secretary of State has asked me to reply direct to your question regarding the number of job vacancies notified to Tamworth Jobcentre each month since May 1997.

A total of 4,719 vacancies were notified to Tamworth Jobcentre over the twelve months from May 1997—April 1998. The table below gives a breakdown of figures for each month.

Month	*Number of vacancies*
May 1997	396
June 1997	484
July 1997	527
August 1997	482
September 1997	445
October 1997	381
November 1997	495
December 1997	347
January 1998	141
February 1998	368
March 1998	319
April 1998	334

I hope this is helpful.

Head Lice

Mr. Drew: To ask the Secretary of State for Education and Employment (1) how many instances of head lice were reported by *(a)* primary and *(b)* secondary schools in each of the last five years; [45975]

(2) what records his Department keeps on the number of reported instances of head lice. [45976]

Ms Estelle Morris: The Department does not keep records of the reported incidence of head lice in schools.

Mr. Drew: To ask the Secretary of State for Education and Employment what measures he is discussing with schools with the aim of reducing the number of reported incidents of head lice. [45977]

Ms Estelle Morris: The treatment of head lice in children is essentially dealt with at local level, between the Community Child Health Services (CCHS), the school and the parents. It is for parents to check their children's heads and arrange treatment where required, seeking advice as needed from the primary health care team—the general practitioner, health visitor, school nurse or the local pharmacist.

The Department is in regular contact with the Department of Health on a range of health issues relating to pupils' health, including the treatment of head lice. Officials from both Departments provide advice to schools and parents on head lice control, including a leaflet containing guidance on prevention and treatment.

DUCHY OF LANCASTER

Quangos

Mr. Maclennan: To ask the Chancellor of the Duchy of Lancaster when he intends to publish the Government's response to representations received following the publication of the consultation paper, Opening up Quangos. [45549]

Dr. David Clark: I intend to publish a paper later this month which reports the outcome of the quango consultation exercise and sets out further proposals to make the operation of quangos more open, accountable and effective.

Government Car and Despatch Agency

Mr. Quinn: To ask the Chancellor of the Duchy of Lancaster what targets he has set the Government Car and Despatch Agency for 1998–99. [46356]

Mr. Kilfoyle: I have set the agency the following targets:

Financial

to break-even on an accruals basis;

to maintain sales turnover at 1997–98 outturn;

to maintain expenditure and receipts within Voted provision;

Efficiency

to improve the gross contribution as a percentage of sales revenue by 2 per cent;

to increase the income per round of labour cost to £2.00;

Quality

to review the existing customer satisfaction survey, and establish a benchmark for future performance;

Environmental

to achieve an annual average of 26 miles per gallon for the GCS and IDS fleets.

Civil Servants

Mr. Chope: To ask the Chancellor of the Duchy of Lancaster how many *(a)* men and *(b)* women aged over 60 years were employed by the Civil Service on 30 April. [46023]

Dr. David Clark: The latest available information relates to 1 January 1998. On that date, it is estimated that there were a total of 8,800 male and 3,400 female permanent civil servants aged over 60 years.

Mr. Chope: To ask the Chancellor of the Duchy of Lancaster how many employees in the Civil Service have contracts of employment which permit them to retire after their 60th birthday. [46022]

Dr. David Clark: The information is not available centrally and could be obtained only at disproportionate cost. Departments and agencies are free to set the normal retirement age for their own staff which allows them to take into account all relevant factors such as the needs of management, present availability of staff and projected staffing requirements.

MINISTER WITHOUT PORTFOLIO

Millennium Dome

Mr. Pickles: To ask the Minister without Portfolio what estimate he has made of the percentage of visitors to the Millennium Dome who will travel by London Underground. [45761]

Mr. Mandelson: The New Millennium Experience Company (NMEC) has estimated that over 50 per cent. of visitors to the Millennium Dome will use London Underground's Jubilee Line Extension for the final leg of their journey.

Mr. Baker: To ask the Minister without Portfolio which organisations have *(a)* been asked, *(b)* agreed and *(c)* refused to take part in developing the environmental exhibition within the Millennium Dome. [41774]

Mr. Mandelson *[holding answer 14 June 1998]:* The designers contracted to develop the exhibit ("Living Island"), which has a particular focus on the environment, have met representatives from the Council for the Protection of Rural England (CPRE); Greenpeace; the Natural Resources Foresight Panel DTI; The Environment Agency; Surfers Against Sewage; and media environmental editors and journalists. No organisation contacted by the designers has refused to take part in discussions.

Mr. Maclean: To ask the Minister without Portfolio what plans he has to include exhibits relating specifically to county characteristics in the Millennium Dome. [44843]

Mr. Mandelson: There will be numerous opportunities to explore the rich diversity of the culture of all parts of the United Kingdom through the Dome's exhibits and the associated UK wide national programme of events and activities. For example, as part of Tesco's contribution to the Millennium Experience, school children will be encouraged to describe life in their communities on the internet and this will then be relayed in the Dome. Other sponsors such as BT, BSkyB, Manpower and Marks and Spencer are also supporting national programme events and activities which will find expression in the Dome.

Surfball

Mr. Mitchell: To ask the Minister without Portfolio (1) if he will publish his reply to the letter written to him by Richard Heller on 24 May relating to the Millennium Experience; [44451]

(2) if he will publish his replies to the letters of 9 and 24 May 1998 from Mr. Richard Heller relating to Surfball. [46237]

Mr. Mandelson: Officials at the Department for Culture, Media and Sport replied to Mr. Heller's letters of 9 and 24 May on 15 June. If Mr. Heller wishes to publish the Department's reply, he is free to do so.

CULTURE, MEDIA AND SPORT

Royal Parks (Dogs)

Dr. Tonge: To ask the Secretary of State for Culture, Media and Sport what plans he has to review the bylaws in the royal parks relating to the control of dogs. [45168]

Mr. Tom Clarke: I have no plans to review the Royal Parks Regulations as they relate to the control of dogs.

Sustainable Tourism

Mr. Levitt: To ask the Secretary of State for Culture, Media and Sport what assessment he has made of the contribution which private coach operators could make to sustainable tourism. [45455]

Mr. Tom Clarke: The Government have recently undertaken a nationwide consultation exercise on sustainable tourism. Among the responses we have received are a number from bodies representing the interests of coach operators. All responses to the consultation are currently being analysed. They will feed into the development of the new strategy for tourism which my Department will launch later this year and will help update the UK Sustainable Development Strategy which will be published by the Department of the Environment, Transport and the Regions also later this year.

TRADE AND INDUSTRY

EU Funds

Mr. Flight: To ask the President of the Board of Trade if she will list the projects funded in 1997 in the United Kingdom under European Communities budget lines B5–100 and B5–102. [45325]

Mr. Nigel Griffiths: The Commission has given us the following information on projects funded in 1997 in the United Kingdom under the European Communities budget lines B5–100 and B5–102:

Beneficiary	*Title of the project*	*Funding up to:*
International Testing	Parallel food testing in the EU	843,141 ecu
Consumers in Europe Group	Preventing accidents of young children	11,686 ecu
Central Scotland Fire Brigade Headquarters	Central Scotland Crucial Crew Project	43,804 ecu
Consumers International	15th World Congress in Chile November 1997	112,148 ecu
Scottish Consumer Council	Being a Consumer Representative	50,691 ecu
Association of Personal Injury Lawyers	Creation of European Personal Injury Lawyers Organisation	55,432 ecu
Royal National Institute for the Blind	Information campaign on EURO for blind people	74,824 ecu

The funding indicated is the ceiling the Commission may contribute for each project. The actual sums paid will depend on the acceptance by the Commission of the final report and financial documents.

Estate Agents

Mr. Letwin: To ask the President of the Board of Trade if she will make it her policy to introduce a scheme for the statutory regulation of the conduct of estate agents. [44711]

Mr. Nigel Griffiths *[holding answer 8 June 1998]:* Statutory regulation is provided by the Estate Agents Act 1979 which regulates the conduct of estate agents and includes the power to prohibit their trading as estate agents. The Director General of Fair Trading, who is responsible for enforcement, has taken vigorous action against estate agents who misbehave.

Export Licences

Dr. Lynne Jones: To ask the President of the Board of Trade if she will make it her policy that a separate account be kept of all applications for export licences which require consideration under the criteria announced by the Secretary of State for Foreign and Commonwealth Affairs on 28 July 1997. [45509]

Mrs. Roche: In his announcement on 28 July 1997, *Official Report,* columns *26–29,* my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs stated that the criteria would be used when considering all future individual applications for licences to export goods entered in Part III of Schedule 1 to the Export of Goods (Control) Order 1994 and existing licence applications on which a decision has not yet been made. He also stated that the criteria will be applied when considering licence applications for the export of dual-use goods when there are grounds for believing that the end user of such goods will be the armed forces or the internal security forces of the recipient country.

As all the decisions taken against the criteria and others taken by this Government since 2 May 1997 reflect our commitment to manage arms transfers responsibly, in particular so as to avoid their use for internal repression and international aggression, I do not believe there would be any purpose in separating data in the manner suggested.

Employees (Overseas Working Conditions)

Ms Kelly: To ask the President of the Board of Trade what plans she has to extend the provisions of the Employment Protection Act 1978 to British workers working for British companies abroad. [45475]

Mr. Ian McCartney: I have no current plans to extend the territorial scope of employment legislation.

Millennium Dome

Mr. Redwood: To ask the President of the Board of Trade (1) what budget has been given to the Design Council to select British designs for display in the Millennium Dome; [45724]

(2) what investigations she has made into allegations that the Zefyr 43, a Millennium product endorsed by the Design Council is not suitable for such recognition; [45722]

(3) how the new British designs, to be displayed in the Millennium Dome are selected; and how the quality of the design is assessed; [45727]

(4) how many new British designs have been approved for display in the Millennium Dome; [45726]

(5) what guidance she has given to the Design Council on selecting British designs for inclusion in the Millennium Dome; and what checks are being made to ensure the quality of the products; [45723]

(6) what testing has been conducted on products bearing the Millennium Mark; and what assessment she has made of the Government's legal liability if products are found to be faulty; [45738]

(7) if she will list the new British designs to be displayed in the Millennium Dome; [45728]

(8) if the yacht 'Zefyr 43', will be on display in the Millennium Dome. [45736]

Mrs. Beckett *[holding answer 15 June 1998]:* The Millennium Products initiative is designed to identify and promote up to 2,000 examples of world class products and services created in Britain for the new Millennium. They will be forward thinking, challenging, creative, and innovative and will show that we can lead the world through pioneering products and services which celebrate and exemplify our known strengths in innovation, creativity and design. My department is funding the project, which is managed on its behalf under contract by the Design Council. Funding is a total of £3.8 million for the four year period 1997–98 to 2000–01.

Submissions to the Millennium Products project are assessed by the Design Council through evaluation by independent judging panels selected from industry, design and the media. My Department is not involved in the judging process and decisions rest with the Design Council.

The first Millennium Products accolade winners were announced on 2 April. The Walker Wingsail—not the Zefyr 43—was among those announced. It was selected because it is a new marine navigation system comprising a wing sail and associated computer controlled software. Matters of product liability fall to those making the Millennium Products submission. This is set out clearly in the Millennium Products submission form.

It is for my hon. Friend the Minister without Portfolio to decide on the contents of the Millennium Experience at Greenwich. However, I understand that the Design Council has had preliminary discussions with the Millennium Experience Company about the possibility of exhibiting some Millennium Products accolade winners at Greenwich but no decision has yet been reached on which Millennium Products might be exhibited.

Marine Science and Technology Committee

Mr. Ian Stewart: To ask the President of the Board of Trade what plans the Government have for the future role of the Inter-Agency Committee on Marine Science and Technology. [46422]

Mr. Battle: The Government have recently reviewed the role and effectiveness of the Inter-Agency Committee on Marine Science and Technology (IACMST) and concluded that it is effective in performing its main function of ensuring that co-ordination takes place across Government on marine science and technology issues. IACMST will therefore continue for the next three years, with a further review of its future taking place at that point.

In response to the more detailed findings of the review, IACMST will increase its focus on international marine activities and on science and technology relating to marine vessels and structures, alongside its traditional emphasis on the marine environment and oceanography. IACMST will also produce a guide for business on responsibilities for marine science and technology within departments and agencies; will continue to work closely with the Marine Foresight Panel; and will begin a review of individual members' strategies for marine science and technology.

Copies of a report setting out the review's conclusions in more detail are available in the Library. This report also mentions some of the main activities currently being undertaken by IACMST, including its co-ordination of a wide range of UK events to mark 1998 as the International Year of the Ocean.

Independent Radio

Mr. Nicholas Winterton: To ask the President of the Board of Trade what powers *(a)* her Department *(b)* the Monopolies and Mergers Commission and *(c)* the Office of Fair Trading would have to intervene in any proposed take-over of one or more of the three companies holding independent national radio licences; and if she will make a statement. [46274]

Mr. Nigel Griffiths: It would, in the first instance, be for the Director General of Fair Trading (DGFT) to consider any actual proposal which appeared to give rise to a qualifying merger situation under the Fair Trading Act 1973. In the light of the DGFT's advice, my right hon. Friend, the President of the Board of Trade, would decide whether or not to refer the merger to the Monopolies and Mergers Commission for investigation and report. She has said that her policy will be to refer mergers primarily on competition grounds. Each case is considered on its individual merits.

Unions

Mr. Jim Cunningham: To ask the President of the Board of Trade what measures she is taking to safeguard workers' rights to form unions. [45503]

Mr. Ian McCartney: The Government have no plans to change the existing law which allows workers in the United Kingdom to form trade unions. Once formed, trade unions are subject to the requirements of Part I of the Trade Union and Labour Relations (Consolidation) Act 1992 as regards accounting records, annual returns, audit, elections for certain positions, the use of funds for certain political objects, etc.

Mr. Jim Cunningham: To ask the President of the Board of Trade what measures she is taking to protect workers who are associated with trade union organisations from discrimination by their employers. [45504]

Mr. Ian McCartney: The White Paper "Fairness at Work", published on 21 May, set out proposals to supplement the existing protection against dismissal or action short of dismissal on grounds of trade union membership or non-membership. The Government intend to provide protection against discrimination by omission, and to prohibit the blacklisting of trade unionists.

World Trade Organisation

Barbara Follett: To ask the President of the Board of Trade what was the outcome of the second Ministerial Conference of the World Trade Organisation in Geneva from 18 to 20 May. [46423]

Mrs. Beckett: I attended the second Ministerial Conference in Geneva from 18 to 20 May, with the Minister for Trade. The Prime Minister attended the Heads of Government event on 19 May, marking 50 years of the GATT, about which he made a statement in this House on 20 May 1998, *Official Report*, columns 955–70.

The Conference recognised the critical importance of the rules-based multilateral system and WTO member countries paid tribute to the contribution which that system has made to economic growth, employment and stability across the world. They also joined in a rejection of protectionist measures and made a commitment to keeping markets open in the face of difficulties as a result of disturbances in financial markets. In addition, they emphasised that full and faithful implementation of WTO Agreements and Decisions was imperative for the credibility of the multilateral trading system. At the same time, WTO members renewed their commitment to ensuring that the benefits of the multilateral system were extended as widely as possible and pointed to the urgent need to address the marginalisation of least developed countries, to improve market access for them, and in the wake of economic change to assist them to manage social change.

There was also recognition of the importance of enhancing public understanding of the benefits of trade liberalisation, building support for it and improving the transparency of the WTO.

The Conference was significant in looking ahead to the future composition and shape of multilateral trade liberalisation. The text of the Ministerial Declaration points to the need for sufficiently broad-based liberalisation to respond to the interests and concerns of all Members. In preparation for this, WTO members agreed to launch a wide ranging process, beginning in September this year, so as to be ready to take decisions at the third Ministerial Conference on the scope, structure and timeframes of future negotiations. This was central to the UK's and EU's objectives for the Conference. This process will include the range of issues to which the UK and EU attach importance in the context of future comprehensive multilateral negotiations, including agriculture, services, industrial tariffs, technical barriers to trade, investment, competition, trade facilitation and government procurement.

It was agreed that the third Ministerial Conference will be held in the US towards the end of 1999.

In interventions during the course of the Conference, British and other Ministers recognised the need to consider the environmental impact of their policies,

including their trade policies, while ensuring that trade rules were not used to impose unfair standards on developing countries or to discriminate against their exports. Separately, Ministers in their interventions also clearly recognised the importance of core labour standards, the avoidance of the exploitation of children and the important role for the ILO in furthering the international advancement of these goals.

In addition, WTO Members agreed to establish a comprehensive work programme to examine all trade-related issues relating to global electronic commerce. Members also agreed to continue their current practice of not imposing customs duties on electronic transmissions.

Copies of both of the Ministerial Declarations from the Conference will be deposited in both Houses.

NORTHERN IRELAND

Departmental Running Costs

Mr. McNamara: To ask the Secretary of State for Northern Ireland if she will make a statement about the 1998–99 running costs limit for the Northern Ireland Office and Northern Ireland departments. [46421]

Marjorie Mowlam: The gross running costs limit for 1998–99 for the Northern Ireland Office and the Northern Ireland Departments is £749,283,000. There is also a net running cost limit of zero for the Land Registers of Northern Ireland. A separate running cost limit of £6,041,000 for the Welfare to Work programme is outside the control total. Details of the provision for individual Northern Ireland Departments are set out in the Northern Ireland Estimates published today and are available in the Library.

AGRICULTURE, FISHERIES AND FOOD

Organic Farming

Kate Hoey: To ask the Minister of Agriculture, Fisheries and Food what percentage of agricultural produce is grown organically within the United Kingdom. [44868]

Mr. Morley: We do not know what percentage of agricultural produce is grown organically within the United Kingdom. However, land area registered as organic is 0.3 per cent. of the United Kingdom's utilisable agricultural area. We have recently announced measures to boost interest in conversion to organic farming, and decisions on further recommendations will be made in the context of the comprehensive spending review.

Quarantine

Mr. Reed: To ask the Minister of Agriculture, Fisheries and Food how many complaints he received about conditions in registered kennels for animals in quarantine in 1997–98. [44941]

Mr. Rooker: The Department received 36 letters of complaint in 1997, and 406 in 1998 (as at 9 June) about conditions in authorised quarantine premises. Of these, 22 and 11 respectively were made by owners of pets undergoing quarantine. The majority of those made this year followed media coverage of conditions in two quarantine premises, which this Department is investigating.

All specific complaints about individual quarantine premises made by owners of animal undergoing quarantine are investigated and appropriate action taken.

Oilseed Rape

Ms Keeble: To ask the Minister of Agriculture, Fisheries and Food how many complaints his Department received in each of the last three years from members of the public relating to the crop oilseed rape. [45296]

Mr. Rooker: The number of written complaints received centrally from members of the public in which oilseed rape has been a principal issue is as follows:

	Number
1996	5
1997	75
1998 (to 12 June)	3,054

Abattoirs

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food if he will list the abattoirs in England and Wales, identifying *(a)* those undertaking religious slaughter, *(b)* the number of visits each has received by his inspectors during the last year and *(c)* those where inspectors alleged intimidation or threats. [45660]

Mr. Rooker: A list of licensed abattoirs in England and Wales is published in the Meat Hygiene Enforcement Report which is placed in the Library of the House each month. Information is not held on those adopting religious methods of slaughter.

A member of the Meat Hygiene Service inspection team is present every day during operating periods. It would be inappropriate to identify abattoirs where there have been cases of alleged intimidation or threats, but I would refer the right hon. Member to the replies I gave to my hon. Friend the Member for Workington (Mr. Campbell-Savours) on 4 and 8 June 1998, *Official Report*, columns *341–43* and *451–52*.

Solway and Border Esk Rivers

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food what progress he is making in inter departmental discussions on an agreed fishing regime for the Solway and Border Esk rivers. [45688]

Mr. Morley: Discussions on the future management of the Solway and Border Esk rivers are continuing, with the objective of ensuring that Clause 100 of the Scotland Bill makes it possible for decisions on the future management of these rivers to meet the concerns expressed by those we have consulted on this issue. In particular, we wish to ensure that the difficult problems of jurisdiction, which have been a feature of the Solway for many years, can be properly addressed.

Emergency Food Stockpile

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food what *(a)* stores and *(b)* equipment from the emergency food stockpile remain. [45701]

Mr. Rooker: No stores or equipment from the emergency food stockpile remain.

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food how many buildings used for the emergency food stockpile remain in Government ownership. [45702]

Mr. Rooker: Fourteen of the freehold sites which were used to store the emergency food stockpile remain in Government ownership and one leasehold site remains with the Government. All are subject to disposal action, although in some cases this is complicated by matters such as local authority planning, rights of way or the need to clear contamination.

Flood Damage (West Midlands)

Mr. Jim Cunningham: To ask the Minister of Agriculture, Fisheries and Food what new measures he has considered to prevent future flood damage in the West Midlands. [46224]

Mr. Morley: The Environment Agency has commissioned an Independent Review into the Easter floods which will identify the lessons to be learned. The final report of the Review Team is due by the end of September 1998. I shall need to consider the follow up action with the Environment Agency with a view to reducing the risks of damage from flooding.

HEALTH

Ayaz Sheikh

Mr. Vaz: To ask the Secretary of State for Health, pursuant to his answer of 9 December 1997, *Official Report*, column *542*, on the case of Ayaz Sheikh, what further action has been taken; and on what date the Chairman of the Leicestershire Health Authority wrote to the hon. Member for Leicester, East setting out action taken with regard to this matter. [44091]

Ms Jowell: I understand that Neil Townsend, Chairman of Leicestershire Health Authority, wrote to my hon. Friend on 3 June setting out the latest position on this case. The letter confirmed that approval had been given by the health authority to fund an out of area referral to enable Ayaz to attend the Early Years Diagnostic Centre in Nottingham. I understand that Ayaz attended the centre for assessment on 19 March 1998.

NHS Direct (Minicom Service)

Mr. Levitt: To ask the Secretary of State for Health if the NHS direct pilot scheme is accessible to deaf telephone users via a minicom number. [45010]

Mr. Boateng: The three *National Health Service Direct* pilot sites currently in operation all have access to a minicom service. The second wave of *NHS Direct* pilots will be in operation by the end of this financial year. The organisations bidding to run these pilots are asked to take account of the needs of deaf people and explain in their proposal how these will be addressed.

Home Care Services

Ms Perham: To ask the Secretary of State for Health if he will give a breakdown by *(a)* percentage and *(b)* number, of adult households in England who received home help/home care services in each year between 1994 and 1997 where the oldest member of the household was aged (i) under 65, (ii) 65 to 74, (iii) 75 to 84 and (iv) 85 years and over. [44937]

Mr. Boateng: The information requested is in the table.

Households receiving home help or home care services England: survey week during September/October

	1994	*1995*	*1996*	*1997*
Age group of oldest client in household				
18–64				
Number of households[1]	54,700	57,000	59,400	62,400
Percentage of all households[1]	0.40	0.42	0.43	0.46
65–74				
Number of households[1]	94,700	82,100	77,000	71,500
Percentage of households[1]	3.41	2.96	2.77	2.58
75–84				
Number of households[1]	219,100	206,300	195,400	177,400
Percentage of households[1]	11.7	11.0	10.4	9.44
85 and over				
Number of households[1]	166,200	164,000	154,600	154,300
Percentage of households[1]	38.1	37.5	35.4	35.3

[1] Per cent. of the total number of households for the appropriate age band

Source:
Department of Health annual statistical returns (HH1)

Hip Operations

Mr. Gordon Prentice: To ask the Secretary of State for Health how many hip operations were undertaken on persons over 80 years old in the latest year for which figures are available; and how many were unsuccessful. [45512]

Mr. Boateng: The number of hip replacement and other hip operations carried out in England in 1995/96 is set out in the table. Information on outcomes is not available. This is a matter we are discussing with the professions.

Operations on the hip joint. Estimated number of finished consultant episodes (FCEs) by primary operation and age, National Health Service hospitals, England, 1995–96

Age groups	*FCEs*
Under 80	47,705
80 and over	17,920
not known	13
Total	65,638

Notes:
OPCS4 R codes—W37-W39, W46-W48
Data in this table are grossed for both coverage and unknown/invalid clinical data
Source:
Hospital Episode Statistics (HES).

Child Protection Registers

Mr. Cox: To ask the Secretary of State for Health how many children at risk from sexual or physical abuse were on child protection registers on 1 June. [45211]

Mr. Boateng: The latest figures for children and young people on child protection registers in England are for 31 March 1997 and show 8,200 at risk of physical injury alone, 5,600 at risk of sexual abuse alone and 800 at risk of both physical injury and sexual abuse.

Methadone Treatment

Mr. Maclean: To ask the Secretary of State for Health how many people in the United Kingdom undertake methadone treatment for heroin or cocaine addiction. [45662]

Ms Jowell: The available information shows that during the six month period ending 30 September 1996, 19,191 heroin users and 3,593 cocaine users presented to services in Great Britain with problem drug misuse for the first time or for the first time for six months or more. There is some double counting in these figures because some users reported misusing both heroin and cocaine. Reliable information is not currently available on the number of these users receiving methadone treatment. Methadone is not prescribed for the treatment of cocaine misuse.

The figures given were published in the Statistical Bulletin "Drug Misuse Statistics for the six months ending September 1996", copies of which are available in the Library. The next Statistical Bulletin, for the six months ending March 1997, is due to be published on Wednesday 17 June 1998.

Clinical Trials

Mr. Ieuan Wyn Jones: To ask the Secretary of State for Health what is his Department's policy on controlled trials of medical treatments. [45829]

Ms Jowell *[holding answer 15 June 1998]:* The Department recognises that in many instances the best evidence on effectiveness and side effects of treatment can be obtained from clinical trials. This is because clinical trials, especially randomised controlled trials, allow treatments to be compared with minimal bias. For this reason, the Department has set up the research and development programme for the National Health Service which: commissions clinical trials, so as to be able to improve care for patients in the NHS; includes economic analysis alongside clinical trials to determine cost effectiveness; produces systematic reviews so that patients can benefit from all the clinical trials conducted around the world; makes the results of these reviews widely available; and ensures that the NHS fulfils its obligations to meet the treatment costs of clinical trials whose research costs are met through other funders.

It is Departmental policy that all clinical trials (like other forms of clinical research) receive prior ethical committee approval from the local research ethics committee.

The NHS has taken steps to ensure the methodological quality of clinical trials through, in the first instance, the appointment of a National Clinical Trials Advisor, Professor R. Lilford, who has collaborated with the Medical Research Council in producing a set of guidelines for good clinical practice in relation to clinical trials which were based on the principles laid down by the International Committee on Harmonisation.

The NHS is taking a number of steps to ensure that the results of clinical trials carry through into practice.

Viagra

Mrs. Browning: To ask the Secretary of State for Health, pursuant to his answer of 11 June 1998, *Official Report*, column *686*, if he proposes to make Viagra available by NHS prescription, if marketing authorisation is given in respect of the drug. [46250]

Ms Jowell: As with most drugs, sildenafil (Viagra), if licensed, will be available on National Health Service prescription to meet identified clinical need. We will be considering whether guidance to clinicians or any other action is required. Issues of this kind will in due course be considered under the auspices of the National Institute for Clinical Excellence.

Asylum Seekers

Mr. Viggers: To ask the Secretary of State for Health what is his estimate of the cost to the National Health Service of asylum seekers whose application has not been resolved in the last year for which figures are available. [45542]

Mr. Boateng: The information requested is not held centrally.

National Health Service hospital treatment, received by an asylum seeker whose application is pending, is the responsibility of the health authority for the district in which they are residing.

Mr. Viggers: To ask the Secretary of State for Health what is his estimate of the cost to local authorities of asylum seekers whose application has not been resolved in the last year for which figures are available. [45541]

Mr. Boateng: Almost £40 million was paid to local authorities for supporting adult asylum seekers; around £28.4 million for asylum seekers with children and £1.6 million for unaccompanied children. The full cost to local authorities of supporting asylum seekers whose applications have not been resolved is not known as the grants paid by central government to local authorities do not fully re-imburse those costs.

DEFENCE

Nerve Agent Pre-treatment Sets

Mr. Burstow: To ask the Secretary of State for Defence what the life-expiry date of Pyridostigmine Bromide was in *(a)* 1990 and *(b)* 1995. [40141]

Dr. Reid: In 1982 and 1983, the Ministry of Defence took delivery of an initial stock of unlicensed Nerve Agent Pretreatment Set (NAPS) tablets containing pyridostigmine bromide (PB) which had been manufactured by Roche Products Ltd. in those years. These tablets had a nominal shelf-life of 5 years, which was later extended to 6 and then 7 years following testing at the Chemical Defence Establishment (CDE) (now known as the Chemical and Biological Defence Sector of the Defence Evaluation and Research Agency) at Porton Down in 1987 and 1988. In July 1988 a contract was let to Duphar BV (now known as Solvay Duphar BV) to replace

MOD's holding of NAPS. This second order, also unlicensed, was delivered to MOD in February 1989 and distributed to units by August 1989. These tablets had a nominal life expectancy of 4 to 5 years, expiring in 1992–93.

Thus, at the beginning of 1990, MOD's stock of NAPS contained tablets manufactured by Roche Products Ltd., some of which had, nominally, life-expired in 1989 and some of which were due to expire early that year, and tablets manufactured by Duphar BV with a nominal expiry date of 1992–93. We believe that the NAPS tablets used during the Gulf conflict were drawn principally, possibly exclusively, from stocks of the Duphar tablets which were due to expire in 1992–93. However, in October 1990 samples of the Roche tablets, all of which were, at that time, life-expired, were analysed by CDE to determine their suitability for use during Operation GRANBY in the event that additional stocks were required; their PB content was found to be within an acceptable range for use.

Additional stocks of NAPS tablets were delivered from Duphar BV in 1991. A licence application for NAPS was made in 1992 and, based on the available storage data information, a life expiry date of 4 years was granted when the licence application was approved in 1993. This stock therefore had an expiry date of 1995. It is possible that MOD's holding of NAPS in 1995 also included some of the Roche and earlier Duphar batches whose shelf-lives had already expired.

Further stocks of NAPS tablets were delivered in the Spring of 1996 to replace MOD's holding. These have an expiry date of early 2000. Life-expired stocks of NAPS are currently being disposed of at CBD Porton Down.

CR Gas

Mr. Livingstone: To ask the Secretary of State for Defence what assessment of the health effects of CR gas has been made by the senior medical officers of his Department since 1991; how many published and internal papers have been written by his Department's medical officers on this subject since 1991; and what are the current security classifications of these reports. [45311]

Dr. Reid: No such assessment has been made by my Department since 1991. No published or internal papers on the subject have, therefore, been written by my Department's medical officers since 1991.

UN Peacekeeping Operations

Mr. Baldry: To ask the Secretary of State for Defence how many United Kingdom troops were engaged in United Nations peace keeping duties on 1 January in each of the last five years; and in what locations they were engaged and by the authority of which United Nations resolutions. [45463]

Dr. Reid: I refer the hon. Member to the letter I sent to the hon. Member for Portsmouth, South (Mr. Hancock) on 17 November 1997, a copy of which has been placed in the Library of the House. The only change, as of 1 January 1998, to the figures quoted in my letter for UK Service personnel serving on current UN peacekeeping operations is the addition of five in UNFICYP (Cyprus), making a total of 409. Since 1 January, however, the numbers of UK personnel deployed in UNFICYP has reduced from 409 to 312 to allow the integration of a Dutch contingent of 102 personnel. And in UNOMIG, following a UN freeze on the rotation of personnel due to the deterioration in the security situation in Georgia, the number of UK personnel deployed has reduced from seven to one.

The additional information requested on the relevant United Nations Security Council resolutions (UNSCRs) for peacekeeping operations on which United Kingdom troops were deployed in the last five years is as follows:

UNFICYP (Cyprus)—UNSCR 186;

UNIKOM (Iraq)—UNSCR 689;

UNOMIG (Georgia)—UNSCR 858;

UNPROFOR (Croatia/Bosnia)—UNSCR 743;

UNCRO (Croatia)—UNSCR 981;

UNAVEM III (Angola)—UNSCR 976;

MINURSO (Western Sahara)—UNSCR 690.

Territorial Army

Mr. Baldry: To ask the Secretary of State for Defence, pursuant to his answer of 7 May 1998, *Official Report*, column *436*, on the Territorial Army, when he expects to write to the hon. Member for Banbury. [45462]

Dr. Reid: I wrote to the hon. Member on 15 June and a copy of my letter has been placed in the Library of the House.

King's Own Border Regiment

Mr. Martlew: To ask the Secretary of State for Defence what is the establishment strength of the First Battalion King's Own Border Regiment; and what is the current number of soldiers in the regiment. [45811]

Dr. Reid: The First Battalion Kings Own Border Regiment has an establishment strength of 770. The current number of soldiers serving in the Regiment is 750.

Eritrea

Mr. Hoyle: To ask the Secretary of State for Defence if he will make a statement on the role of the Royal Marines and Royal Air Force in Eritrea. [46095]

Mr. George Robertson: At 0730 on the morning of Saturday 6 June, following a request from the Foreign and Commonwealth Office, an RAF C-130 Hercules aircraft left RAF Lyneham, Wiltshire for Eritrea with a party of 18 Royal Marines on board to conduct an evacuation of UK citizens stranded by the fighting there. After refuelling in Crete, the aircraft arrived in Asmara late in the evening and spent an hour on the ground during which time the Royal Marines, carrying light weapons, helped to marshal evacuees and provide protection. The aircraft picked up the remaining 40 or so UK citizens who wished to leave, together with the Honorary Consul as well as around 60 other foreign nationals.

Executive Agencies (Performance Targets)

Mr. Fitzpatrick: To ask the Secretary of State for Defence what key targets have been set for the Chief Executive of the Naval Recruiting and Training Agency for 1998–99. [46285]

Dr. Reid: The Chief Executive of the Naval Recruiting and Training Agency has been set the following key targets for 1998–99:

1. To deliver personnel to the trained strength (or to other training organisations) within 10 per cent. variance from the tasked requirement.
2. To obtain a Customer Satisfaction Rating of at least 91 per cent.
3. To maintain success rates of 95 per cent. in Career Training and 97 per cent. in examined Pre-joining training.
4. To increase the strength of the RNR to at least 3,100 by 31 March 1999.
5. To retain tasked capacity while operating NRTA within its 1998–99 cash allocation of £233 million, a reduction of £7 million (3 per cent.) from 1997–98 figures.
6. To break even over the year in respect of the partnering arrangement with Flagship Training Ltd.
7. To review the NRTA's Corporate IS Strategy and produce a supporting Action Plan for its implementation, by 31 March 1999.
8. To include satisfactory accounts in the Agency Annual Report for Financial Year 1997–98, in preparation for passing a full external NAO Audit on the 1998–99 accounts included in the following year's Annual Report.

Mr. Fitzpatrick: To ask the Secretary of State for Defence what key targets have been set for the Chief Executive of the RAF Personnel Management Agency for 1998–99. [46287]

Dr. Reid: Key Targets have been set for the Chief Executive of the RAF Personnel Management Agency for the Financial Year as follows:

Key Target 1

a. To ensure that the percentage of Peacetime Established Posts filled, as a ratio of the manning level, is 91.70% or greater.

b. To man War, Tension, Crisis and MOD Authorised Unestablished tasks at 95% or greater.

Key Target 2

To ensure that 80% or more of personnel given a posting that qualifies for a domestic move receive the required notice.

Key Target 3

To increase the number of operationally employable reservists to 2,900 by 31 March 1999.

Key Target 4

To ensure that the percentage variation between the actual trained strength and the authorised trained strength, taken as an average over the Financial Year, is no greater than +/- 1%.

Key Target 5

To deliver the £353,500, or 3% savings that accrue from the efficiencies planned for the Financial Year 1998–99.

Mr. Fitzpatrick: To ask the Secretary of State for Defence what key targets have been set for the Chief Executive of the Training Group Defence Agency for 1998–99. [46288]

Dr. Reid: Key Targets have been set for the Chief Executive of the Training Group Defence Agency for the Financial Year 1998–99 as follows:

Key Target—Quality of Product

Achievement of customer satisfaction with the quality of graduate trainees as reflected in Customer Advisory Committee reports to the Air-Officer Commanding in Chief.

Target for 1998–99: Development of quality monitoring system by 31 March 1999.

Key Target 2—Efficiency

To deliver the savings that accrue from the efficiencies planned for FY98—99.

Target for 1998–99: £10.4M (3%)

Key Target 3a—Quantity of Output (Flying Training)

The percentage of trained aircrew delivered against RAF requirements.

Target for 1998–99: 96.0%.

Key Target 3b—Quantity of Output (Ground Training)

The percentage of trained personnel delivered against RAF requirements.

Target for 1998–99: 97.0%.

Key Target 4—Development of Output Costings and Unit Cost Measures

To provide full output costings and associated unit cost measures for the Agency by FY00–01.

Target for 1998–99: Output costing model.

Mr. Fitzpatrick: To ask the Secretary of State for Defence what key targets have been set for the Chief Executive of the Army Base Repair Organisation for 1998–99. [46286]

Dr. Reid: The Chief Executive of the Army Base Repair Organisation has been set the following Key Targets:

1. To deliver a responsive service which matches the needs of the customer in peace and for operations to the agreed timeliness, quantity and quality criteria, to the maximum extent possible with available resources.
2. To remain within ABRO's allocated cash budget.
3. To reduce the ratio of labour costs to hours of production by 2 per cent. from those of the averaged last three years.
4. To delivery objective measures of customer satisfaction.
5. To deliver an implementation plan embracing the endorsed recommendations from the Agency and ES Next Steps Reviews.

SOCIAL SECURITY

War Widows

Mr. Wills: To ask the Secretary of State for Social Security (1) how many claims for war widows' pensions based *(a)* wholly and *(b)* in part on exposure to nuclear tests were (i) accepted and (ii) rejected in the periods (1) January 1988 to December 1993 and (2) January 1994 to May 1998; [45217]

(2) how many of the widows who were awarded war widows' pensions in the period from January 1988 to December 1993, based *(a)* wholly or *(b)* in part on their husbands' exposure to nuclear tests, have continued to receive the pension; [45190]

(3) how many claims for war widows' pension were made by widows of nuclear test veterans, based wholly or in part on exposure to nuclear tests in the periods *(a)* January 1988 to December 1993 and *(b)* January 1994 to May 1998. [45283]

Mr. Denham: One of our key aims is that delivery of service should be simpler and more efficient. The administration of the War Pensions Agency is a matter for its Chief Executive, Mr. Gordon Hextall. I have asked him to write to my hon. Friend.

Letter from G. Hextall to Mr. Michael Wills, dated 15 June 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Questions about claims and awards of War Widows Pension related to exposure to nuclear tests, between the dates January 1988 to December 1993 and January 1994 to May 1998.

Under the War Pension Scheme a War Pension may be awarded to ex-servicemen or their widows in respect of death or disablement which is due to service in the Armed Forces. Consequently, claims may be made by the widows of men who participated in the UK nuclear weapons test programme in respect of a wide variety of conditions which may have lead to or hastened death. The War Pensions Agency collates data on all cases where it is claimed that the late husband was exposed to excess radiation as a result of participation in the tests, even where the claim for pension is for a condition a widow has not regarded as related to such exposure.

The Secretary of State's normal policy is that where there is reliable evidence of exposure to excess ionising radiation and a recognised link between a claimed condition and such exposure, an award of War Pension may be made.

As a result of concern amongst some test participants about the effects their participation has had on their health, the Ministry of Defence commissioned an independent study by the National Radiological Protection Board (NRPB). The study compared the mortality and cancer incidence in over 20,000 test participants with that of a similar-sized control group of ex-servicemen who had not participated in the test programme.

The NRPB Report, published in 1988, concluded that participation in the UK tests has not had a detectable affect on the participants' expectation of life, nor on their risk of developing cancer in general. It did, however, raise a reasonable doubt that leukaemia (other than chronic lymphatic leukaemia) and multiple myeloma might be due to participation. Whilst the NRPB Report did not causally relate leukaemia specifically to participation in the nuclear weapons tests, its evidence was nevertheless accepted as raising a reasonable doubt that these two conditions may have resulted from such participation. The relevant War Pension Legislation provides that an award may be made if, on the basis of reliable evidence, there is a reasonable doubt that a condition is due to service; the benefit of any reasonable doubt is given to the claimant. Awards of War Pension were therefore made on that basis.

In the table, the "total awarded" figure represents the total number of awards of War Widows' Pensions made to the widows of men who participated in the tests. Awards therefore include both those made as a result of the Secretary of State's normal policy following the evidence from the NRPB, and those made as the result of a condition arising from service unrelated to participation in the tests. The awards made as a result of the NRPB reports are recorded in the next column headed "Radiation Award".

Awards made as a result of NRPB reports

	January 1988 to December 1993	*January 1994 to May 1998*
Claims received	104	55
Total awarded	24	6
Radiation award	12	0
Rejected	80	41

8 claims are still under consideration.

The 12 Radiation Awards for 1988–1993 are included in the Total Awarded column.

Of the 24 awards made between January 1988 and December 1993, our records show that 18 widows are still in receipt of a War Widows Pension.

I hope you find my reply helpful.

Child Support Agency

Mr. Terry Davis: To ask the Secretary of State for Social Security what targets have been established by her Department for the time to be taken by the Child Support Agency to deal with claims for compensation. [45765]

Mr. Keith Bradley: The administration of the Child Support Agency is a matter for the Chief Executive, Mrs. Faith Boardman. She will write to my hon. Friend.

Letter from Mrs. Faith Boardman to Mr. Terry Davis, dated 15 June 1998:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about Child Support Agency compensation payments, normally referred to as special payments.

A special payment is considered where a clear and unambiguous error by the Agency has resulted in an actual financial loss to the customer which is not recoverable through other means. No set target has been given to the Agency for the length of time taken to award such payments. Each case is carefully considered on its individual merits and depending on the complexity of the case, the length of time required to reach a decision can vary considerably.

The Agency has a discrete unit to deal with claims for special payments. This ensures that each case receives individual attention and helps achieve fairness and an appropriate standard of consistency in an essentially discretionary scheme. All cases are now treated with priority and are normally dealt with in order of the date of receipt.

The number of claims is small compared with our overall caseload of over 770,000 live and assessed cases. But it has risen as a result of the increases in the Agency's current workloads and of our recent actions to clear the backlog of maintenance applications which had accumulated in the Agency during its first 2–3 years. In 1997/98 the Agency cleared 595,000 maintenance applications compared with 357,000 in 1996/97 and reduced the number of maintenance applications over 52 weeks old from 225,000 to 110,000.

We recognise that the length of time taken to deal with special payments in some instances has been protracted; we have recently reorganised our resources in this area and streamlined procedures with the aim of resolving special payments more speedily. As a result, the majority of individual claims which had been outstanding have been processed since December 1997 and the time for dealing with new claims has reduced significantly. Since December 1997 a total of 585 new cases have been cleared and 1719 new cases are at various stages of action. We also recognise that by improving our underlying service and efficiency we can avoid the need for such claims. We are on course to clear the rest of the backlog of maintenance applications over 52 weeks old by the end of 1998/99.

We acknowledge that in the past our basic levels of customer service have been unacceptable and we are sorry that our failings may on occasion have caused inconvenience, frustration, distress and financial hardship. During 1997/98 we developed the Customer Service Strategy, our customer service improvement plan for the next four years. The Strategy will improve performance standards; information and openness; consultation and choice; courtesy and helpfulness and provide value for money. We have begun action on some of our customer service initiatives but it will take three to four years to deliver everything. However, we expect customers to see some real improvements by the end of 1998/99.

I hope this is helpful.

ADAPT Project

Mr. Rendel: To ask the Secretary of State for Social Security when she intends to respond to proposals made by the three private sector consortiums involved in the ADAPT project; and if she will place a copy of the proposals in the Library. [46031]

Mr. Keith Bradley: This is a matter for Peter Mathison, the Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mr. David Rendel, dated 15 June 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking when she intends to respond to proposals made by the three private sector consortiums involved in the ADAPT project; and if a copy of the proposals will be placed in the Library.

To date, the Project has received one formal proposal from one of the private sector consortia. This has been given due consideration and a response has been given to the relevant consortia.

The Benefits Agency is working collaboratively with all three of the private sector consortia to jointly develop appropriate ideas which will meet Government's objectives and fit with the Benefits Agency's business.

The proposal which was submitted contained information of a commercially confidential nature and, as such, it is not appropriate to place copies of the document in the Library.

I hope you find this reply helpful.

National Insurance

Mr. Rendel: To ask the Secretary of State for Social Security when the Contributions Agency expects to start processing NI returns for the current tax year using the new NIRS2 computer system. [46030]

Mr. Denham: The processing of National Insurance returns using the NIRS2 system is a matter for George Bertram, the Chief Executive of the Contributions Agency. He will write to the hon. Member with further details.

Letter from David Slater to Mr. David Rendel, dated 15 June 1998:

George Bertram is the Chief Executive of the Contributions Agency and has the responsibility for answering questions about operational matters relating to the Agency under which the processing of National Insurance returns on NIRS2 falls. In the absence of Mr. Bertram, I have been asked to answer your question about processing National Insurance returns using NIRS2 on his behalf.

The new National Insurance Recording System (NIRS2) release which supports the processing of National Insurance (NI) returns is undergoing formal acceptance testing. On current plans, the processing of NI returns for the 1997–98 tax year will commence during July 1998, subject of course to satisfactory completion of the acceptance testing.

The Contributions Agency will expect to process NI returns for the "current" tax year (1998–1999) with effect from April 1999.

Benefit Fraud Inspectorate

Mr. Jim Cunningham: To ask the Secretary of State for Social Security what estimated savings have resulted from the work of the Benefit Fraud Inspectorate. [46223]

Mr. Field: The role of the Benefit Fraud Inspectorate (BFI) is to inspect and report on the counter-fraud performance of local authorities and DSS agencies. It will raise standards by publishing reports with recommendations and by identifying and encouraging good practice across organisational boundaries. It is too soon to quantify the savings local authorities and DSS agencies will make by implementing the recommendations in the BFI's first report.

Parental Leave

Mrs. Fyfe: To ask the Secretary of State for Social Security if employees who apply for unpaid parental leave from work and whose incomes are low, will be able, under her proposals for extending parental leave, to receive state benefits. [46145]

Mr. Denham: The Government are keen to support a strong family-friendly culture in the workplace. Family-friendly employment policies are good for parents, good for children, good for business and good for the economy. We are working with employers, voluntary organisations and trade unions to promote family-friendly policies and encourage best practice. We are also introducing for the first time a framework of rights for employees—these rights will include time off for mothers and fathers at the time of birth, as well as time off for parents when their children are taken ill. The interaction between parental leave and benefit entitlement is being considered as part of our wider review of family-friendly working arrangements.

Pensions Education Working Group

Mr. Healey: To ask the Secretary of State for Social Security when she will publish the report of the Pensions Education Working Group. [46454]

Mr. Denham: Last September, as part of the Governments Pension Review, we commissioned the Pensions Education Working Group Report to look at ways of improving education and awareness of pension issues. Today we are pleased to be publishing their report 'Getting to know about Pensions', copies of which have been placed in the Library.

The Pension Provision Group report, published on 4 June 1998, identified that many people will face an avoidable drop in income in retirement because they do not make adequate provision for themselves over and above the basic State pension. One of the key issues underlying this problem is the lack of financial awareness and good information on pensions.

Today's report provides a clear and concise analysis of the need for improved education and is an important contribution to addressing the challenge, identified in the Pension Provision Group report, to bring about a significant improvement in people's understanding about pensions and the need to make sufficient provision.

The report makes a series of recommendations for action. The Government's response is being considered as part of the pensions review, but action has already been taken to improve the quality of information provided by the Department of Social Security.

We are grateful to members of the Pensions Education Working Group for the time, commitment and expertise they have provided. We are pleased that the Group has agreed to continue to carry forward its work in a number of areas.

HOME DEPARTMENT

Fire Safety

Mr. Ainger: To ask the Secretary of State for the Home Department how many reports his Department has received in each of the past five years of cases of death or injuries caused by fire in unlicensed bed-and-breakfast establishments. [45373]

Mr. George Howarth: The information requested is not available centrally.

CS Gas

Mr. Livingstone: To ask the Secretary of State for the Home Department (1) if he will list the manufacturers of CS spray devices which have been evaluated for use by police forces by the police scientific development branch since 1994; for what reasons the police scientific development branch recommended the purchase of CS sprays produced by SAE Alsetex; and how many police forces are currently purchasing stocks of CS sprays from SAE Alsetex; [45309]

(2) if he will list the police forces which *(a)* have and *(b)* have not issued CS sprays to officers; [45306]

(3) what research has been conducted by the police scientific development branch since 1995 into the safety and effectiveness of reducing the strength of CS in CS sprays currently issued to police officers; when this research was carried out; what are the current security classifications of reports resulting from this research; and if he will place copies of the results of this research in the Library; [45307]

(4) what plans he has to reduce the strength of CS in CS sprays currently issued to police officers to below five per cent.; and what assessment he has made of the safety of the current strength; [45308]

(5) what research has been commissioned by his Department from the DERA since July 1997 into alternative solvents for CS sprays and for what reasons; when this research was commissioned; what are the current security classifications of the reports resulting from this research; and if he will place copies of this research in the Library. [45305]

Mr. Michael: Individual chief officers are responsible for deciding which type of equipment to issue. All forces in England and Wales, apart from Northamptonshire, Nottinghamshire and Sussex, have now issued CS sprays to their officers. A specification issued by the Association of Chief Police Officers (ACPO) on the purchase of CS sprays, reflecting advice from the Home Office Police Scientific Development Branch, recommends a five per cent. concentration of CS. My right hon. Friend the Secretary of State has no plans to suggest that this guidance is changed. Operational use of this concentration by the French police for many years has been found to be effective in delivering the required amount of incapacitant in a short time. Lower concentrations of CS would require the delivery of a larger quantity of liquid over a longer period to produce an operationally effective dose. It is the total quantity of CS which may be delivered which is relevant to consideration of safety. The specification issued by the ACPO provides that the total content of CS in a can should not exceed 5g to comply with a recommendation by the 1971 inquiry (the Himsworth inquiry) into the medical and toxicological aspects of CS, relating to the use of CS in enclosed spaces. A copy of the report of that inquiry is in the Library.

At the end of 1997, the Defence Evaluation and Research Agency carried out a literature review on behalf of the Home Office to identify possible alternative solvents. None was identified. Work in this area by the Home Office Police Scientific Development Branch is continuing.

The Branch does not recommend any particular manufacturer of CS spray. CS sprays produced by SAE Alsetex have been chosen by some police forces because they performed best in a competitive national tendering process managed by the Metropolitan Police on behalf of ACPO. Details of how many forces have purchased equipment from SAE Alsetex are not held centrally.

Prisoners

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women were in prison in England and Wales for serious sex offences on 1 June. [45447]

Ms Quin: The available information for all sexual offences is for 30 April and is given in the table.

Population in prisons in England and Wales under sentence for sexual offences on 30 April 1998[1]

Sexual offence	*Males*	*Females*
Abduction	19	—
Bigamy	1	1
Buggery	322	—
Buggery, indecency between males	54	—
Gross indecency/indecent assault child	541	4
Incest	88	1
Indecent assault	967	4
Indecent exposure	7	—
Rape	2,191	4
Unlawful sexual intercourse	118	—
Other sexual offences	2	—
Total	4,310	14

[1] Provisional figures

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women were being held as category A prisoners in prisons in England and Wales on 1 June. [45445]

Ms Quin: On 1 June 1998, 839 men and 4 women were classified as Category A prisoners.

Police Officers

Mr. Efford: To ask the Secretary of State for the Home Department what research has been *(a)* commissioned and *(b)* evaluated by his Department in respect of racial awareness training for police officers. [45643]

Mr. Michael: There have been various evaluation studies of training courses and seminars run by the Home Office and the matter has been addressed in the course of reports on issues which have a bearing on racial awareness training.

In 1984, a report was published of the evaluation of an experimental series of four short courses in racism awareness training sponsored by the Home Office. In 1991, Her Majesty's Inspectorate of Constabulary (supported by Her Majesty's Inspectorate (Schools) and an independent assessor) inspected the Home Office Specialist Support Unit (SSU), which provides expert community and race relations training to the police. In 1993, the Home Office Police Research Group evaluated the six-week course in racial awareness offered by the

Specialist Support Unit. In 1995, the Home Office Research and Planning Unit carried out a study of the annual Holly Royde seminar which is intended to help the police to address their local policing priorities and practice with a greater awareness of the multi-racial context in which they operate. These studies have highlighted the need to build racism awareness training into regular training programmes.

Details of other research into areas which have a bearing on racial awareness training are as follows:

Home Office study into Racial Attacks—November 1981

Police Research Group report on reducing repeat racial victimisation—November 1995 (ISBN 1–85893–453–2).

Her Majesty's Inspectorate of Constabulary's thematic report on police community and race relations—October 1997 (ISBN 1–85893–9658).

Police Research Group report on policing racially motivated incidents—November 1979 (ISBN 1–85893–988–7).

Much of this research concluded that more work needed to be done on building a better relationship between the police and the community. This included recommendations that police officers receive training in community and race relations generally and, more specifically, in developing a greater sensitivity to the impact of racial attacks on the community and in responding to ethnic minority groups.

Mr. Efford: To ask the Secretary of State for the Home Department what plans he has to introduce more rigorous background checks for future applicants to join the police force. [45709]

Mr. Michael: All new recruits to the police service are subject to a vetting procedure. It is for individual forces to determine what other background checks are made in respect of those officers who have been selected for appointment to the police service. I have seen no evidence to suggest that these procedures are not satisfactory.

Mr. Efford: To ask the Secretary of State for the Home Department if he will make a statement regarding racial awareness training procedures for the police indicating what training is compulsory. [45711]

Mr. Michael: At national level, all police officers receive training in community and race relations (CRR) as part of their probationer training. CRR forms part of the Strategic Command Course (which, since 1990, has been mandatory for all officers being appointed to the Association of Chief Police Officer ranks) and is also included in the Police Sergeants' Programme and the Inspectors' Management Development Course (which newly promoted Sergeants and Inspectors respectively are expected to attend) and the Trainers' Development Programme. The Staff College at Bramshill also runs a dedicated course on policing racial incidents.

Minimum Effective Training Levels in equal opportunities and community and race relations in the form of behavioural statements for officers up to and including inspector rank, have been devised and work is in hand to incorporate them into the national curriculum.

Further CRR training within forces is a matter for individual chief officers and the extent of such training and whether or not it is compulsory varies from force to force. Some forces run specific courses covering diversity issues, others integrate community and race relations issues within existing courses. Some forces make use of expert consultancy organisations in providing this training.

The Home Office funds a Specialist Support Unit which provides independent expert community and race relations training and advice to the police service. In the past, efforts have focused on training force trainers who cascade the training to officers in their forces. We will be implementing a new strategy for the provision of this specialist support from 1999 which will focus on:

completing the integration of community and race relations throughout the national training curriculum; and

support and training to individual forces to place community and race relations firmly within operational policing activities.

The Home Office also runs the Holly Royde seminar annually for police managers which focuses on the relationship between the police and the public—particularly minority ethnic communities—and the implications for operational policing in multi-racial Britain.

Police Training Procedures

Mr. Efford: To ask the Secretary of State for the Home Department when the last independent review of police training procedures was conducted; and what plans he has to instigate another review. [45644]

Mr. Michael: Ministers are currently giving active consideration to the best way of improving the quality and comprehensiveness of police training. There has been no fully independent review specifically of police training in recent years. The report by Lord Scarman on the Brixton disorders in 1981 made a number of important recommendations relating to police training and there have also been a number of internal or partly independent reviews since then. A series of reviews led to the creation of National Police Training (NPT) in 1993. A strategic review of NPT began in 1997 and is expected to be completed later this year. A review of probationer training was carried out between 1994–95. Her Majesty's Inspector of Constabulary is carrying out a thematic inspection of police training, which is expected to be completed early in 1999.

West Mercia Constabulary

Mr. Michael J. Foster: To ask the Secretary of State for the Home Department (1) how many police constables were employed by West Mercia Constabulary in each of the years 1979 to 1997; [45673]

(2) what was the police officer strength of West Mercia Constabulary in each of the years 1979 to 1997. [45674]

Mr. Michael: The information available is set out in the table. It is not possible to provide details of the number of constables prior to 1990.

West Mercia Constabulary

Year[1]	*Total constable strength*	*Total officer strength*
1979	n/a	1,777
1980	n/a	1,928
1981	n/a	1,926
1982	n/a	1,924
1983	n/a	1,906
1984	n/a	1,923

West Mercia Constabulary

Year[1]	Total constable strength	Total officer strength
1985	n/a	1,926
1986	n/a	1,923
1987	n/a	1,948
1988	n/a	1,956
1989	n/a	1,959
1990	1,503	2,013
1991	1,517	2,028
1992	1,545	2,057
1993	1,557	2,064
1994	1,547	2,043
1995	1,519	2,008
1996	1,529	2,011
1997	1,558	2,031

[1] Figures provided are as at 30 September for each year

Asylum Seekers

Sir Norman Fowler: To ask the Secretary of State for the Home Department how many appeals are currently outstanding against an initial decision to refuse political asylum; and if he will make a statement. [45520]

Mr. Mike O'Brien: As at 30 April 1998 (the most recent date for which information is available) there were 23,815 asylum appeals outstanding with the Immigration Appellate Authority. The total number has been falling steadily from a peak of 26,180 in August 1997.

Mr. Gerrard: To ask the Secretary of State for the Home Department for what reason interviews with asylum seekers at Heathrow are conducted in designated secure areas. [45634]

Mr. Mike O'Brien: Immigration Service control accommodation is provided by the port operator. As the business of the Immigration Service at Heathrow is to process arriving passengers and conduct interviews under Schedule 2 of the Immigration Act 1971, the accommodation provided is most appropriately sited close to the immigration arrivals control. A designated secure area provides confidentiality and enables the Service to fulfil duty of care obligations to both interviewees and officials.

Mr. Gerrard: To ask the Secretary of State for the Home Department what instructions were issued by his Department to the Immigration Service at Heathrow regarding the revised arrangements for access to immigration and asylum interviews which came into operation on 1 March. [45636]

Mr. Mike O'Brien: At Heathrow, representatives are now required to provide details of employees in advance of their attendance at ports. This is to facilitate airside clearance for representatives and their interpreters.

Mr. Gerrard: To ask the Secretary of State for the Home Department what guidance he has issued on how asylum seekers should be informed of a decision which affects their entitlement to benefits. [45632]

Mr. Mike O'Brien: Asylum caseworkers have been instructed to notify an asylum seeker who is known to be in receipt of benefits of the refusal of the application at the same time as the Benefits Agency is notified of the refusal, if consideration is to be given to enforcing removal from the United Kingdom.

Mr. Gerrard: To ask the Secretary of State for the Home Department for what reason asylum seekers whose cases are unresolved but who have permission to work are excluded from acting as interpreters in asylum interviews at Heathrow. [45635]

Mr. Mike O'Brien: It is not appropriate to allow asylum seekers, including those who have permission to work, to act as interpreters in asylum interviews. This is both to safeguard the security of the port and those in our care, whilst at the same time ensuring the integrity of an asylum application.

Mr. Viggers: To ask the Secretary of State for the Home Department what is his estimate of the cost to his Department of asylum seekers whose application has not been resolved in the last year for which figures are available. [45543]

Mr. Mike O'Brien: The information requested is not available, but the total cost to the Home Office in 1997–98 of dealing with asylum seekers is estimated to be about £80 million. The estimate includes dealing with asylum seekers at ports of entry, deciding asylum claims, handling subsequent appeals work, removing failed asylum seekers and detaining some asylum seekers. It is not possible to give precise figures as not all the costs associated with asylum seekers can be identified separately within total immigration spending.

In addition, the Home Office paid grant of about £7 million to non-governmental organisations in assistance to asylum seekers and refugees.

Firearms Compensation

Mr. Lansley: To ask the Secretary of State for the Home Department what is the current delay in processing applications for compensation under Category C of the Firearms Compensation Scheme; and what was the delay *(a)* one month ago and *(b)* two months ago. [45548]

Mr. Michael: The Firearms Compensation Section (FCS) is currently working on Option C claims lodged with the police on 13 July 1997. I regret that information is not available on the comparable processing dates in previous months. Having cleared the claims under Options A and B of the compensation scheme, the FCS is now devoting its resources to processing the remaining claims under Option C. Around 900 payments totalling over £3.1 million have been made under Option C, including interim payments to firearms dealers, and offers of payment have been made in a further 450 cases. These will be processed as soon as the necessary Declarations have been returned by the claimant. I outlined the timetable for completion of Option C payments in the reply I gave to the hon. Member for North Thanet (Mr. Gale) on 8 June 1998, *Official Report*, columns *438–39*.

Deaf Prisoners

Mr. Levitt: To ask the Secretary of State for the Home Department if he will take steps to *(a)* identify, *(b)* promote and *(c)* disseminate good practice in the way in which prison officers deal with deaf prisoners throughout the Prison Service. [45476]

Ms Quin: The Prison Service does recognise the needs of deaf prisoners. Most recently, the Service's Instruction 79/1996 alerted governors, in keeping with the first

provisions of the Disability Discrimination Act (DDA) 1995, of the need to comply with these provisions which are concerned with attitudes towards disabled people and an awareness of their needs, and prohibiting discrimination against them in relation to access to goods, facilities and services. Further guidance will be published later this year on the management of prisoners with physical and sensory disabilities, setting out practice to be implemented across all establishments in England and Wales. In implementing the provisions of the DDA, the Prison Service will consult with external organisations representing people with hearing, sight and other disabilities.

Prisons (Beef)

Mr. Luff: To ask the Secretary of State for the Home Department if he will make a statement on the availability of *(a)* imported and *(b)* British beef in prisons. [45518]

Ms Quin: Both British and imported beef is available to all prison establishments through centrally negotiated contracts. It is purchased by establishments to a quality specification set by the Meat and Livestock Commission.

DNA Results (Exchanges)

Mr. Maclean: To ask the Secretary of State for the Home Department, pursuant to his answer to the hon. Member for Hendon (Mr. Dismore) of 5 June 1998, *Official Report*, columns *378–80*, if he will place in the Library the report on the exchange of DNA analysis results. [45715]

Mr. Michael: This document has already been deposited in the Library.

Private Finance Initiative

Mr. Maclean: To ask the Secretary of State for the Home Department if he will list *(a)* the PFI projects currently under way and *(b)* those under consideration for the police service in England and Wales. [45695]

Mr. Michael: The information requested is as follows.

Private Finance Initiative (PFI): Police Authority Projects in England and Wales

(a) Projects currently underway:

Derbyshire—Ilkeston Police Station (contract awarded February 1998)

Northumbria—Mounted Section Facility (contract awarded May 1998)

Wiltshire—Air Support (contract awarded December 1997)

(b) Projects under consideration:

England

Cheshire—Force HQ/Training Centre

Cleveland/Durham—Firearms Training

Cumbria—Workington Divisional Police Station

Derbyshire—Derby Divisional HQ

Dorset—Divisional HQ and Police Station (Dorchester)

Greater Manchester—Forcewide Property Review

Hertfordshire—Communications System

Norfolk—Force HQ

Nottinghamshire—Area Traffic Wing

Thames Valley—Area HQ and Sector Station (Abingdon)

Metropolitan Police—i) 3 Divisional Police Stations (Bromley, Lewisham and Sutton); ii)Firearms Training

Wales

Dyfed-Powys—i) Ammanford Police Station; ii) Lampeter Police Station

Gwent—Ystrad Mynach Police Station

North Wales—Divisional HQ and Police Station (Rhyl).

Emergency Control Centres

Mr. Maclean: To ask the Secretary of State for the Home Department what assessment he has made of the benefits of *(a)* amalgamating and *(b)* integrating (i) locally and (ii) nationally police, fire and ambulance emergency control centres. [45696]

Mr. Michael: We are currently engaged in a consultation exercise with the police, fire and ambulance services on the possibility of sharing control rooms. The exercise is looking at the potential efficiency savings and other operational benefits of the shared use of control rooms by the three emergency services, as well as considering any down-side.

Chief Police Officers

Mr. Maclean: To ask the Secretary of State for the Home Department if he will list each of the chief police officers in England and Wales indicating the names and their assistants and how long each has been in post. [45680]

Mr. Michael: The table shows the information requested.

Chief officers of police in England and Wales (as at 12 June 1998)

Police force	*Current rank*	*Name*	*Date appointment*
Avon and Somerset	A.C.C.	K.L. Jones	5 January 1998
	A.C.C. (D)	T. Grange	30 March 1998
	C.C.	S.C. Pilkington	16 February 1998
Bedfordshire	A.C.C.	A. Howlett Bolton	13 May 1996
	C.C.	M. O'Byrne	3 January 1996
	A.C.C. (D)	D.F. Stevens	1 January 1996
Cambridgeshire	A.C.C.	B.J.P. Whyte	6 January 1992
	A.C.C. (D)	D. Winser	9 March 1998
	C.C.	D.G. Gunn	1 January 1994
Cheshire	A.C.C.	I.R. Moody	15 April 1991
	A.C.C.	J.V. Dwyer	31 October 1994
	A.C.C. (D)	I. Holding	21 October 1995
	C.C.	N. Burgess	8 December 1997
City of London	Commissioner	P.R. Nove	28 May 1995
	Cmdr.	M.J. Davison	25 September 1995
	A. Comm.	Vacant	—

Chief officers of police in England and Wales (as at 12 June 1998)

Police force	*Current rank*	*Name*	*Date appointment*
Cleveland	A.C.C.	R. Brunstrom	25 September 1995
	A.C.C. (D)	R.S. Turnbull	12 May 1997
	C.C.	B.D. Shaw	5 April 1993
Cumbria	A.C.C.	C.E. Twigg	5 January 1998
	A.C.C. (D)	J.R. Allsopp	1 January 1998
	C.C.	C. Phillips	13 March 1997
Derbyshire	A.C.C.	R.J. Wood	31 July 1989
	A.C.C.	P. Hancock	10 June 1996
	A.C.C. (D)	D.F. Dovaston	1 October 1996
	C.C.	J.F. Newing	1 June 1990
Devon and Cornwall	A.C.C.	A.C. Street	16 November 1994
	A.C.C. (D)	K.A. Portlock	1 April 1993
	C.C.	J.S. Evans	1 January 1989
Dorset	A.C.C.	W.G. Pothecary	10 May 1995
	C.C.	D.W. Aldous	1 January 1995
	A.C.C. (D)	F.A. May	1 January 1995
Durham	A.C.C. (D)	E.W. Marchant	1 December 1990
	C.C.	G.E. Hedges	12 September 1997
Dyfed Powys	A.C.C.	P. Clough	1 January 1998
	A.C.C. (D)	K. Turner	1 January 1998
	C.C.	R. White	5 June 1989
Essex	A.C.C.	J. Broughton	3 November 1997
	A.C.C.	G. Markham	1 September 1983
	A.C.C. (D)	C.E. Clark	1 September 1997
	C.C.	J.H. Burrow	1 February 1988
Gloucestershire	A.C.C.	P.A. Todd	4 August 1997
	A.C.C. (D)	T. Brain	8 March 1998
	C.C.	A.J.P. Butler	23 August 1993
Greater Manchester	A.C.C.	F.A. Bridge	24 March 1997
	A.C.C.	V.A. Sweeney	25 April 1994
	A.C.C.	R.A. Taylor	3 March 1997
	A.C.C.	D.S. McCrone	4 May 1993
	C.C.	D. Wilmot	1 July 1991
	A.C.C. (D)	M.G. Cairns	30 September 1991
	A.C.C.	G. George	16 December 1988
Gwent	A.C.C.	A. McQuillan	5 June 1995
	C.C.	F.J. Wilkinson	1 January 1997
	A.C.C. (D)	R.O. Thomas	5 September 1994
Hampshire	A.C.C.	P.L. Jones	17 February 1992
	A.C.C.	I.R. Readhead	24 April 1995
	C.C.	J.C. Hoddinott	1 August 1988
	A.C.C. (D)	W.G. Nelson	1 May 1991
Hertfordshire	A.C.C.	P.F. Maddison	24 February 1997
	A.C.C. (D)	W.F. Hughes	3 March 1997
	C.C.	P.S. Sharpe	1 August 1994
Humberside	A.C.C.	M.J. Speakman	13 February 1995
	A.C.C.	G. Clark	24 May 1996
	C.C.	D.A. Leonard	1 January 1992
	A.C.C. (D)	D. Westwood	1 September 1997
Kent	A.C.C.	M. Bowron	15 September 1997
	A.C.C.	D.L. Valls-Russell	27 February 1995
	A.C.C.	T. O'Connor	29 September 1994
	C.C.	J.D. Phillips	1 March 1993
	A.C.C. (D)	R. Ayling	6 June 1997
Lancashire	A.C.C.	J. Vine	1 May 1996
	A.C.C.	T. Ghaffur	13 May 1996
	A.C.C.	D.R. Smith	17 April 1995
	A.C.C. (D)	G.R. O'Connell	1 January 1996
	C.C.	P.A. Clare	31 July 1995
Leicestershire	A.C.C.	D. Coleman	1 January 1996
	A.C.C.	C.J. Gray	28 April 1997
	A.C.C. (D)	D.J. Lindley	1 December 1997
	C.C.	D.J. Wyrko	16 June 1997
Lincolnshire	A.C.C.	A. Goldsmith	8 April 1991
	C.C.	R.J. Childs	24 May 1998
	A.C.C. (D)	P.G. Davies	14 November 1994
Merseyside	A.C.C.	B. Hogan-Howe	1 September 1997
	A.C.C.	M.W. Baxter	1 December 1997
	A.C.C.	P.R. Stephenson	21 November 1994
	A.C.C. (D)	P. Acres	1 May 1995
	C.C.	J. Sharples	25 June 1989

Chief officers of police in England and Wales (as at 12 June 1998)

Police force	*Current rank*	*Name*	*Date appointment*
Metropolitan	Cmdr.	M. Campbell	24 September 1984
	D.A.C.	B. Wilding	1 June 1998
	D.A.C.	M.J. Todd	25 May 1998
	Dep. Comm.	J. Stevens	6 April 1998
	A. Comm.	A. Dunn	2 September 1996
	A. Comm.	D. Veness	5 April 1994
	A. Comm.	W.I.R. Johnston	2 September 1996
	A. Comm.	P.A. Manning	17 February 1997
	Cmdr.	N.G. Mulvihill	2 December 1996
	Cmdr.	M. Messinger	10 February 1997
	Cmdr.	C. Howlett	23 September 1996
	Cmdr.	B.G. Moss	27 April 1992
	Cmdr.	D. Ray	2 September 1996
	Cmdr.	D.M. Kendrick	2 September 1996
	Cmdr.	P.J.M. Clarke	10 April 1996
	Cmdr.	R. Currie	11 December 1995
	Cmdr.	P.L. Tomkins	8 January 1997
	Cmdr.	M.J. Gerrard	20 January 1997
	Cmdr.	D.E.M. Gilbertson	2 September 1996
	Cmdr.	D. Croll	13 January 1997
	Cmdr.	T.C. Lloyd	19 August 1996
	Cmdr.	B.J. Luckhurst	30 October 1995
	Cmdr.	M. Cralk	14 July 1997
	Cmdr.	S. Becks	23 September 1996
	Cmdr.	R. Cullen	11 August 1997
	Cmdr.	J.F. Purnell	2 September 1996
	Cmdr.	R. Gaspar	2 September 1996
	Commissioner	P.L. Condon	1 February 1993
	D.A.C.	A.S. Trotter	27 April 1998
	D.A.C.	J. Stitchbury	16 February 1998
	D.A.C.	A. Fry	12 February 1996
	D.A.C.	J. Townsend	16 October 1995
	D.A.C.	J.G.D. Grieve	19 May 1997
	D.A.C.	R. Clark	28 October 1996
	D.A.C.	W. Griffiths	23 September 1996
	Cmdr.	I. Quinn	2 January 1995
Norfolk	A.C.C.	W.J. MacIntyre	4 May 1992
	A.C.C. (D)	C. Port	1 April 1998
	C.C.	K. Williams	5 July 1993
North Wales	A.C.C.	T.J.M. Cooke	1 May 1994
	C.C.	M.J. Argent	31 August 1994
	A.C.C. (D)	J.T. Owen	2 December 1991
North Yorkshire	A.C.C.	P.F. Walker	1 April 1996
	A.C.C. (D)	P.R. Kernaghan	1 April 1996
	C.C.	D.R. Kenworthy	2 February 1998
Northamptonshire	A.C.C.	F.N. Whiteley	14 April 1997
	C.C.	C. Fox	2 December 1996
	A.C.C. (D)	A. Timpson	1 April 1997
Northumbria	A.C.C.	A.J. Crimmens	14 June 1995
	A.C.C.	A.B. Oliver	22 June 1992
	A.C.C. (D)	A. Brown	13 April 1998
	C.C.	C. Strachan	14 April 1998
Nottinghamshire	A.C.C.	C.R. Searle	1 May 1996
	A.C.C. (D)	T. Williamson	13 November 1995
	C.C.	C. Bailey	6 July 1995
South Wales	A.C.C.	D.J. Francis	19 May 1997
	A.C.C.	T.J. Rogers	30 June 1997
	A.C.C.	P.J. Wood	8 January 1995
	A.C.C. (D)	A.M. Greaves	17 December 1996
	C.C.	A.T. Burden	25 November 1996
South Yorkshire	A.C.C.	T.S. Hollis	27 June 1994
	A.C.C.	I. Daines	8 July 1996
	A.C.C.	M.N. Davies	1 January 1990
	C.C.	R.B. Wells	1 June 1990
	A.C.C. (D)	M.I.A. Hedges	26 April 1993
Staffordshire	A.C.C.	S.W. House	30 March 1998
	A.C.C.	S.M. Green	9 December 1996
	A.C.C. (D)	D.W. Swift	5 January 1998
	C.C.	J.W. Giffard	31 March 1996
Suffolk	A.C.C.	J.S.C. Cullum	1 May 1987
	C.C.	A. Coe	1 May 1989
	A.C.C. (D)	[illegible]. Scott-Lee	1 September 1994

Chief officers of police in England and Wales (as at 12 June 1998)

Police force	*Current rank*	*Name*	*Date appointment*
Surrey	A.C.C.	P.M. Fahy	24 February 1997
	A.C.C.	J.M. Hart	30 October 1994
	A.C.C. (D)	I. Beckett	1 August 1994
	C.C.	I.W. Blair	12 January 1998
Sussex	A.C.C.	J.A. Lake	24 October 1994
	A.C.C.	M. Wallis	7 November 1994
	A.C.C.	N.J.E. Yeo	15 December 1997
	C.C.	P.C. Whitehouse	1 September 1993
	A.C.C. (D)	M.A. Jordan	23 October 1997
Thames Valley	A.C.C.	T.R. Davidson	1 August 1991
	A.C.C.	P. West	2 March 1998
	A.C.C. (D)	R.D.M. Davies	31 December 1997
	C.C.	C. Pollard	28 January 1991
Warwickshire	A.C.C.	P. Furnace	6 January 1997
	C.C.	P.D. Joslin	6 June 1983
	A.C.C. (D)	M.J. Brewer	2 December 1996
West Mercia	A.C.C.	C. Cramphorn	31 January 1995
	A.C.C.	P.W. Neyroud	12 January 1998
	A.C.C (D)	J. Burbeck	16 January 1998
	C.C.	D.C. Blakey	28 August 1991
West Midlands	A.C.C.	R. Packham	26 June 1995
	A.C.C.	S.A. Summers	27 May 1996
	A.C.C.	P.E. Blewitt	20 April 1998
	A.C.C.	M.D. Baggott	8 June 1998
	C.C.	E.M. Crew	26 August 1996
	A.C.C. (D)	C.J.R. Roche	1 July 1995
West Yorkshire	A.C.C.	D.L. Clarke	15 December 1993
	A.C.C.	G. Wilkinson	1 May 1993
	A.C.C.	P. Garvin	27 May 1997
	A.C.C.	N.G. Bettison	28 October 1991
	A.C.C. (D)	A. Charlesworth	1 April 1996
	C.C.	G. Moore	9 March 1998
Wiltshire	A.C.C.	A.H. McWhirter	1 June 1996
	C.C.	E.L. Neville	1 April 1997
	A.C.C. (D)	R.P. Lind	1 January 1995

Abbreviations:
C.C.: Chief Constable
A.C.C.: Assistant Chief Constable
A.C.C. (D): Assistant Chief Constable (Designate)
Dep. Comm.: Deputy Commissioner
A. Comm.: Assistant Commissioner
D.A.C.: Deputy Assistant Commissioner
Cmdr.: Commander

Motorists (Drug Tests)

Mr. Maclean: To ask the Secretary of State for the Home Department if he will make a statement on progress in the development of the portable drug testing device suitable for testing motorists suspected of driving under the influence of drugs. [45672]

Mr. Michael: Work by the Police Scientific Development Branch on the possibility of developing a portable drug testing device is continuing. The police service has recently completed trials of two devices for screening motorists for drugs on the roadside. The results of the trials are being evaluated by the Forensic Science Service and the Transport Research Laboratory.

Community Policing

Mr. Maclean: To ask the Secretary of State for the Home Department what research he has evaluated into the effectiveness of community policing in other countries. [45703]

Mr. Michael: Research literature on various aspects of effective policing was recently reviewed by the Home Office Research and Statistics Directorate as part of the Comprehensive Spending Review.

The Home Office Police Research Group is in close contact with the National Institute of Justice (NIJ) which is evaluating community policing in the United States. The NIJ is currently hosting a fact finding visit by Police Research Group researchers, who will review the United States Department of Justice Office of Community Oriented Policing Services, which is responsible for promoting and funding community policing strategies across the United States.

Mr. Maclean: To ask the Secretary of State for the Home Department what requests he has received from foreign *(a)* Governments and *(b)* police forces for information on the United Kingdom's community policing. [45699]

Mr. Michael: My Department regularly exchanges information with foreign Governments and police forces about policing issues and often receives visitors from

them. We have sent copies of the reports of the Home Office Police Research Group, which include those on community policing strategies, to 44 countries.

On 9 and 10 June, we hosted a European Union seminar, "Partnerships in Reducing Crime", covering community safety, policing methods for tackling anti-social behaviour, and partnerships to reduce juvenile crime. The key findings of the seminar will be reported to the European Union Police Co-operation Working Group with recommendations for follow-up action. Representatives from Canada and the USA took part in the seminar, as well as representatives from across Europe.

Bosnian Asylum Seekers (Cumbria)

Mr. Maclean: To ask the Secretary of State for the Home Department what estimate he had made of the number of Bosnian asylum seekers presently resident in Cumbria. [45700]

Mr. Mike O'Brien: I regret that information on the number of Bosnian asylum applicants currently resident in Cumbria could be obtained only by examination of individual case records and is, therefore, available only at disproportionate cost.

999 Calls

Mr. Maclean: To ask the Secretary of State for the Home Department how many 999 calls were received by *(a)* the Fire Service and *(b)* the Police Service in the last year for which figures are available. [45697]

Mr. George Howarth: In 1996–97, the number of 999 calls received by police forces in England and Wales totalled 7,297,219.

Figures for 999 calls received by fire brigades in England and Wales are not collected. This is because brigades may receive multiple 999 calls for a single incident. Brigades therefore record the number of incidents actually attended. In 1996, brigades attended a total of 1,060,727 incidents. This figure includes fires, false alarms and special service incidents.

West Midlands Police

Mr. Vaz: To ask the Secretary of State for the Home Department what representations he has received in respect of granting bravery awards in the West Midlands Constabulary. [45683]

Mr. Michael: Nominations for gallantry awards for police officers are usually made by chief constables to the Home Office. However, I have received representations from the Chairman of the Metropolitan Police Federation, Black Police Officers Association and a member of the public concerning the actions of two Metropolitan Police officers who were involved in an undercover drugs operation assisting the West Midlands Police.

Mr. Vaz: To ask the Secretary of State for the Home Department how many times the Chief Constable of West Midlands has made recommendations for bravery awards in the last year for which figures are available. [45682]

Mr. Michael: The Chief Constable for West Midlands did not submit any recommendations for bravery awards to the Home Office in 1997; nor has he done so to date this year.

Mr. Vaz: To ask the Secretary of State for the Home Department how many police officers have taken the *(a)* West Midlands Police Force and *(b)* Staffordshire Police Force to industrial tribunals on race-related matters in each of the last three years. [45675]

Mr. Michael: None.

Mr. Vaz: To ask the Secretary of State for the Home Department how many officers in West Midlands were *(a)* killed on duty and *(b)* given bravery awards in (i) 1997, (ii) 1996 and (iii) 1995. [45684]

Mr. Michael: One police officer from West Midlands was killed on duty in 1995 and one was killed while on a tour of duty in Bosnia in 1996. No officers from the West Midlands Police Force were killed on duty during 1997.

No police officers from West Midlands received a bravery award during 1995, 1996 or 1997.

Police (Deaths and Bravery Awards)

Mr. Vaz: To ask the Secretary of State for the Home Department how many police officers were *(a)* killed on duty and *(b)* received bravery awards in 1997. [45685]

Mr. Michael: Three police officers were killed while on duty in England and Wales during 1997. Eleven police officers in England and Wales received either the Queen's Gallantry Medal (QGM) or the Queen's Commendation for Bravery (QCB) in 1997.

Prisons (Drugs)

Mr. Faber: To ask the Secretary of State for the Home Department (1) to what degree during (i) the residential, (ii) the therapeutic community-based and (iii) the 12 step prison drug treatment programmes evaluated by PDM Consulting Ltd. prisoners were protected from unsupervised contact with others while in treatment; [45560]

(2) what proportion of prisoners who tested positive for drugs whilst on (i) the residential, (ii) the therapeutic community-based and (iii) the 12 step prison drug treatment programmes evaluated by PDM Consulting Ltd. were removed from the programmes; [45559]

(3) what was the cost *(a)* per place and *(b)* per completion of (i) the residential, (ii) the therapeutic community-based and (iii) the 12 step prison drug treatment services evaluated by PDM Consulting Ltd.; [45556]

(4) how often as part of (i) the residential, (ii) the therapeutic community-based and (iii) the 12 step prison drug treatment programmes evaluated by PDM Consulting Ltd., prisoners on the programmes were tested for drugs; [45561]

(5) when the full version of the evaluation by PDM Consulting Ltd. of prison drug treatment services will be published; and if he will make a statement; [45557]

(6) what proportion of prisoners on (i) the residential, (ii) the therapeutic community-based and (iii) the 12 step prison drug treatment programmes evaluated by PDM Consulting Ltd. successfully completed the programmes; and what were the reasons for the failure of those who failed to complete them. [45558]

Mr. George Howarth *[holding answer 15 June 1998]:* PDM Consulting Ltd. were contracted to monitor and evaluate the first fourteen pilot drug treatment projects. Over the last three years, they have produced a sequence of reports, most of which were intended for internal use only. They contain, for example, sensitive financial information about treatment services at individual establishments provided by external agencies which it would be inappropriate to publish for commercial reasons.

Copies have, however, been provided to the governors of the prison establishments involved and, where appropriate, to the relevant outside agency.

The executive report, which included a summary of recommendations, was published with the new Prison Service drugs strategy on 12 May.

Aggregated performance management data provided by PDM Consulting Ltd. covering 12 months operation of the different treatment programmes are given in table A. Care is needed in interpreting the figures because of variations in the prisoner population, therapeutic content, programme objectives and the length of time they have been established within a custodial setting. They do not all relate to the same 12-month period.

Inmates on these programmes are subject to voluntary drug testing arrangements, the frequency of such testing varies across programme type and between individual prisons. Information about the actual frequency of testing on each programme is not held centrally. In addition, all inmates are subject to mandatory drug testing. There is significantly more voluntary drug testing than mandatory drug testing on these programmes.

Additional costs arising from the pilot programmes are shown in table B. Care is needed in comparing the additional costs of these programmes since the costs incurred vary according to the utilisation of Prison Service staff.

The numbers of those completing and leaving the pilot drug treatment programmes are detailed in table C.

None of the inmates participating in residential, therapeutic community or 12-Step programmes can be fully isolated from other prisoners. Where programmes are delivered in discrete accommodation, it is possible to minimise contact with other inmates, but it is often not practical to make separate arrangements for programme participants during domestic visits, kit change, canteen, association and chapel. A measure of contact is not necessarily undesirable as it will help inmates prepare for the pressures they will face on completion of their treatment.

Pilot drug treatment projects
Table A: Proportion of prisoners testing positive

Percentage positive	*Residential*	*Therapeutic community*	*12 Step*
Voluntary drug test	22	11	5
Mandatory drug test	20	15	6

Table B: Additional costs arising from pilot drug treatment projects

Costs in £ sterling	*Residential*	*Therapeutic community*	*12 Step*
Per annual place	3,606	5,669	8,803
Per completion	4,992	7,570	4,945

Notes:
1. Cost per annual place = the total additional cost of the programme to the prison divided by the number of places (i.e. the capacity of the unit)
2. Cost per completion = the total additional cost of the programme to the prison divided by the number of inmates completing the programme

Table C: Pilot drug treatment programmes: completions and leavers

Reasons for leaving programme percentage	*Residential*	*Therapeutic community*	*12 Step*
Completion	34	13	49
Transfer	1	8	16
Released	0	16	0
Chose to leave	6	11	13
Discipline	13	23	5
Drug use	26	25	17
Other	19	5	2

Operational Police Policy Unit

Mr. William Ross: To ask the Secretary of State for the Home Department if he will list the officials from the Home Office Operational Police Policy Unit who have attended meetings of the Association of Chief Police Officers Sub Group on the Administration of Firearms Licensing Review Group and the dates of each such meeting in each of the last three years. [46105]

Mr. Michael: Information is available only in respect of meetings of the Association of Chief Police Officers Sub-Committee on the Administration of Firearms and Explosives Licensing held in the last two years. Home Office officials are not members of this Sub-Committee but have accepted invitations to attend the following meetings:

Date of Meeting	*Officials attending*
9 January 1997	Mr. C. Bone
7 March 1997	Mr. V. Clayton
	Mr. G. A. Widdecombe
23 April 1997	Mr. V. Clayton
	Mr. R. Henderson
30 May 1997	Mr. G. A. Widdecombe
26 June 1997	Mr. V. Clayton
4 September 1997	Mr. V. Clayton
	Mr. R. Henderson
19 November 1997	Mr. V. Clayton
	Mr. G. A. Widdecombe
18 March 1998	Mr. G. A Widdecombe
	Mr. S. Barrett

Metropolitan Police District

Mr. Ian Taylor: To ask the Secretary of State for the Home Department what plans he has to change the boundaries of the Metropolitan Police District to make them coterminous with the boundaries of the London boroughs. [46307]

Mr. Maclean: To ask the Secretary of State for the Home Department what representations he has received on changing the boundaries of the Metropolitan Police area. [45663]

Mr. Straw: The Government are committed to improve the efficiency and effectiveness of the criminal justice system. Aligning the operational boundaries of the different agencies is an important element in this. The Crime and Disorder Bill's proposed changes to the youth justice system and creation of local crime reduction partnerships give added emphasis to the importance of boundary alignment. The recently announced changes to the Crown Prosecution Service (CPS) will make police and CPS operational boundaries coterminous.

I have in recent months received strong representations that the boundaries of the Metropolitan Police District, which stretch into Essex, Hertfordshire and Surrey, make more difficult effective joint working between the different criminal justice agencies.

The present boundaries are an historical anachronism dating back to early in the 19th century, before the advent of modern local government.

The Government have therefore decided that the Greater London Authority Bill, which will come before this House later this year, will provide for a change to the boundaries of the Metropolitan Police District to make them coterminous with those of the 32 London boroughs. As a result, those parts of Essex, Hertfordshire and Surrey which are currently policed by the Metropolitan Police Service will be policed by the respective county police forces.

This change will mean that local councils and criminal justice agencies in the county districts of the Metropolitan Police District will not have to work with two different police forces, which leads to inefficiency and duplication. The change will help to promote effective joint working between agencies as they implement the provisions in the Crime and Disorder Bill.

These boundary changes will also support democratic accountability and enable the Metropolitan Police to focus on policing London, a major task in itself. A majority of elected members on the new Metropolitan Police Authority will provide the vital democratic link between Londoners and the Metropolitan Police. Residents in those parts of Essex, Hertfordshire and Surrey currently policed by the Metropolitan Police will not have a vote in the elections for the Mayor and Assembly members. It is therefore right that those areas be policed by county forces whose Police Authorities already provide local democratic accountability in their areas.

I expect this change to take place in April 2000. Implementing it will require close co-operation between the relevant police forces, police authorities and local councils, and other interested parties. I have written to them today to inform them of my decision and to seek their views on how it should be implemented.

Animal Procedures Committee

Mr. Baker: To ask the Secretary of State for the Home Department if he will list the publications since 1 January 1989 accredited to Dr. David Clark, which were notified to him before Dr Clark's appointment to the Animal Procedures Committee. [46256]

Mr. George Howarth: Dr. Clark was appointed on the advice of a panel set up to reflect the Nolan principles. I understand that his CV was considered by that panel, but it did not include a list of publications.

Lists of some publications accredited to Dr. Clark may have been submitted in support of licence applications or reporting the outcome of programmes of research. Records of such material are not kept centrally but I understand that his publications since January 1989 have focused on the need for, and application of, alternative methods.

Dr. Clark, and all the other recently appointed members, have already made useful contributions to the work of the Animal Procedures Committee. In Dr. Clark's case, his expertise on regulatory testing and his experience as a member of the Scientific Advisory Committee to the European Centre for the Validation of Alternative Methods are extremely valuable.

Probation Services

Mr. Beith: To ask the Secretary of State for the Home Department what was the total case load undertaken by probation services; what was the average case load per probation officer; what was the real- terms change in the level of his Department's funding for probation services in each of the last five years for which figures are available; and if he will make a statement. [46260]

Ms Quin: The information requested is given in the table:

Year	*Persons commencing supervision*	*Average caseload*
1992	133,294	20.7
1993	142,152	21.3
1994	152,843	23.1
1995	154,546	25.0
1996	157,600	27.7

Year	*Resources (£ million)*
1992–93	313.0
1993–94	330.8
1994–95	343.3
1995–96	348.3
1996–97	349.5

The overall supervision figures are taken from table 3.1 of the "Probation Statistics England and Wales 1996" and the average caseload figures are taken from table 8.13 of the same publication. The resources figures, which are expressed in real terms at 1996–97 prices using the Gross Domestic Product inflator, are taken from table 13.1 of the "Home Office Annual Report 1998". Both publications are in the Library.

Mr. Beith: To ask the Secretary of State for the Home Department what representations he has received expressing concern over the adequacy of resources available for probation services to fulfil their statutory obligations; and if he will make a statement. [46258]

Ms Quin: We have received representations about probation service resources from hon. Members and from the Central Probation Council, the Association of Chief Officers of Probation, the National Association of Probation Officers, area probation services and a number of individuals.

Mr. Beith: To ask the Secretary of State for the Home Department how many probation officers have been made redundant over the last 12 months; how many redundancies are currently planned; how many new probation staff are required to implement the proposals in the Crime and Disorder Bill [*Lords*]; and if he will make a statement. [46261]

Ms Quin: Information on redundancies is not collected centrally. The Financial Memorandum to the Crime and Disorder Bill [*Lords*] indicates that some 600 additional probation service staff will in due course be needed once the full effect of the relevant provisions has come through. This remains our best estimate although experience of operation of the relevant provisions will provide information bearing on it.

FOREIGN AND COMMONWEALTH AFFAIRS

Arms Exports (European Code of Conduct)

12. **Ms Southworth:** To ask the Secretary of State for Foreign and Commonwealth Affairs what action his Department has taken to secure a European code of conduct on arms exports. [44525]

13. **Ms Stuart:** To ask the Secretary of State for Foreign and Commonwealth Affairs what steps his Department has taken to establish a European code of conduct on arms exports. [44526]

23. **Ms Rosie Winterton:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on progress towards a European Code of Conduct on arms exports. [44536]

Mr. Tony Lloyd: On 8 June, the General Affairs Council, under the UK Presidency, formally adopted the EU Code of Conduct on Arms Exports. The Code sets high common standards to govern arms exports from all EU Member States. A copy of the text has been placed in the Library of the House.

EU Reform

14. **Mr. Derek Twigg:** To ask the Secretary of State for Foreign and Commonwealth Affairs what progress has been made in increasing the openness and transparency of decision making in the European Union during the United Kingdom presidency. [44527]

Mr. Doug Henderson: Good progress has been made during our Presidency to make EU decision-making more open and transparent, for example by agreement to establish a public register of Council documents. This progress will reinforce the provisions on openness that we helped secure in the Amsterdam Treaty.

37. **Mr. Sheerman:** To ask the Secretary of State for Foreign and Commonwealth Affairs what progress has been made during the UK presidency of the European Union towards addressing the democratic deficit in Europe. [44553]

Mr. Doug Henderson: Good progress has been made during the UK Presidency of the EU to extend democratic accountability in Europe. In particular we have worked to enhance parliamentary oversight at both the EU and national level, and to extend openness and transparency.

Iran

15. **Mr. Corbett:** To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to visit Iran. [44528]

Mr. Fatchett: My right hon. Friend the Foreign Secretary has no immediate plans to visit Iran.

Algeria

16. **Mr. Chaytor:** To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he has taken to ensure that applications from Algeria for United Kingdom visitors' visas are not unfairly rejected on the ground of political instability in that country. [44529]

Mr. Fatchett: The Immigration Rules set out the requirements which must be met in considering visit visa applications overseas. These concentrate mainly on the circumstances and intentions of the applicant and include an assessment of the intention to leave the UK at the end of the visit. When relevant, the political and security situation in a given country would be taken into account in assessing applications, but would not in itself constitute grounds for refusal.

Mr. Chaytor: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will request the United Nations to appoint a special rapporteur to co-ordinate an investigation into human rights abuses in Algeria. [45978]

Mr. Fatchett: As EU Presidency, we maintained close contact with the United Nations throughout this year's UN Commission on Human Rights. At that conference and in our regular contacts with Algeria, we reminded the Algerian Government that we would welcome their full co-operation with the requirements of UN human rights mechanisms. There remains international concern about continued allegations of human rights abuses; we believe that access by UN experts to Algeria would be in the country's own best interests for the sake of greater domestic and international transparency.

Caribbean

18. **Mr. McAllion:** To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has held relating to the relationship between the European Union and Caribbean countries. [44531]

Mr. Doug Henderson: We are in frequent contact with Caribbean colleagues at both ministerial and senior official level. My right hon. Friend the Foreign Secretary discussed the relationship between the European Union and the Caribbean with representatives from the region at the UK/Caribbean Forum in Nassau, Bahamas, in February. My right hon. Friend the Secretary of State for

International Development also discussed the future of the Lomé Convention at the ACP-EC Council of Ministers in Barbados in May.

War Criminals (Bosnia)

20. **Mr. Home Robertson:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the arrest of indicted war crime suspects in Bosnia. [44533]

Mr. Tony Lloyd: The international community's robust approach on the war crimes issue has resulted in the arrest of half of those currently indicted for war crimes. Eight of these indictees have been detained in Bosnia by SFOR, and seven of these detentions have taken place in the British-commanded sector and involved British forces, either directly or in support.

However, the primary responsibility for bringing the remaining 31 war crimes indictees to justice lies with the Parties to Dayton themselves. We shall continue to press them to fulfil this, and all other, Dayton obligations.

EU Enlargement

21. **Mr. Bercow:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the enlargement of the European Union. [44534]

Mr. Doug Henderson: The EU's preparations for enlargement are on schedule. I anticipate that Cardiff will welcome the fact that the UK Presidency has fully implemented the remit of the Luxembourg European Council. We have launched the European Conference, opened the Accession Process and started accession negotiations with the six countries considered to be ready.

29. **Mr. Efford:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about progress on Agenda 2000 in relation to the enlargement of the European Union. [44542]

Mr. Doug Henderson: The Cardiff European Council agreed to adopt the Agenda 2000 proposals by June 1999. This would ensure agreement to the future financing of the EU and the reform of the Common Agricultural Policy and Structural and Cohesion Funds ahead of enlargement.

Turkey

22. **Sir Geoffrey Johnson Smith:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on relations with Turkey. [44535]

Mr. Doug Henderson: I attach great importance to our relations with Turkey, and value our dialogue on a wide range of issues.

As Presidency of the European Union, we are working with our European partners and the European Commission to develop further relations between the Union and Turkey.

Sri Lanka

24. **Mr. Simon Hughes:** To ask the Secretary of State for Foreign and Commonwealth Affairs what steps Her Majesty's Government are taking to assist in the re-establishing of peace and democratic Government in Sri Lanka. [44537]

Mr. Fatchett: Sri Lanka has a democratically elected government. We believe a lasting solution to the ethnic conflict in Sri Lanka can be reached only through a political settlement. We have said publicly that we stand ready to help in the resolution of the conflict if both sides ask us to play a role.

Afghanistan

25. **Helen Jones:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has received about the position of women in Afghanistan. [44538]

Mr. Fatchett: We receive frequent correspondence expressing concern about the status of women and girls in Afghanistan. We share that concern. At the start of our EU Presidency we drew up and agreed a new Common Position on Afghanistan. This urges the Afghan factions to end discrimination and promote equal rights.

Nigeria

26. **Mr. Mitchell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with the Nigerian Government about presidential elections. [44539]

Mr. Tony Lloyd: General Abacha died early on 8 June. He has been replaced by General Abdulsalam Abubakar, formerly Chief of Defence Staff.

Late on 15 June General Abubakar announced the release of 9 political prisoners, including General Obasanjo. We welcome this courageous and compassionate decision. It is an important first step in the process of national reconstruction, reconciliation and development. We look forward to an early indication of General Abubakar's plans to effect a rapid and inclusive transition to civilian rule, including the resolution of the case of Chief Abiola and the remaining detainees. We remain ready to help and support that process.

Iraq

27. **Mr. Campbell-Savours:** To ask the Secretary of State for Foreign and Commonwealth Affairs when he next intends to discuss Iraq with Secretary of State Albright. [44540]

Mr. Fatchett: My right hon. Friend the Foreign Secretary has regular discussions on Iraq with Secretary of State Albright.

Missile Technology Control Regime

28. **Mr. Cousins:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the advantages of revising the missile technology control regime. [44541]

Mr. Tony Lloyd: The Missile Technology Control Regime is a potent non-proliferation instrument. Its Guidelines are sound. Members keep under constant review the detailed provisions of the regime, notably the lists of sensitive equipment, as they relate to technological developments, including the emergence of more

sophisticated cruise missile technology and its suitability for chemical and biological weapon delivery. Regime members regularly meet to exchange information and discuss ways of tackling missile proliferation in regions and countries of concern.

The Regime has evolved considerably and will evolve further in future to address missile proliferation issues.

Middle East Peace Process

30. **Dr. Iddon:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on progress with the middle east peace process. [44543]

33. **Mr. Gerrard:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the current situation regarding the middle east peace process. [44546]

Mr. Fatchett: I refer my hon. Friends to the answer I gave in the House earlier today to my hon. Friend the Member for Hendon (Mr. Dismore), *Official Report*, column 131–32.

Ottawa Treaty

31. **Mr. Bob Russell:** To ask the Secretary of State for Foreign and Commonwealth Affairs when he expects the United Kingdom to ratify the Ottawa treaty. [44544]

Mr. Tony Lloyd: We intend to ratify the Ottawa Convention as soon as the Parliamentary schedule allows for the legislation necessary to enable us to meet all our commitments under the Convention.

Ethical Foreign Policy

32. **Mr. Burns:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has received from defence-related companies about his ethical foreign policy. [44545]

Mr. Tony Lloyd: The FCO has had contacts with many defence-related companies, as well as with the Defence Manufacturers Association, about the application of the UK's arms export criteria.

Nuclear Tests (South Asia)

34. **Mr. Hanson:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the European Union and UN Security Council responses to the nuclear test programmes in India and Pakistan. [44547]

Mr. Fatchett: The European Union and United Nations Security Council have made clear their condemnation of the nuclear tests in India and Pakistan, principally in Declarations by the European Union at meetings of the General Affairs Council on 25 May and 8 June, and by the United Nations Security Council in Presidential Statements on 14 and 29 May and a Security Council Resolution on 6 June.

We and international partners have left India and Pakistan in no doubt of our concern at the tests. We have made it clear that they must now take early steps to adhere unconditionally to the relevant non-proliferation regimes, including the Comprehensive Test Ban Treaty. We have also urged both countries to resume their bilateral dialogue to address the root causes of tension between them, and to agree confidence-building measures to restore stability to the region.

GCHQ

35. **Mr. Hopkins:** To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with ministerial colleagues and others concerning pension rights and other benefits for workers dismissed at Government communications headquarters under previous Governments. [44549]

Mr. Fatchett: My right hon. Friend the Foreign Secretary has personally discussed this with members of the CCSU on a number of occasions. The dismissed workers received compensation in accordance with the terms of the Civil Service Compensation Scheme and the recommendations of the Civil Service Appeals Board.

Kosovo

36. **Mr. Hoyle:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the situation in Kosovo. [44552]

Mr. Tony Lloyd: I refer my hon. Friend to the answer I gave in the House earlier today to my hon. Friend the Member for Leigh (Mr. Cunliffe), *Official Report*, column 117–18.

Fur Coats

Mr. Livingstone: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to ensure that fur coats offered for sale in the United Kingdom, made from the skins of animals trapped using the steel-jawed leg-hold traps, bear a label carrying that information; and if he will make a statement. [43960]

Mrs. Roche: I have been asked to reply.

Having taken into account the operational difficulties and our legal obligations in the WTO, the Government have reluctantly decided not to pursue a labelling scheme for furs taken by steel-jawed leghold traps.

Euro (Publicity Material)

Mr. Mitchell: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the cost of producing the European Parliament's publicity material relating to Captain Euro; what was the role of Her Majesty's Government in devising this campaign; and what proportion of its costs was borne by the United Kingdom. [45142]

Mr. Doug Henderson: Neither the European Parliament nor the Government have had any role in financing the Captain Euro publicity campaign, which I understand is a private venture.

Gibraltar

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he is taking to include Gibraltar in the present progress towards air liberalisation within the EU. [45817]

Mr. Doug Henderson *[holding answer 15 June 1998]:* The application of EC air liberalisation measures to Gibraltar is suspended until such time as the

1987 UK/Spanish Joint Declaration on Gibraltar Airport is implemented. We have said that we will look at any proposals for the development of the airport which are acceptable to all parties.

Sierra Leone

Mr. Crausby: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the new United Nations Security Council resolution adopted on 5 June lifting the arms embargo on Sierra Leone and imposing one on non-Governmental forces in Sierra Leone. [46357]

Mr. Tony Lloyd: The new Resolution supersedes part of the UN Security Council Resolution 1132. It ensures that the arms embargo to Sierra Leone applies to non-governmental forces and makes explicit exception for the Military Observer Group of the Economic Community of West African States (ECOMOG) and the United Nations.

Following the adoption of the UN Security Council on 5 June of the new Resolution, Orders in Council are now being prepared giving full effect in our law to the arms embargo imposed by the new Resolution.

Kashmir

Mr. Chaytor: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he has taken to help to secure the implementation of United Nations resolutions on self-determination in Kashmir. [45979]

Mr. Fatchett: We have taken every opportunity to urge on India and Pakistan the need to find a just and lasting settlement in Kashmir. In doing so, we believe that the two sides can and should build on both the UN Resolutions and the 1972 Simla agreement. We also believe that any solution, if it is to last, must be acceptable to the population of Kashmir whatever their race or religion.

Mexico

Mr. Corbyn: To ask the Secretary of State for Foreign and Commonwealth Affairs what meetings have taken place between embassy staff in Mexico City and human rights groups; and if he will list the organisations with which contact has been made. [45566]

Mr. Tony Lloyd: During the last 12 months, members of the Embassy have had direct contact with the following 33 human rights NGOs:

Academia Mexicana de Derechos Humanos

Accion de los Cristianos para la Abolicion de la Tortura (ACAT)

Agrupacion de Derechos Humanos Xochitepetl—Veracruz

Alianza Civica—Campeche

Asistencia Social Municipal—Puebla

Casa de Alegria—Merida

Casa Alianza—Mexico

Canica—Street children project in Oaxaca

Centro de Derechos Humanos—Miguel Agustin Pro—(PRODH)

Centro Estudios Juridicos y Sociales—Aguascalientes

Centro de Promocion y Defensa de los Derechos Humanos

Comision Estatal de Derechos Humanos—Chiapas

Comision Estatal de Derechos Humanos—Chihuahua

Comision Estatal de Derechos Humanos—Durango

Comision Estatal de Derechos Humanos—Puebla

Comision Estatal de Derechos Humanos—Quintana Roo

Comision de Derechos Takachihualis—Puebla

Comision de Solidaridad y Defensa de Los Derechos Humanos—Chihuahua (COSYDDHAC)

Comision Mexicana de Defensa y Promocion de los Derechos Humanos

Comision Nacional de Derechos Humanos (CNDH)

Comision de Derechos Humanos DF—Mexico City

Comite de Derechos Humanos del Valle de Tehuacan—Puebla

Comite parroquial de Derechos Humanos Martin de Tours—Puebla

DEMOS—Umbrella of Social Action Initiatives

FOCO—Umbrella group of Civil Rights and Charity groups in the State of Oaxaca

Fray Bartolome de las Casas—Chiapas

Frente nacional Zapatista de Liberacion Nactional—Chiapas fundacion Pro ninos de la Calle

Global Exchange—Chiapas

Instituto Gerrerense de Derechos Humanos

JUCONI

OXFAM

SIPAZ—Chiapas

Sociedad Mexicana Pro Derechos de la Mujer—Mexico City and Jalapa.

Mr. Corbyn: To ask the Secretary of State for Foreign and Commonwealth Affairs what official visits to the Chiapas region of Mexico have been made by officials from the UK embassy in Mexico City in the last year; and if he will make a statement. [45565]

Mr. Tony Lloyd: The following members of the Embassy have made official visits to Chiapas in the last year:

Deputy Head of Mission: 6–9 October 1997

First Secretary (Political/Economic): 24–29 January 1998

Vice-Consul: 29 March-1 April 1998

First Secretary (Political/Economic): 17–18 April 1998

Defence Attaché: 15–18 June 1998.

Former Soviet Union

Mr. Jim Cunningham: To ask the Secretary of State for Foreign and Commonwealth Affairs what measures the Government have initiated to promote human rights in the former Soviet Union. [45501]

Mr. Doug Henderson: Through the Know-How Fund and other budgets, HMG implement projects designed to support human rights activities, including visits to the UK by key human rights figures and training of judges and law enforcement officers. We also raise specific human rights cases and general problems with the countries concerned, bilaterally or jointly with EU partners.

Mr. Jim Cunningham: To ask the Secretary of State for Foreign and Commonwealth Affairs what measures the Government have taken to help to stabilise democracy within the former Soviet Union. [45500]

Mr. Doug Henderson: HMG spent £50 million in 1996–97 (the last year for which full figures are available) on bilateral assistance for the countries of Eastern Europe and Central Asia. This supported a number of projects in

the field of good governance, including election monitoring in Ukraine and Armenia and the development of non-governmental organisations in several countries.

Cardiff Summit Table

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 8 June 1998, *Official Report*, columns *461–62*, on the table purchased for the European Council in Cardiff, on what basis Mr. Jones Parry informed the Foreign Affairs Committee that Her Majesty's Government had accepted the lowest price and had then negotiated a reduction in that price. [46054]

Mr. Doug Henderson: The tendering process for this type of contract is complex. As stated in my answer on 8 June 1998, *Official Report*, columns *461–62*, we received three bids for the event production contract for the European Council in Cardiff. In order to keep costs to a minimum, and to be able to make a better comparison between the bids, we asked all three companies to re-work some elements of their bids. This re-working resulted in a reduction of some £375,000 in the tender of the company eventually selected which, both before and after the re-working, met the necessary standards most cheaply. Dr. Jones Parry explained this procedure in greater detail to the Foreign Affairs Committee on 2 June.

Written Answers to Questions

Wednesday 17 June 1998

ENVIRONMENT, TRANSPORT AND THE REGIONS

Belmont Stables, Mill Hill

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions when he expects the public inquiry into the planning issues arising from Belmont Stables, Mill Hill, will recommence. [45439]

Mr. Caborn: The principal parties and representatives of third parties were notified by a letter, dated 1 May 1998 that the inquiry into the appeals by Belmont Riding Centre Ltd, would resume on 4 August 1998 with Mr. Palmer, the original Inspector, if he were fit or, alternatively, if he were not, recommenced by a new Inspector. The letter also stated that the principal parties would be given 1 month's notice as to which alternative is adopted.

The principal parties and representatives of third parties were told in letters dated 10 June 1998 that Mr. Palmer would not be returning from sick leave before 4 August. At present, therefore, an Inspector would be available to recommence the inquiry on that date. However, the parties have indicated that they may not wish to do so and other alternatives are being actively and urgently investigated.

Millennium Dome

Mr. Pickles: To ask the Secretary of State for the Environment, Transport and the Regions what estimates his Department has made of the number of passengers the London Underground's Jubilee Line extension will carry per week when the Millennium Dome is open to the public. [45760]

Ms Glenda Jackson: I understand from London Transport that an approximate estimate of Jubilee Line Extension passenger journeys per week, during the busiest period for the Millennium Dome, would be 1.6 million. (If visitors to the Dome are excluded, the estimate falls to 1.1 million passenger journeys per week).

Traffic Commissioner

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions if he will place copies in the Library of the Traffic Commissioner's business plans. [45816]

Ms Glenda Jackson *[holding answer 15 June 1998]:* Traffic Commissioners are required to submit annual reports to the Secretary of State on discharge of their Goods and Public Service Vehicle licensing functions and other responsibilities. Copies of these reports are placed in the Library. The Business Plan of the Traffic Area Network has not hitherto been published but I am placing a copy of the 1998–99 Plan in the Library.

Mobile Homes

Mr. Nicholls: To ask the Secretary of State for the Environment, Transport and the Regions if the working group on the operation of present legislation for mobile homes has been set up; what the terms of reference and programme of work are to be; when the working group is expected to report; and if he will make a statement. [46143]

Mr. Raynsford: The Park Homes Working Party held its first meeting on 14 May. Its aim and terms of reference are as follows:

Aim: To promote the effective and equitable operation of existing statutory controls on permanent residential park homes and to consider what changes, if any, in these might be desirable to achieve a fair and workable balance between the needs and interests of park home residents and park owners/operators.

Terms of Reference: To review the statutory framework of park homes legislation and, in particular, the Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968 and Mobile Homes Act 1983, and consider:

(a) what is the best current practice in the application and enforcement of these controls by local authorities, and how it might best be disseminated;

(b) whether there is further scope to achieve the effective operation of existing controls through initiatives generated by the park homes industry; and

(c) whether there are significant weaknesses in the content of the existing controls which might be remedied, without disproportionate increases in public expenditure and in costs to operators and residents, through changes to secondary and, if appropriate and when Parliamentary time allows, primary legislation.

The Working Party is aiming to present recommendations to Ministers by Spring 1999.

Rented Accommodation

Mr. Sanders: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to introduce regulation of the deposit scheme for people who rent property in the private sector. [46081]

Mr. Raynsford: We are concerned about the problem of tenants' rental deposits being withheld unreasonably by landlords at the end of tenancies. We are currently looking at legislation operating overseas to see whether there is an appropriate model for dealing with those problems. But we will need to be satisfied that any new requirements would not deter reputable small landlords, or potential landlords, and that they would achieve a fair balance between the interests of tenants and landlords.

Second Homes

Mr. Sanders: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 10 June 1998, *Official Report*, columns *575–76*, if he will provide a regional breakdown of the households which own or rent a second home, indicating where the second homes are located. [46092]

Mr. Raynsford: The table shows estimates based on data from the Survey of English Housing for the three years ending March 1997.

Location of second homes in England

thousands

Region	*Homes*
North and North West	30
Yorkshire and Humberside	12
East Midlands	15
London	26
South East and East Anglia	60
South West	41
West Midlands	15
England	201

Notes:

1. The table shows second homes in England owned or rented by households with their main residence also in England. It excludes second homes which are the main residence of another household, and those which the owners are intending to sell

2. Like all estimates from sample surveys, these figures are subject to sampling variability. Data for three years, and for some regions, have been combined to preserve a reasonable sample size

3. Data shown are based on the former Standard Statistical Regions rather than the present Government Office Regions, as this was the only regional definition available at the start of the survey period

Education Expenditure

Dr. George Turner: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish a table showing for each education authority the amount allocated per pupil for each of the education SSA sub-blocks in 1998–99 attributable to the relevant population sparsity factor. [45828]

Mr. Raynsford: A table showing these figures has been placed in the House of Commons Library.

Birmingham Northern Relief Road

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions what estimates his Department has made of the *(a)* advantages and *(b)* savings to business and commerce which would result from the construction of the proposed Birmingham Northern Relief Road. [46065]

Ms Glenda Jackson *[holding answer 16 June 1998]:* The Department's case for proceeding with the Birmingham Northern Relief Road was fully set out in evidence given to the 1994–95 public inquiry. Its construction would provide a high quality alternative route to the heavily congested section of the M6 through the West Midlands for commercial and other traffic. It would better facilitate the movement of through traffic from Scotland and the North West through the West Midlands to the South East, the Channel Tunnel and ports.

In strongly supporting the proposed scheme at the public inquiry, representative road haulage and business organisations pointed out the damage which the present levels of congestion on the M6 were causing in terms of delays and to competitiveness.

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish the cost benefit analysis of the construction of the proposed Birmingham Northern Relief Road. [46064]

Ms Glenda Jackson *[holding answer 16 June 1998]:* A formal cost benefit analysis of the scheme was not carried out because it is to be privately financed. However, before deciding to award the concession to Midland Expressway Ltd., the previous Government took into account a comparative analysis of the economic benefits of the scheme with a publicly financed tolled road and a publicly financed untolled road. This showed the scheme having a benefit: cost ratio of more than 2:1. This information was contained in Department of Transport evidence on toll policy and its application to the Birmingham Northern Relief Road put to the 1994–95 public inquiry. I am arranging for a copy to be placed in the Library.

Merchant Navy

Mr. Jenkins: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from *(a)* the Merchant Navy Association and *(b)* others about the establishment of a Merchant Navy Day on 3 September. [45536]

Ms Glenda Jackson: Since the election, there have been five written representations from the Merchant Navy Association, and twelve from members of the Association writing in a personal capacity.

Nuclear Deterrence

Dr. Julian Lewis: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 15 June 1998, *Official Report*, column *32*, on how many occasions he has not answered written questions from hon. Members on the grounds that he considered a matter to be closed. [46363]

Mr. Prescott: This is the latest in a series of related questions from the hon. Member. I have nothing to add to my answers of 18 May 1998, *Official Report*, column *218*, 8 June 1998, *Official Report*, column *413* and 15 June 1998, *Official Report*, columns *32* and *40*.

Rural Bus Services

Mr. Todd: To ask the Secretary of State for the Environment, Transport and the Regions when he will introduce proposals for the payment to English local authorities of the new grant for rural bus services; and if he will be issuing guidance to the authorities concerned on use of the grant. [46645]

Dr. Strang: I announced a provisional distribution of this grant on 28 April, subject to approval by Parliament in due course. Following consultation with interested parties, I have now laid before the House a Special Grant Report under Section 88B of the Local Government Finance Act 1988. This incorporates my detailed proposals for the payment of the grant and the conditions which will apply to its use. My Department is also circulating guidance to local authorities; a copy has been placed in the Library.

LORD CHANCELLOR'S DEPARTMENT

Personal Injury Cases

Dr. Kumar: To ask the Parliamentary Secretary, Lord Chancellor's Department what proportion of the legal aid bill in 1996–97 and 1997–98 for personal injury cases was for cases won by the plaintiffs and resulted in the expenditure on legal aid being recovered from the defendants at the conclusion of the proceedings. [45166]

Mr. Hoon: This information is not readily available in the format requested and could be obtained only at disproportionate cost. The proportion of the gross legal aid costs recovered in all personal injury cases closed (including medical negligence matters) during 1996/97 can be broken down as follows:

All personal injury litigation (including medical negligence)—cases closed 1996–97

	£ million	*Percentage of gross cost*
Gross payments	274.1	n/a
Costs received	206.7	75
Damages retained	4.1	1
Contributions retained	2	1
Net costs	61.8	23

No equivalent information is currently available for 1997–98.

Dr. Kumar: To ask the Parliamentary Secretary, Lord Chancellor's Department what proportion of the legal aid bill in 1996–97 and 1997–98 for personal injury cases was liable to VAT and resulted in a revenue to the Treasury. [45167]

Mr. Hoon: The information requested is not available since the Legal Aid Board is not required to account separately for VAT.

TREASURY

Economic and Monetary Union

Mr. Dalyell: To ask the Chancellor of the Exchequer in what circumstances he was asked to leave the room during the Meeting of the Euro XI to discuss the single currency at Senningen Castle, Luxembourg on 4 June; and what factors led to the Austrian finance minister taking the chair. [46254]

Mrs. Liddell *[holding answer 16 June 1998]:* As President of ECOFIN, the Chancellor of the Exchequer was invited to attend the informal meeting on 4 June. The Chancellor took part in a constructive discussion of issues for consideration at the September meeting of Euro-XI which will involve all Member States. At an appropriate point, when issues falling within the specific responsibility of Member States joining the single currency were to be discussed, the Chancellor left the meeting.

All meetings of Euro-XI will be chaired by the Presidency or, if the Presidency is held by a non-participating Member State, by the next Presidency in office. That is why Mr. Edlinger chaired the 4 June meeting.

These arrangements are entirely in line with Luxembourg European Council conclusions and were agreed by all Member States in advance.

Registered Businesses

Mr. Loughton: To ask the Chancellor of the Exchequer how many registered businesses in the United Kingdom he estimates have a value of £250,000 or less. [43612]

Mrs. Liddell *[holding answer 1 June 1998]:* On December 31 1997, there were approximately 1.11 million VAT-registered businesses in the UK with a turnover of less than £250,000.

Lending Policies

Mr. Reed: To ask the Chancellor of the Exchequer how the United Kingdom representatives at the *(a)* World Bank, *(b)* IMF and *(c)* African Development Bank will ensure that the multilateral institutions pursue lending policies which take a realistic account of the ability of the debtor Government to repay. [43471]

Mrs. Liddell: The UK Government have played a leading role in encouraging the IMF, World Bank and the Multilateral Development Banks, including the African Development Bank, to pursue policies designed to promote sustainable economic growth and reductions in poverty. In particular, it attaches importance to ensuring that lending decisions are based on a careful assessment of a country's ability to absorb new lending and repay existing loans, to ensure that their debt burden is not increased.

Pensions Mis-selling

Mr. Timms: To ask the Chancellor of the Exchequer what assessment he has made of progress made by pension firms in providing redress to the victims of mis-sold personal pensions. [46554]

Mrs. Liddell: The table shows the progress made in the period to end May 1998 by the 41 firms whose figures I have been publishing. Some 78 per cent. of all the cases these firms must review have now been completed.

Many firms are now making good progress with their priority reviews. I expect the laggards to do their utmost to better the targets set for them by the regulators. I hope all firms will demonstrate the same commitment they have shown of late when they begin phase 2 of the review.

I am still disappointed by the poor progress being made by many IFAs. On 10 June, PIA fined Financial Options Ltd. and Investment Options Ltd. a total of £400,000 for various failings, mostly related to the review of personal pensions. I expect IFAs to deal with their priority cases as a matter of the utmost urgency and hope the industry will continue to pursue the ABI's lifeboat initiative to help IFAs finance their reviews and process cases. Mis-selling damages the reputation of the entire industry. It is in everyone's interests to work together to complete the review.

I am aware of criticisms by a number of IFAs of the FSA and PIA proposals for phase 2 of the review. Some

even deny that there is a problem while others try to pass the buck. Their poor attitude tarnishes those IFAs with integrity who are making a concerted effort to complete their case reviews.

The FSA asked trade bodies and product providers to consider how they could help to ensure that, where appropriate, investors who had bought a personal pension through an IFA could receive speedy redress.

Progress by pensions firms in resolving cases of personal pensions mis-selling in the period to the end of May 1998

	A	B	C	D	E	F	G	H
Under 50% of cases resolved								
DBS	1,889	298	259	76	183	134	7	27
Burns Anderson	1,178	308	227	128	99	82	7	44
Financial options	363	121	43	20	23	19	5	44
50–75% of cases resolved								
Gan	11,598	1,368	5,434	632	4,802	3,836	33	50
Countrywide	4,857	2,239	268	166	103	79	2	51
Lincoln National	13,475	1,774	6,941	1,114	5,827	4,856	36	57
Windsor Life	9,558	3,332	3,064	291	2,386	1,896	20	58
Abbey Life	17,446	4,551	6,690	1,015	5,675	4,798	28	59
London and Manchester	8,430	1,271	4,540	537	4,003	3,603	43	64
IFA Network	333	97	120	84	36	33	10	64
Colonial	8,421	2,531	3,598	420	3,178	2,610	31	66
Friends Provident	6,964	1,049	3,948	601	3,347	2,984	43	67
Standard Life	7,052	780	4,284	999	3,285	2,932	42	67
Hill Samuel	6,114	862	3,678	653	3,025	2,663	44	68
Canada Life	5,575	340	3,937	588	3,349	2,893	52	69
Royal & Sun Alliance	16,109	3,028	9,953	1,158	8,795	7,100	44	70
NatWest	15,085	4,522	7,211	1,099	6,122	4,990	33	70
CIS	43,459	4,912	30,279	13,196	17,083	13,256	31	72
Sun Life of Canada	27,720	9,999	11,681	2,150	9,531	7,951	29	73
Berkeley Independent	173	104	22	18	4	4	2	73
Sedgwick	16,064	8,145	4,061	1,556	2,505	2,231	14	74
Over 75% of cases resolved								
Albany Life	2,950	640	1,974	185	1,789	1,410	48	76
Allied Dunbar	19,197	4,050	12,176	3,507	8,669	7,251	38	77
M&E Network	315	173	78	26	52	48	15	78
Equitable Life	7,540	1,856	4,378	1,629	2,749	2,459	33	79
Guardian	9,161	1,260	6,569	974	5,595	5,017	55	79
Legal & General	36,804	14,872	18,372	1,743	16,629	13,440	37	82
Britannic	19,639	5,411	12,313	3,067	9,246	7,782	40	83
Wesleyan	4,178	267	3,378	987	2,391	2,264	54	84
Lloyd's TSB	50,018	12,382	32,508	6,281	26,227	23,855	48	85
Hogg Robinson	2,178	807	1,163	399	764	651	30	85
United Assurance	13,252	1,253	11,066	2,040	9,026	8,114	61	86
Commercial Union	7,887	1,299	5,849	799	5,050	4,708	60	86
Pearl	46,814	3,887	39,356	5,641	33,715	31,080	66	87
Prudential	72,172	19,410	52,681	3,875	48,806	40,239	56	88
Royal London	12,806	1,128	11,470	1,498	9,972	8,951	70	90
Barclays	17,035	6,050	10,293	2,306	7,987	7,146	42	91
Norwich Union	7,464	2,237	4,763	740	4,023	3,824	51	91
AXA Equity and Law	4,006	764	3,035	618	2,417	2,301	57	92
Godwins	1,478	114	1,354	455	899	839	57	95
Midland	4,862	553	4,196	493	3,703	3,622	74	96

Notes:
A: cases identified as requiring review
B: of A, cases where investor was informed that information gained during assessment excluded cases from review
C: number of assessments completed
D: cases where the investor has been informed that no redress is due
E: cases where redress has been offered
F: cases where redress has been accepted
G: cases where redress has been accepted as a percentage of cases for review ((F/A) x 100)
H: cases completed, including exclusions, as a percentage of cases identified for review (((B+D+F)/A) x 100)

Alcohol and Tobacco Imports

Mr. Mitchell: To ask the Chancellor of the Exchequer if personal imports of alcohol and tobacco from France are taken into account in calculating the RPI. [46459]

Dawn Primarolo: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to reply.

Letter from John Kidgell to Mr. Austin Mitchell, dated 17 June 1998:

In the absence of the Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on calculating the RPI.

Personal imports of alcohol and tobacco from France are not reflected in the RPI either in the expenditure weights used to represent spending patterns or in the prices collected to form the index.

Wages (Worcestershire)

Mr. Michael J. Foster: To ask the Chancellor of the Exchequer how many *(a)* men and *(b)* women, working (i) full-time and (ii) part-time, in (1) Worcester and (2) Worcestershire earn less than (x) £3 per hour and (y) £3.60 per hour. [46112]

Mrs. Liddell: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to reply.

Letter from M. P. G Pepper to Mr. Michael J. Foster dated 17 June 1998:

In the absence of the Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on earnings.

Latest estimates of the percentage of employees in Worcester, and Worcester and Hereford earning less than the hourly rates you mention, may be obtained from the April 1997 New Earnings Survey which is based upon a one percent. sample of employees in the PAYE system. As such, the estimates which relate to low earnings and part-time employment should be treated with a degree of caution.

Results are presented for the Worcester parliamentary constituency, and for the county of Hereford and Worcester. Worcestershire is no longer a statistically defined geographical area.

Employees on adult rates, whose pay for the survey pay-period was unaffected by absence—New Earnings Survey—April 1997

	Percentage of employees with hourly earnings (excluding overtime) less than: £3.00	£3.60
Worcester[1]		
Full-time men	2.5	2.5
Part-time men	[2]—	[2]—
Full-time women	1.2	3.5
Part-time women	4.7	14.1
All employees	2.9	6.8
Hereford and Worcester County		
Full-time men	1.3	3.2
Part-time men	1.9	26.4
Full-time women	1.9	6.6
Part-time women	7.4	21.6
All employees	2.8	8.9

[1] Parliamentary constituency

[2] Denotes an estimate which is unavailable because the sample size is too small

EDUCATION AND EMPLOYMENT

Special Advisers

Mr. Sayeed: To ask the Secretary of State for Education and Employment how many special advisers, political advisers and other political appointees are working in his Department; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43325]

Dr. Howells: For details of the numbers of Special Advisers and the annual cost of employing them, I refer the hon. Member to the answer the Prime Minister gave to the hon. Member for Woodspring (Dr. Fox) on 11 June 1998, *Official Report*, column *664*.

National Insurance contributions are excluded from the figure but are paid under the same rules and at the same rates as for other civil servants. Information on the paybill costs for Special Advisers within individual Departments is not provided in order to protect the privacy of the individuals concerned.

Information on the cost of employing Special Advisers in previous years was given by my right hon. Friend the Chancellor of the Duchy of Lancaster to the hon. Member for Gordon (Mr. Bruce) on 25 November 1997, *Official Report*, columns *472–73*.

European Voluntary Service

Mr. Bercow: To ask the Secretary of State for Education and Employment if he will make a statement on the sub-contracting of the pastoral supervision role of the European Voluntary Service to third parties; and if he will list the agencies his Department has approved for this purpose. [45316]

Dr. Howells: The Youth Exchange Centre is the national agency for the European Voluntary Service programme in the UK. Projects wishing to host young volunteers undergo rigorous scrutiny before being accepted into the programme. Provision for pastoral supervision is an important component of that scrutiny.

Mr. Cash: To ask the Secretary of State for Education and Employment if he will make a statement on the merging of Youth for Europe and the European Voluntary Service after 1999. [46132]

Dr. Howells: Youth for Europe and the European Voluntary Service will conclude at the end of 1999. The European Commission has recently published proposals to establish a Youth Community Action Programme (2000–2004) incorporating both these programmes. The draft Decision will be considered by Member States with a view to enabling Council to reach a common position on the proposals in due course.

Buddhism (Educational Material)

Mr. Don Foster: To ask the Secretary of State for Education and Employment what representations he has received concerning the Friends of the Western Buddhist Order and their educational material; and if he will assess the authenticity of the material on their website and its coverage of Buddhist traditions with a view to advising local authorities on the suitability of the material for schools. [45434]

Ms Estelle Morris: My right hon. Friend the Secretary of State has received a letter from Lord Avebury concerning allegations on another website. The Department is investigating the allegations concerning religious education and will consider whether further action is necessary.

New Deal (Ethnic Monitoring)

Mr. Dismore: To ask the Secretary of State for Education and Employment what arrangements are in place for the ongoing ethnic monitoring of the progress of those placed on one of the New Deal options; and if he will make a statement. [45437]

Mr. Andrew Smith: We have arrangements in place to provide comprehensive management information on the participation of ethnic minorities in New Deal. Our evaluation strategy will also enable us to determine the final destinations of all New Deal clients including those from ethnic minorities.

School/College Transport (Essex)

Mr. Bob Russell: To ask the Secretary of State for Education and Employment if he will provide additional financial support to Essex County Council to fund the retention from September of the current free home to school/college transport for pupils and students from the age of 16. [45473]

Mr. Byers: I refer the hon. Member to the reply given to the hon. Member for North Essex (Mr. Jenkin) on 8 May 1998, *Official Report*, column *524*.

Teaching (New Entrants)

Mr. Michael J. Foster: To ask the Secretary of State for Education and Employment how many new entrants into the teaching profession there were for the years 1979 to 1997. [45551]

Ms Estelle Morris: The numbers of new entrants to full-time teaching, in the maintained nursery, primary and secondary sector[1], for the years 1979 to 1996, are shown in the table. New entrants to part-time teaching are shown for the years 1993 to 1996. Information for previous years is not readily available.

	Full-time entrants	*Part-time entrants*
1979	25,490	—
1980	21,650	—
1981	16,280	—
1982	13,190	—
1983	13,270	—
1984	12,810	—
1985	11,140	—
1986	11,900	—
1987	12,600	—
1988	12,580	—
1989	13,950	—
1990	15,240	—
1991	14,900	—
1992	15,440	—
1993	16,120	1,000
1994	17,800	1,300
1995[2]	19,300	1,300
1996[2]	19,300	1,400

[1] Excluding sixth form colleges from 1994
[2] Data for 1995 and 1996 are provisional

New Deal for Schools

Mr. Cotter: To ask the Secretary of State for Education and Employment (1) what criteria he used for the recently-awarded funding under the New Deal for Schools Capital Programme Phase 2 for the North Somerset council area; [45992]

(2) what criteria are used for awarding funding under the New Deal for Schools Capital Programme Phase 2. [45993]

Mr. Byers: Applications for funding received from all Local Education Authorities (and the Funding Agency for Schools) under Phase 2 of the New Deal for Schools initiative were considered against the priorities and criteria set out in the guidance issued by this Department on 5 November 1997. A copy of the full guidance has been placed in the Library.

HOME DEPARTMENT

Criminal Cases Review Commission

Mr. Coaker: To ask the Secretary of State for the Home Department what assets were transferred to the Criminal Cases Review Commission on 1 April. [46642]

Mr. Michael: The Criminal Cases Review Commission has been notified that certain Crown assets have been transferred to it, effective from 1 April 1998. The transfer will be free of charge. The assets comprise:

Assets	*Estimated value (£)*
Furniture and miscellaneous items of office equipment	87,000
Information Technology and communications equipment	496,000
Total	583,000

Sierra Leone (Asylum Seekers)

Ms Oona King: To ask the Secretary of State for the Home Department if he will make a statement on asylum seekers from Sierra Leone. [46715]

Mr. Mike O'Brien: My right hon. Friend announced in his reply to my hon. Friend the Member for South Derbyshire (Mr. Todd) on 1 July 1997, *Official Report*, column *78*, that he had made a declaration under the Social Security (Persons from Abroad) Miscellaneous Amendments Regulations 1996 that Sierra Leone had undergone such an upheaval that we would not seek to enforce the return of refused asylum seekers to that country for the time being.

Since that time, the situation in the country has been carefully monitored, together with the Foreign and Commonwealth Office. More information has become available since the liberation of Freetown by ECOMOG troops in February this year.

The democratically elected President returned to the country in March and announced his new broad-based government. Although there is fighting in the east, the rest of the country appears secure.

The information received about conditions in Sierra Leone enables me to make an informed assessment of the merits of asylum applications made prior to the upheaval and subsequently, in accordance with our international obligations. If an applicant is able to demonstrate that his fear of persecution is well-founded, then asylum will be granted. In other cases, if there are clear compelling humanitarian reasons not to require a person to return, exceptional leave to enter or remain will be granted. If asylum or exceptional treatment is not merited, the normal course will be to expect applicants to return to Sierra Leone. We will continue to monitor developments in the region.

Closed Circuit Television

Mr. Faber: To ask the Secretary of State for the Home Department when he will announce the results of local bids for CCTV under round four of the CCTV challenge competition. [46096]

Mr. Michael: I have placed in the Library earlier today the results of round 4 of the Closed Circuit Television Challenge competition. I am pleased to be able to inform the hon. Member that a partnership in his constituency led by Warminster Town Council has been offered an award of £74,525.

Mr. Cox: To ask the Secretary of State for the Home Department what financial assistance his Department is providing in the current financial year to London local authorities that wish to install CCTV cameras within their areas. [45519]

Mr. Michael: I have placed in the Library the results of round 4 of the Close Circuit Television Challenge competition. The awards offered to crime reduction partnerships in London boroughs under the latest competition, together with the balance of awards made to schemes under earlier rounds which have yet to be paid, are listed in the table. All awards have to be taken up in the current financial year.

Closed circuit television expenditure for London (1998–99)

Scheme	*Award*	*Amount outstanding*
Round 2		
Church Street Village, Marylebone	55,600	37,100
Wimbledon Town Centre	96,500	64,400
Morden Town Centre	81,000	54,000
		155,500
Round 3		
The Roding Valley, Barking	56,205	18,770
Broadway West; Bexleyheath Town Centre	61,088	40,788
Coopers Lane Estate and Purchase Street Open Space, Camden	74,250	49,500
Southall Town Centre	109,868	73,245
Woolwich Town Centre and Car Parks	67,500	45,000
Greenwich Town Centre	135,000	90,000
Hackney Housing Estates	54,000	36,000
Pembury Neighbourhood, Hackney	135,000	90,000
Broadway Market Neighbourhood, Hackney	135,000	90,000
Charing Cross Hospital and Surrounding Area	111,023	74,014
Hammersmith Hospital and Surrounding Area	59,446	39,630
Station Areas & New Malden High Street, Kingston upon Thames, New Malden, Surbiton, Chessington, Worcester Park	135,000	90,000
Streatham Town Centre	103,500	69,000
South Wimbledon/Colliers Wood/Merton Abbey	94,320	62,920
The Canons Leisure Centre, Mitcham	52,313	34,913
Newham "Hot Spots"	50,000	15,000
Knightsbridge and Lupus Street	131,463	43,000
Paddington Recreation Ground	75,600	50,400
		1,012,180
Round 4		
London Borough of Barking & Dagenham	75,000	
Green Street Town Centre	75,000	
London Borough of Lewisham	18,500	
London Borough of Merton	50,000	
London Borough of Brent	74,710	
London Borough of Bexley—Control Room	40,000	
	333,210	

Local Authorities (Pilot Schemes)

Mr. Burstow: To ask the Secretary of State for the Home Department if he will list the pilot schemes announced since 1 May by his Department that involve local authorities in a lead or partnership capacity; if he will list each of the local authorities involved in each case; and what revenue and capital funding each local authority will receive through the pilot in (i) 1997–98, (ii) 1998–99, (iii) 1999–2000 and (iv) 2000–2001. [45335]

Mr. Straw *[holding answer 11 June 1998]:* As I announced in the reply I gave to my hon. Friend the Member for Portsmouth, North (Mr. Rapson) on 3 June 1998, *Official Report*, column *219*, we have identified nine local authority areas in which, in principle, we would like to pilot the new youth justice measures contained in the Crime and Disorder Bill [*Lords*].

Four areas—the London Boroughs of Hammersmith and Fulham, Kensington and Chelsea and the City of Westminster (jointly); Hampshire, Southampton, Portsmouth and the Isle of Wight (jointly); Wolverhampton; and Sheffield—have been identified to pilot the final warning scheme; the reparation order, action plan order, child safety order and parenting order; and youth offending teams.

Five areas—the London Borough of Lewisham; Luton and Bedfordshire (jointly); Devon; St. Helens; and Sunderland—have been identified to pilot the child safety order and parenting order, together with youth offending teams.

In addition, Blackburn and Northamptonshire are to pilot the final warning scheme and youth offending teams in the context of pilots of procedural changes recommended by the Review of Delay in the Criminal Justice System, to which my reply to my hon. Friend the Member for Portsmouth, North also referred.

We aim to establish the pilot projects from October 1998. The pilots will operate for a period of 18 months. We envisage that, in addition to funding for the evaluation of the pilots, some Home Office funding will be available to help the pilot areas put in place the programmes and forms of intervention needed to undertake work under the final warning scheme and the new court orders. Funding will also be available to support any seminars based on experience in the pilot areas run during the pilots for benefit of other areas. We will discuss with the selected pilot areas how available funds can be used most effectively within their area.

Asylum Seekers

Mr. Gerrard: To ask the Secretary of State for the Home Department how many letters have been issued to asylum seekers since November 1996 informing them of a refusal of their claim at the same time that the Benefits Agency have been informed of the decision; and how many asylum seekers have not been issued with such a letter. [45642]

Mr. Mike O'Brien: Between 4 November 1996 and 29 May 1998, 3,023 such letters were issued to applicants or their representatives. Letters could not be sent in a further 516 cases as an address was not readily available.

Police Officers

Mr. Efford: To ask the Secretary of State for the Home Department how many police officers in each police force are *(a)* female and *(b)* from ethnic minorities. [45645]

Mr. Michael: The information requested is set out in the table. The figures are provisional and are subject to validation.

Female and ethnic minority police officers
As at 31 March 1998

Police Force	*Police strength*	*Female officers*	*% Female officers of strength*	*Ethnic minority officers*	*% Ethnic minority officers of strength*
Avon and Somerset	2,975.9	389.9	13.1	34	1.1
Bedfordshire	1,078.5	189.5	17.6	37	3.4
Cambridgeshire	1,291.4	189.8	14.7	31	2.4
Cheshire	2,035.9	307.3	15.1	6	0.29
Cleveland	1,483.4	225.9	15.2	18	1.2
City of London	824.9	121.9	14.8	20	2.4
Cumbria	1,163.5	187	16.1	2	0.17
Derbyshire	1,772.2	226.2	12.8	37	2.1
Devon and Cornwall	2,961.5	454.5	15.3	5	0.17
Dorset	1,110	206	18.6	5	0.45
Durham	1,514.8	262.8	17.3	7	0.46
Dyfed-Powys	1,002.3	129.3	12.9	1	0.10
Essex	2,928.5	475.5	16.2	36	1.2
Gloucestershire	1,103.9	165.9	15.0	12	1.1
Greater Manchester	6,948.7	1,225.4	17.6	164	2.4
Gwent	1,232.8	178.8	14.5	13	1.1
Hampshire	3,489.5	569.6	16.3	27	0.77
Hertfordshire	1,739.9	311.1	17.9	20	1.2
Humberside	2,021.2	290.2	14.4	13	0.6
Kent	3,251.8	547.2	16.8	34	1.0
Lancashire	3,258.1	535.6	16.4	39	1.2
Leicestershire	1,983.1	320.4	16.2	89	4.5
Lincolnshire	1,191.1	151.5	12.7	6	0.5
Merseyside	4,217.4	667.4	15.8	72	1.7
Metropolitan Police	26,192.7	3,910.9	14.9	861	3.3
Norfolk	1,429.6	208.6	14.6	9	0.63
North Wales	1,396	199	14.3	1	0.07
North Yorkshire	1,367.2	193.2	14.1	7	0.51
Northamptonshire	1,168.7	181.4	15.5	31	2.7
Northumbria	3,766.7	563.4	15.0	33	0.88
Nottinghamshire	2,322.6	337.6	14.5	61	2.6
South Wales	2,986.2	354.2	11.9	29	0.97
South Yorkshire	3,182	497	15.6	70	2.2
Staffordshire	2,292.1	439.1	19.2	33	1.4
Suffolk	1,185.8	188.6	15.9	13	1.1
Surrey	1,608.4	242.9	15.1	20	1.2
Sussex	3,037.7	471.6	15.5	23	0.76
Thames Valley	3,775.5	633	16.8	78	2.1
Warwickshire	924.1	139.1	15.1	23	2.5
West Mercia	2,011.8	308.8	15.3	26	1.3
West Midlands	7,180.5	1,442.8	20.1	294	4.1
West Yorkshire	5,154.7	808.6	15.7	133	2.6
Wiltshire	1,148.3	166.3	14.5	10	0.87
Total	124,710.9	19,614.5	15.7	2,483	2.0

Mr. Efford: To ask the Secretary of State for the Home Department what plans he has to increase recruitment to the police force from those sections of society currently under-represented. [45710]

Mr. Michael: The responsibility for making appointments to the police service in England and Wales lies with the chief officer of each police force. It is also their responsibility, with the assistance of their police authorities, to ensure that their forces represent the communities they serve. This includes those people from under-represented groups, such as those from ethnic minority communities.

Her Majesty's Inspectorate of Constabulary have issued two thematic inspection reports: "Developing Diversity in the Police Service" and "Winning the Race", copies of which are in the Library. Both reports offer advice on the recruitment of people from under-represented sections of society. The latter report includes "a guide to assist forces in the area of ethnic minority recruitment", which should provide a helpful checklist of action for forces to take. My right hon. Friend has made it clear that he expects each police force in England and Wales to consider the conclusions of the latter report and to act on its findings during the course of 1998. Later this year, chief constables will be asked to report on action taken.

Police (Medical Retirement)

Mr. Maclean: To ask the Secretary of State for the Home Department how many medical retirements of police officers there were for each police force area in each of the last 10 years. [45655]

Mr. Michael: Provisional figures for medical retirements from forces in England and Wales in 1997–98 are set out in the table. Similar data for the years from 1990 to 1996–97 are included in the report by Her Majesty's Inspectorate of Constabulary "Lost Time: The Management of Sickness Absence and Medical Retirement in the Police Service", published in December 1997. A copy of the report is in the Library. Such information is not available for the period before 1990.

Number of medical retirements from police forces in England and Wales, 1997–98 (provisional)

	Number
Avon and Somerset	66
Bedfordshire	23
Cambridgeshire	12
Cheshire	n/a
City of London	6
Cleveland	8
Cumbria	20
Derbyshire	51
Devon and Cornwall	22
Dorset	10
Durham	17
Dyfed-Powys	11
Essex	29
Gloucestershire	n/a
Greater Manchester	199
Gwent	15
Hampshire	30
Hertfordshire	17
Humberside	27
Kent	n/a
Lancashire	27
Leicestershire	25
Lincolnshire	28
Merseyside	82
Metropolitan Police	n/a
Norfolk	15
North Wales	11
North Yorkshire	22
Northamptonshire	18
South Wales	n/a
Northumbria	n/a
Nottinghamshire	40
South Yorkshire	29
Staffordshire	66
Suffolk	20
Surrey	10
Sussex	23
Thames Valley	40
Warwickshire	18
West Mercia	27
West Midlands	81
West Yorkshire	n/a
Wiltshire	9

Note:
n/a = not available

Number of police officers medically retiring England and Wales

	1990	*1991*	*1992*	*1993*	*1994–95*	*1995–96*	*1996–97*
Avon and Somerset	57	52	54	68	105	29	66
Bedfordshire	9	15	7	9	17	14	15
Cambridgeshire	23	19	9	19	18	26	20
Cheshire	20	22	34	31	33	16	19
City of London	13	9	10	11	8	14	7
Cleveland[1]	57	56	52	40	45	25	22
Cumbria	16	14	20	26	30	9	18
Derbyshire	39	32	55	54	38	49	39
Devon and Cornwall[1]	30	35	40	49	25	27	21
Dorset	19	27	12	26	13	9	11
Durham	23	21	21	39	42	23	23
Dyfed-Powys	12	25	22	22	22	22	12
Essex	26	31	27	25	32	31	29
Gloucestershire	14	14	15	13	13	7	11
Greater Manchester[1]	188	165	149	162	198	168	207
Gwent	6	15	23	18	29	19	28
Hampshire[1]	24	39	32	40	43	31	21
Hertfordshire	19	20	12	19	13	22	10
Humberside	22	26	26	40	47	26	19
Kent[1]	46	63	57	80	59	46	15
Lancashire	63	87	52	86	70	56	36
Leicestershire	34	39	46	60	55	45	29
Lincolnshire	12	22	24	24	35	31	11
Merseyside[1]	95	102	99	132	181	195	167
Metropolitan Police	224	272	310	344	454	430	457
Norfolk	13	19	15	17	20	15	15
North Wales	23	34	35	39	41	36	33
North Yorkshire[1]	42	32	30	78	44	29	39
Northamptonshire	26	19	26	15	44	10	14
Northumbria[1]	65	105	89	97	124	123	85
Nottinghamshire	46	34	56	59	62	41	34
South Wales[1]	48	60	29	31	41	74	43
South Yorkshire	40	41	64	82	48	46	33
Staffordshire	42	52	67	74	45	30	47

Number of police officers medically retiring
England and Wales

	1990	1991	1992	1993	1994–95	1995–96	1996–97
Suffolk[1]	10	16	19	20	14	25	22
Surrey[1]	28	30	19	16	40	24	24
Sussex[1]	26	42	38	36	29	61	42
Thames Valley	47	45	38	30	66	58	55
Warwickshire	7	10	10	19	12	14	10
West Mercia	22	29	28	23	41	27	39
West Midlands	45	57	67	71	176	105	86
West Yorkshire[1]	164	127	228	150	107	48	57
Wiltshire	5	14	8	10	8	4	11
Provincial Total	1,566	1,716	1,764	1,960	2,133	1,720	1,545
England and Wales Total	1,790	1,988	2,074	2,304	2,587	2,150	2,002
England and Wales Average	42	46	48	54	60	50	47
Provincial Average	37	41	42	47	51	41	37

[1] Force visited

Police (Ethnic Employees)

Mr. Vaz: To ask the Secretary of State for the Home Department how many *(a)* black and *(b)* Asian people are employed in (i) West Midlands Police force and (ii) Leicestershire Police force; and at what grade. [45686]

Mr. Michael: It may be helpful if I provide tables showing the numbers employed and the percentage in that category of employment for (i) black people, (ii) Asian people and (iii) ethnic minorities.

(i) Black staff—as at 31 March 1998 (provisional figures)

	Leicestershire Constabulary		West Midlands Police	
	Total number	Percentage of total	Total number	Percentage of total
Superintendent	1	5.6	—	—
Chief Inspector	—	—	—	—
Inspector	1	1.1	—	—
Sergeant	2	0.8	18	1.8
Constable	22	1.4	114	6.5
Civilian staff	3	0.4	102	3.6

(ii) Asian staff—as at 31 March 1998 (provisional figures)

	Leicestershire Constabulary		West Midlands Police	
	Total number	Percentage of total	Total number	Percentage of total
Superintendent	—	—	—	—
Chief Inspector	—	—	—	—
Inspector	—	—	2	0.6
Sergeant	9	3.5	10	1.0
Constable	36	2.3	111	6.3
Civilian staff	29	3.7	81	2.9

(iii) All ethnic minority employees—as at 31 March 1998 (provisional figures)

	Leicestershire Constabulary		West Midlands Police	
	Total number	Percentage of total	Total number	Percentage of total
Superintendent	1	5.6	1	1.9
Chief Inspector	—	—	1	1.5
Inspector	2	2.2	2	0.6
Sergeant	12	4.6	38	3.9
Constable	74	4.7	252	14.4
Civilian staff	48	6.2	185	6.6
Total	137	5.0	479	4.8

Mr. Vaz: To ask the Secretary of State for the Home Department what measures he has taken to investigate claims of race discrimination in West Midlands police force. [45676]

Mr. Michael: No allegations of racial discrimination in West Midlands Police have been made to me. It would be a matter for the Chief Constable of West Midlands Police to investigate any such claims made to him or the police authority, in consultation with the police authority as necessary. In general, I would expect such allegations to be put direct to the individual police force.

Police (Compensation)

Mr. Mitchell: To ask the Secretary of State for the Home Department how much was paid out by the English police forces in compensation cases in the last year for which figures are available. [46015]

Mr. Michael: Payment of compensation by police forces, which is provided for in section 88 of the Police Act 1996, is a matter for individual police forces, and information about amounts paid out by individual forces is not held centrally.

Police (CS Gas)

Mr. Mitchell: To ask the Secretary of State for the Home Department if he will issue rules to police forces on the use of CS gas. [46014]

Mr. Michael: Any use of force is governed by section 3 of the Criminal Law Act 1967, which provides that a person may use such force as is reasonable in the circumstances in the prevention of crime, or effecting or assisting in the lawful arrest of offenders or suspected offenders. It must be remembered that the use of CS spray can prevent serious physical injury not only to police officers but also to bystanders and to the person who is being restrained. It is a form of force, but one whose effects are normally very short-term and transitory. Each individual police officer is responsible for his actions, and it is ultimately for the courts to judge whether the force used in any particular circumstances was reasonable. The Home Office has issued general guidelines to chief police officers on the use of CS grenades for dealing with serious public disorder. The routine carriage by officers of CS spray for self-defence is an operational matter and not something on which it would be appropriate for the Home

Office to issue guidelines. Operational guidelines, copies of which have been placed in the Library, have been issued by the Association of Chief Police Officers.

Sunday Trading

Mr. Gareth Thomas: To ask the Secretary of State for the Home Department if he will amend the Sunday Trading Act 1994 to prevent shops with a relevant floor area of more than 280 square metres from trading on Easter Sunday by conducting their transactions in the open air. [46190]

Mr. George Howarth: We have no plans to do so. The Sunday Trading Act 1994 prohibits large shops from opening on Easter Sunday for the serving of retail customers. Interpretation of the law is a matter for the courts. I understand that a recent judgment by the High Court has upheld the conviction of a large store for trading from the external areas of its premises on Easter Sunday.

Mr. Gareth Thomas: To ask the Secretary of State for the Home Department what meetings he has had, or plans to have, with owners of large retail outlets with a relevant floor area of more than 280 square metres who open on Easter Sunday. [46214]

Mr. George Howarth: None.

Fazakerley Prison

Mr. Alan Williams: To ask the Secretary of State for the Home Department on how many occasions it has been necessary for neighbouring prisons to provide support to Fazakerley Prison; and in what circumstances. [46073]

Ms Quin: There have been no occasions on which neighbouring prisons have provided support to Altcourse Prison, Fazakerley.

SCOTLAND

Solway Firth and Border Esk Rivers

Mr. Maclean: To ask the Secretary of State for Scotland when he expects to announce a decision on the fishing rights for the Solway Firth and Border Esk rivers. [45687]

Mr. Macdonald: My right hon. Friends the Secretary of State for Scotland and the Minister of Agriculture, Fisheries and Food have carried out a consultation on the management arrangements which should apply to the Border Esk. The responses, together with concerns that have been expressed about the future exercise of fishing rights in the Solway Firth, are being taken into account in the consideration of the provision at clause 100 of the Scotland Bill.

Fisheries Research Services

Miss Begg: To ask the Secretary of State for Scotland if he will make a statement about the key performance targets he has set for the Fisheries Research Services in 1998–99. [46644]

Mr. Macdonald: My right hon. Friend has set the following targets for Fisheries Research Services:

Delivery of Service

To achieve 85 per cent. of the performance targets set in the schedules to the Service Level Agreement.

To achieve 80 per cent. of the milestones agreed for Research and Development projects.

To maintain, *pro rata*, FRS's publication output.

Quality of Service

To review the work of the Fish Cultivation Team at the Marine Laboratory through a visiting group and to report by December 1997.

To submit by 1999/2000 the quality manuals and documentation which are required for the accreditation by the United Kingdom Accreditation Service, of the monitoring programmes for algal toxins, microbiological contamination of shellfish, List II viral diseases of fish, and sampling of fish for residues of veterinary medicines.

Efficiency targets

To carry out the agreed programme for the Scottish Office within the agreed costs.

To recover full economic costs from external customers.

To restrict administrative costs to 18 per cent. of the total running costs.

To restrict unit costs of fish farms inspection programmes to £320 per farm visit.

To increase research vessels utilisation to 540 days, operating at a daily cost of £5,200 (Scotia) and £2,100 (Clupea).

These various tasks should provide a sound basis for evaluating performance by establishing a time series for certain indicators and by requiring external scrutiny by external accreditors and scientific peers.

Scottish Parliament

Mr. Dalyell: To ask the Secretary of State for Scotland if he will place in the Library on a monthly basis a report on those archaeological discoveries his advisers assess to be *(a)* significant and *(b)* less significant in the course of excavations relating to work on the building to house the Scottish Parliament, together with relevant diagrams conveying information relating to each stratum uncovered of the Holyrood site. [44647]

Mr. Dewar: It would not be possible to provide meaningful information of the kind requested on a regular basis, because of the complexity of the project. However, I am arranging to have a copy of the desk assessment of the site placed in the Library and will be happy to place further reports there as significant stages of the archaeological work are completed.

Radioactivity (Merse Sites)

Mr. Alasdair Morgan: To ask the Secretary of State for Scotland if he will place in the Library a copy of the 1994–95 HMIPI study into radioactive doses received by people living or working on selected merse sites. [45863]

Mr. Macdonald: The information referred to was published at Annexe E, in the final report of Her Majesty's Industrial Pollution Inspectorate for Scotland, for the period 1 April 1992 to 31 March 1996. I have arranged to have copies of the report placed in the Library.

Radiation Monitoring Stations

Mr. Alasdair Morgan: To ask the Secretary of State for Scotland if he will list the radiation monitoring stations on the West Coast of Scotland between the English border on the Solway and Cape Wrath; and what factors underlie the siting of these stations. [45862]

Mr. Macdonald: The information can best be obtained from the report "Radioactivity in Food and the Environment, 1996". Copies of that report are held in the Library of the House.

The factors underlying the selection of monitoring locations are given in the report at chapter 3 and sub-chapters 7.3 and 9.7.

Leukaemia

Mr. Alasdair Morgan: To ask the Secretary of State for Scotland how many leukaemias were *(a)* recorded and *(b)* expected in the 0 to 24 age group in the postcode sectors (i) DG5.4, (ii) DG7.1 and (iii) DG6.4 in the periods *(a)* 1980 to 1984, *(b)* 1985 to 1989, *(c)* 1990 to 1994, and *(d)* 1995 to present. [45864]

Mr. Galbraith: No cases of leukaemia were observed in the 0–24 age group in postcode sector DG5.4 and DG6.4 during the periods 1980–84, 1985–89, 1990–94 or 1995–96 (the most recent year for which information is available). There were two cases of leukaemia registered in residents of postcode sector DG7.1; one in the period 1980–84 and one in the period 1985–84.

The numbers of cases observed and the expected number of cases of leukaemia, based on background rates in Scotland as a whole, for each of the postcode sectors are shown in the tables:

(i) Observed and expected numbers of cases of leukaemia in age group 0–24 years in DG5.4

Time period	Observed number of cases	Expected number of cases
1980–84	0	0.22
1985–89	0	0.24
1990–94	0	0.26
1995–96	0	0.08

(ii) Observed and expected numbers of cases of leukaemia in age group 0–24 years in DG7.1

Time period	Observed number of cases	Expected number of cases
1980–84	1	0.24
1985–89	1	0.26
1990–94	0	0.28
1995–96	0	0.18

(iii) Observed and expected numbers of cases of leukaemia in age group 0–24 years in DG6.4

Time period	Observed number of cases	Expected number of cases
1980–84	0	0.24
1985–89	0	0.25
1990–94	0	0.27
1995–96	0	0.18

Hip Operations

Mr. Wallace: To ask the Secretary of State for Scotland in respect of how many cases of hip joint replacement operations conducted in Scotland since 1980, patients have been readmitted to hospital for further hip replacement surgery within *(a)* five years and *(b)* 10 years of the original operation. [45775]

Mr. Galbraith: Information on the number of discharges following total hip replacement operations in the years 1980 to 1990, and the number of patients readmitted within 5 years and 10 years following their original operation is provided in the tables.

The number of readmissions do not directly relate to revision or failure of the original total hip replacement operations. Patients may be readmitted for operations on their other hip without any fault or problem with their earlier operation, if better or newer types of hip joint become available which would improve their quality of life.

Table 1: Discharges following a total hip replacement operation and the number of readmissions within 5 years of the original operation

Year of operation	Number of discharges	Discharges[1]	Readmitted within 5 years	Readmission[2] rate (%)
1981	2,417	2,032	395	19.4
1982	2,144	1,746	379	21.7
1983	2,728	2,248	464	20.6
1984	2,814	2,305	460	20.0
1985	3,055	2,526	525	20.8
1986	3,218	2,636	501	19.0
1987	3,481	2,887	564	19.5
1988	3,772	3,149	674	21.4
1989	3,513	2,931	597	20.4
1990	3,686	3,076	651	21.2

[1] If a patient has died within the 5 year period then the procedure prior to death has been excluded. No account can be taken of the migration of patients

[2] Readmission rate—number of readmissions within 5 years expressed as a percentage of the number of operations for total hip replacement (excluding patients who had died). This is NOT the total hip replacement revision or failure rate as for example the first operation could be the left hip and the second operation the right hip

Source:

ISD Scotland, SMRI linked database

Table 2: Discharges following a total hip replacement operation and the number of readmissions within 10 years of the original operation

Year of operation	Number of discharges	Discharges[1]	Readmitted within 10 years	Readmission[2] rate (%)
1981	2,417	1,623	607	37.4
1982	2,144	1,399	545	39.0
1983	2,728	1,814	669	36.9
1984	2,814	1,830	673	36.8
1985	3,055	2,060	804	39.0

[1] If a patient has died within the 10 year period then the procedure prior to death has been excluded. No account can be taken of the migration of patients

[2] Readmission rate—number of readmissions within 10 years expressed as a percentage of the number of operations for total hip replacement (excluding patients who had died). This is NOT the total hip replacement revision or failure rate as for example the first operation could be the left hip and the second operation the right hip

Source:

ISD Scotland, SMRI linked database

INTERNATIONAL DEVELOPMENT

Sudan

Mr. Michael J. Foster: To ask the Secretary of State for International Development if she will make a statement on the latest situation in Sudan. [46643]

Clare Short: The World Food Programme have reassessed the humanitarian needs in southern Sudan. They now estimate the numbers in need of assistance at approximately 1.226 million. This includes those in the Bahr-el-Ghazal region and is a significant increase on previous assessments.

In response to this, my Department is committing a further £15 million of assistance to the relief operation in Sudan. £10 million will be provided immediately for food and logistics to support the World Food Programme's enhanced food distribution in southern Sudan. The remaining £5 million will be available to support the relief work of UN agencies and non-governmental organisations participating in Operation Lifeline Sudan and to support selected operations outside Operation Lifeline Sudan where new needs are emerging. This will bring our total assistance since February to £25.23 million and since 1991 to £160 million.

As I have made clear since the beginning of the current emergency, we alongside other governments will provide the funding needed for the Sudanese emergency. The problem remains one of access rather than resources. The EU General Affairs Council on 25 May again called for a ceasefire for humanitarian purposes, which remains the most urgent requirement in order to provide help to the people in need.

WALES

Special Advisers

Mr. Sayeed: To ask the Secretary of State for Wales how many special advisers, political advisers and other political appointees are working in his Department; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43314]

Mr. Ron Davies: For details of the numbers of Special Advisers and the annual cost of employing them, I refer the hon. Member to the answer the Prime Minister gave the hon. Member for Woodspring (Dr. Fox) on 11 June 1998, *Official Report*, column *664*.

National Insurance contributions are excluded from the figure but are paid under the same rules and at the same rates as for other civil servants. Information on the paybill costs for Special Advisers within individual Departments is not provided in order to protect the privacy of the individuals concerned.

Information on the costs of employing Special Advisers in previous years was given by my right hon. Friend the Chancellor of the Duchy of Lancaster to the hon. Member for Gordon (Mr. Bruce) on 25 November 1997, *Official Report*, columns *472–73*.

Class Sizes

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on class sizes in Wales. [45887]

Mr. Hain: At January 1997, the average size of registered classes in primary schools was 25.9 pupils, the same as in 1996. Results from the January 1998 Schools Census are not yet available. No information is collected centrally about class sizes in secondary schools, however in 1997 the pupil-teacher ratio in secondary schools was 16.2, compared with 16.0 in 1996.

Welsh Development Agency

Mr. Barry Jones: To ask the Secretary of State for Wales what assessment he has made of the adequacy of funding for the North Wales Region of the WDA; and if he will make a statement. [45892]

Mr. Hain: The allocation of its resources is primarily an operational matter for the Welsh Development Agency to determine in the light of its overall budget, commitments and priorities. I will, therefore, ask the Agency's Chief Executive to write to my hon. Friend with information on its funding for the North Wales area; and will arrange for a copy of his reply to be placed in the Library of the House.

Assisted Places

Mr. Barry Jones: To ask the Secretary of State for Wales what sums were allocated to assisted places in Wales in *(a)* 1990 and *(b)* 1997; and if he will make a statement. [45888]

Mr. Hain: The sums spent on assisted places in Wales in financial years *(a)* 1990–91 and *(b)* 1997–98 were £1,756,283 and £4,105,238 respectively.

DEFENCE

Nerve Agent Pretreatment

Mr. Burstow: To ask the Secretary of State for Defence if he will list the impurities produced when Pyridostigmine Bromide is *(a)* exposed to intense sunlight, *(b)* subjected to large temperature variations and *(c)* stored for long periods under these conditions. [40142]

Dr. Reid: Between 1987 and 1992, the Chemical and Biological Defence Sector of the Defence Evaluation and Research Agency conducted studies to assess the storage stability of the Ministry of Defence's Nerve Agent Pretreatment Set (NAPS) tablets, which contain pyridostigmine bromide (PB) as the active ingredient. The tablets were exposed to a range of temperatures between 5 and 41°C and storage times of up to 5 years.

The only significant detectable degradation product of PB identified during these studies was 3-hydroxy-1-methyl pyridinium bromide, which is also the major metabolite produced when PB is taken orally. The other known degradation products of PB, which were not detected in any long term stability studies due to their

transitory nature, are 3-hydroxy pyridine and pyridyl-3-dimethyl carbamate. Neither of these, nor 3-hydroxy-1-methyl pyridinium bromide, are known to be harmful to humans.

My Department is not aware of any research having been conducted to investigate the way in which PB reacts when exposed to intense sunlight. However, the specification for NAPS tablets for use by UK forces requires that they are wrapped in lacquered aluminium foil which is light impermeable, and they would not therefore normally be exposed to sunlight until this wrapping had been broken open to allow the first tablet to be extracted for immediate consumption. As each packet of NAPS contains 21 tablets, one to be taken every 8 hours, a packet would normally be consumed within a week.

Equipment Exhibition

Mr. Hoyle: To ask the Secretary of State for Defence if he will make a statement on the Royal Navy and British Army Equipment Exhibition. [45544]

Mr. Spellar: I refer my hon. Friend to the answer I gave my hon. Friend the Member for Hackney, South and Shoreditch (Mr. Sedgemore) on 8 June 1998, *Official Report*, column *423*.

Project Horizon Frigate

Mr. Menzies Campbell: To ask the Secretary of State for Defence (1) when he estimates the first contract to build a Project Horizon frigate will be placed; [45846]

(2) what is his estimate of the overall cost of Project Horizon; [45845]

(3) how many Project Horizon frigates the United Kingdom will purchase; [45843]

(4) what is his estimate of the *(a)* delivery date and *(b)* in-service date of the first Project Horizon frigate. [45844]

Mr. Spellar: The contract for completion of the design and build of the three first of class Horizon frigates, i.e. one for each nation, UK, France and Italy, is expected to be placed next year. The total project cost is commercially confidential. It is currently expected that we will order 12 ships, but any decisions will, of course, be subject to the outcome of the Strategic Defence Review. The current projected in service date of 2004 is subject to discussions and negotiations with industry.

Defence Exports

Ann Clwyd: To ask the Secretary of State for Defence, pursuant to his answer of 21 April 1998, *Official Report*, column *556*, what is the value of defence exports against which his forecast that £56 million of commercial exploitation levies would be raised from defence export sales in the next financial year was made; and what is the levy income as a percentage of the export sales figure. [44433]

Mr. Spellar: The target figure for new defence export orders in 1998–99 is £5 billion. The forecast of £56 million is a broad estimate of the commercial exploitation levies that are likely to be raised against those exports which may attract such levies in financial year 1998–99. There is, however, no direct correlation between this estimate and the overall export target for two main reasons. First, there is a delay between the agreement of export contracts and the receipt of commercial exploitation levies. Secondly, such levies are payable only on contracts covering the supply of equipment the development costs of which were funded wholly or partly by the Ministry of Defence. Contracts for the supply or equipment developed by the commercial sector, or for support, training and construction series, do not attract commercial exploitation levies. The rate of levy charged will vary for each item depending on the extent to which its development was funded by the MOD.

Ann Clwyd: To ask the Secretary of State for Defence what was the cost to public funds for the last two years incurred by branches of his Department other than DESO in the promotion of British defence exports. [46110]

Mr. Spellar: This information is not held centrally and could be provided only at disproportionate cost.

Riot Control Agents

Mr. Livingstone: To ask the Secretary of State for Defence, pursuant to his answer of 12 March 1998, *Official Report*, column *324*, on riot control agents, for what reasons his Department is currently reviewing the quantity of CS which it holds; when the review started; who is carrying it out; and when it is expected to be completed. [45312]

Mr. Spellar: Stockholdings of riot control agents are regularly reviewed as a normal part of the equipment management and procurement process. In addition, MOD began in March to review our future requirements. This review will assist us to decide on the planned disposal of certain stocks and the modernisation, as necessary, of others. The review is being carried out by MOD operational requirements staff. The aim is to complete it by the end of August.

Service Men's Wives

Mr. Keetch: To ask the Secretary of State for Defence when the payment to Army service men's wives of allotment was introduced; how many wives currently receive payment; and by what means the allotment has been paid throughout the period of its operation. [45631]

Dr. Reid: This information is not held centrally and could be provided only at disproportionate cost.

Shows and Trade Fairs

Ann Clwyd: To ask the Secretary of State for Defence what was the cost to his Department of the attendance of *(a)* Ministers and *(b)* officials at defence and aerospace shows and trade fairs in each of the two years up to June 1998; what other costs were incurred in respect of such shows and trade fairs in each of those years; and which bodies have funded these costs. [46075]

Mr. Spellar: This information is not held centrally and could be provided only at disproportionate cost.

Nuclear Tests

Mr. Oaten: To ask the Secretary of State for Defence who has responsibility for carrying out seismic

assessments of suspicious events under the contract for a National Data Centre; and who has been carrying out assessments of nuclear tests in India and Pakistan under the same contract. [45525]

Mr. Spellar *[holding answer 15 June 1998]:* The Atomic Weapons Establishment, AWE, at Blacknest have been carrying out assessments of the recent nuclear tests by India and Pakistan. This work is being carried out under an MOD contract for support to nuclear test ban verification. Establishment of the National Data Centre, resulting from the requirements of the Comprehensive Test Ban Treaty, is a new task being carried out by the British Geological Survey under sub-contract to AWE.

Helicopters

Mr. Menzies Campbell: To ask the Secretary of State for Defence how many Westland Lynx were *(a)* allocated to frontline Army units, *(b)* fully serviceable, *(c)* undergoing major maintenance and *(d)* held as in use reserve on 1 June. [44127]

Dr. Reid: I will write to the hon. and learned Member and a copy of my letter will be placed in the Library of the House.

Armoured Vehicles

Mr. Menzies Campbell: To ask the Secretary of State for Defence how many *(a)* Challenger/Challenger II, *(b)* Sabre, *(c)* Striker, *(d)* Scimitar, *(e)* AFV432, *(f)* Warrior, *(g)* Spartan and *(h)* Saxon armoured vehicles were *(i)* in service with frontline Army units and (ii) fully serviceable on 1 June. [44128]

Dr. Reid: I will write to the hon. and learned Member and a copy of my letter will be placed in the Library of the House.

Anthrax Vaccination

Ms Walley: To ask the Secretary of State for Defence what advice he has given to Her Majesty's forces personnel about their rights in the event that, having given written consent for vaccination against anthrax, they subsequently suffer illness directly related to the vaccine. [34515]

Mr. George Robertson: British Service personnel who were involved in the Gulf conflict have the same entitlement to claim compensation for negligence from the Ministry of Defence as any civilian employee has to claim against his or her employer. The fact that a Service person has consented to receive anthrax vaccination in no way affects that right; in view of this, no advice has been given to UK Service personnel about their rights were they to suffer illness directly related to the current programme of immunisation against anthrax.

All UK Service personnel serving in the Gulf region have been provided with comprehensive information concerning anthrax and the UK licensed anthrax vaccine. A package of documentation has been prepared which includes a description of the symptoms of the disease and an explanation that a vaccine exists to protect against it. This also explains that many doses of the vaccine are administered in the UK each year to a wide variety of people who may be exposed to the disease as a consequence of their occupations; and that such people include those who work in the tannery, leather and wool industries as well as those persons who may have direct contact with infected animals, such as veterinary surgeons. The documentation also explains the process of vaccination and its protective qualities, and make clear that in the past 21 years only minor side effects from the use of this vaccine have been reported in a small number of people.

In addition, all Service personnel who are being offered anthrax immunisation are given an oral briefing on the vaccine by medical officers. Records have been kept of the individuals who received the oral briefing and the package of documentation, and of their subsequent decision whether to be vaccinated.

CULTURE, MEDIA AND SPORT

Arts Council of England

Ms Atherton: To ask the Secretary of State for Culture, Media and Sport if he will name the members he proposes to appoint to the Arts Council of England. [46692]

Mr. Chris Smith: I announced this morning the new membership of the Arts Council of England. I have appointed Derrick Anderson, Deborah Bull, Antony Gormley, Anish Kapoor, Joanna MacGregor and Hilary Strong to the Council. In addition, I have re-appointed David Brierley, Christopher Frayling, Andrew Motion and Prue Skene.

National Lottery Funding (Leigh)

Mr. Cunliffe: To ask the Secretary of State for Culture, Media and Sport if he will list, for each of the last three years, the number of awards and the total financial grant made, in each category of good cause, to organisations in Leigh constituency from proceeds of the National Lottery. [45515]

Mr. Banks: To date, the constituency of Leigh has received 15 lottery awards totalling £1.24 million. A breakdown by good cause is shown in the table. Information on the National Lottery awards is now available on the Department's website www.lottery.culture.gov.uk.

	Year of award									
	1995		*1996*		*1997*		*1998*			
Distributing body	*No. of awards*	*Value (£)*	*No. of awards*	*Value (£)*	*No. of awards*	*Value (£)*	*No. of awards*	*Value (£)*	*Total No. of awards*	*Total (£)*
Sport	0	0	1	231,581	1	8,600	0	0	2	240,181
Heritage	0	0	0	0	0	0	2	242,000	2	242,000
Charities	1	3,000	2	194,579	2	352,899	1	337,739	6	713,097

	Year of award									
	1995		1996		1997		1998			
Distributing body	No. of awards	Value (£)	No. of awards	Value (£)	No. of awards	Value (£)	No. of awards	Value (£)	Total No. of awards	Total (£)
Millennium	0	0	0	0	0	0	0	0	0	0
Arts	0	0	1	27,500	4	16,622	0	0	5	44,122
Totals per year	1	3,000	4	453,660	7	378,121	3	579,739	15	1,239,400

Sources:
The table has been constructed using information from the distributing bodies

Mr. Cunliffe: To ask the Secretary of State for Culture, Media and Sport what funding his Department has granted to Sportsmatch projects in Leigh; and if he will list these projects. [45965]

Mr. Banks: Sportsmatch has made the following awards in Leigh: £1,000 and £3,000 to Wigan MBC for the preparation of the Wigan team for the Manchester Youth Games, in 1994 and 1998 respectively; £10,000 to Leigh RMI AFC for the appointment of a youth development officer in 1996; and £4,000 for Leigh Centurions Rugby League Club towards its community and schools development programme in 1996.

Listed Sporting Events

Mr. Nigel Jones: To ask the Secretary of State for Culture, Media and Sport if he will publish the estimated viewing figures for television audiences for sporting events on *(a)* terrestrial and *(b)* satellite television which were taken into account by the advisory group on de-listing which reported to him in March. [46052]

Mr. Chris Smith: For the events included in the consultation exercise carried out last year, the Advisory Group on Listed Events took the following figures into account in making its recommendations to me (the figures are in millions, and averaged where necessary):

	1992	1993	1994	1995	1996	1997
(a) Terrestrial						
Olympic Games	8.05	—	—	—	2.72	—
FIFA World Cup Final	—	—	17.48	—	—	—
FIFA World Cup—other matches	—	—	8.59	—	—	—
FA Cup Final	12.33	12.18	11.76	8.64	13.33	11.1
FA Cup Final (Scotland only)	n/a	n/a	0.67	0.77	0.90	0.64
Wimbledon—finals weekend	n/a	7.33	7.15	7.34	7.31	5.25
Wimbledon—other play	n/a	2.78	2.39	2.22	3.00	3.51
Home Test Matches	2.59	2.60	2.04	2.02	2.15	2.26
Grand National	n/a	15.17	16.72	8.87	11.24	12.02
The Derby	n/a	4.30	4.30	3.87	2.03	3.45
Cricket World Cup	—	—	—	n/a	—	—
Rugby World Cup	—	—	—	n/a	—	—
European Football Championships Final	n/a	—	—	—	16.83	—
European Football Championships—other matches	n/a	—	—	—	9.48	—
European Football Championships—matches involving England	n/a	—	—	—	14.29	—
Commonwealth Games	—	—	5.29	—	—	—
World Athletics Championships	—	6.12	—	3.89	—	n/a
British Grand Prix	n/a	5.78	4.88	n/a	5.59	5.02
Five Nations Rugby	5.8	5.19	5.49	5.79	6.43	5.55
The Open (golf)	3.08	3.00	2.07	2.77	2.37	n/a
The Ryder Cup	—	3.37	—	—	—	—
(b) Satellite						
Ryder Cup	—	—	—	n/a	—	n/a

The Advisory Group also considered the following audience figures, either in considering events for recommendation for inclusion on the list or for comparative purposes:

	1992	1993	1994	1995	1996	1997
(a) Terrestrial						
Rugby League Challenge Cup Final	4.37	3.33	3.2	4.07	n/a	2.71
GB Rugby League Internationals	4.44	3.36	3.80	n/a	—	—
England Football Internationals—qualifying matches	n/a	7.21	—	—	—	—
England Football Internationals—friendlies	n/a	8.40	—	—	—	—
Scotland Football Internationals (Scotland only)	n/a	n/a	n/a	n/a	0.87	0.64
England Rugby Union Internationals (non-Five Nations)	5.50	6.36	3.21	4.24	n/a	n/a
Scotland Rugby Union Internationals (Scotland only)	n/a	n/a	n/a	n/a	0.80	0.70
England One-Day Cricket Internationals	2.59	2.85	2.37	—	—	—
Cheltenham Gold Cup	n/a	2.20	2.07	2.30	1.30	2.00

	1992	1993	1994	1995	1996	1997
(b) Satellite						
England Football Internationals—qualifying matches	—	—	—	—	1.67	n/a
England Football Internationals—friendlies	—	—	1.29	1.37	1.52	n/a
England One-Day Cricket Internationals	—	—	—	0.23	0.21	n/a

Audience ratings figures, although important, are not necessarily an accurate guide to the national importance of sports events. Guided by the criteria for listing that I announced last November, the Advisory Group took a number of other factors into account for each event that it considered:

the significance of the event to those who do not usually follow the sport concerned;

the position of the event on the national calendar;

whether the event is pre-eminent in its sport;

whether it involves a national team or participants;

whether the event has a history of being broadcast live on free-to-air services;

the practicality of live coverage of the event on general channels;

the availability of secondary coverage;

the effects of listing the event on the sport concerned and on the broadcasting market.

Mr. Nigel Jones: To ask the Secretary of State for Culture, Media and Sport what discussions he has had with the European Commission over the listing of sporting events for terrestrial television. [46050]

Mr. Chris Smith: If it is to be recognised by other Member States, a national list of events protected for transmission on free-to-air television in a European Union Member State must be in accordance with Article 3A of the European Commission's 'Television Without Frontiers' Directive (number 89/552/EEC as amended by Directive 97/36/EC). I shall inform the Commission of any changes to the list when I announce my decisions. Meanwhile, my Department has discussed informally with the Commission how the revised regulatory framework proposed by Lord Gordon's Advisory Group might be applied in accordance with Article 3A.

Mr. Nigel Jones: To ask the Secretary of State for Culture, Media and Sport when he expects to make a final decision on the listing of sporting events for terrestrial television. [46051]

Mr. Chris Smith: I shall announce my decision shortly.

National Endowment for Science, Technology and Arts

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport what sporting activities the National Endowment for Science, Technology and Arts will fund; and if individual sportsmen and sportswomen will be sponsored. [45564]

Mr. Banks *[holding answer 15 June 1998]:* NESTA's responsibilities are to be in the fields of science, technology and the arts. Neither the promotion of sporting activities nor the provision of support for individual sports men and women fall within NESTA's remit. However, in helping people turn good ideas into products and services, it would be open to NESTA to support the development of technological or scientific products or services for sports men and women. Decisions on how NESTA will go about meeting its statutory objects will be a matter for its Trustees.

Libraries

Mr. Maclean: To ask the Secretary of State for Culture, Media and Sport how much public money was used to support the lending of *(a)* recorded music and *(b)* videos by public libraries in the last year for which figures are available. [45832]

Mr. Fisher: In 1996–97, public library authorities in England spent £6.3 million on sound recordings, and £3.8 million on video recordings. Information is not held centrally about the operating costs of music or video lending services, or about the specific level expenditure on music material other than recordings.

Elgin Marbles

Mr. Gordon Prentice: To ask the Secretary of State for Culture, Media and Sport, pursuant to his oral answer of 1 June 1998, *Official Report*, columns 3–4 on the Elgin Marbles, what assessment he has made of evidence that the Elgin Marbles were damaged whilst in the care of the British Museum. [45369]

Mr. Chris Smith: It is not for me to make an assessment. However, I understand that the British Museum intends to host a gathering of experts from both the Museum and outside sometime next year. This will involve scholars from other countries, including the Hellenic Republic, to examine the evidence about the damage which it is claimed has been made to the sculptures. I very much welcome this initiative from the Museum.

Mediaeval Church Buildings

Dr. Gibson: To ask the Secretary of State for Culture, Media and Sport if he will instruct English Heritage to restore grants for the repair of mediaeval church buildings. [45830]

Mr. Banks: The Government continue to support historic church buildings through English Heritage. The joint scheme for places of worship which English Heritage has established with the Heritage Lottery Fund (HLF) is providing offers of £20 million in 1998–99 (£10 million from each body). English Heritage and the HLF have, however, stopped accepting new applications in this financial year because the scheme is massively oversubscribed. They will re-open the scheme later under revised guidelines.

Departmental Objectives and Performance

Mr. Fraser: To ask the Secretary of State for Culture, Media and Sport what plans he has to implement the recommendations of the Culture, Media and Sport Committee's Fifth report on the objectives and performance of the Department for Culture, Media and Sport. [45893]

Mr. Chris Smith *[holding answer 15 June 1998]:* We shall consider the Report carefully and respond to the Committee in due course.

UK Sports Institute

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport how many contracts for the UK Sports Institute have been *(a)* put out to tender and *(b)* signed. [44727]

Mr. Banks *[holding answer 10 June 1998]:* No contracts have as yet been put out to tender or signed for the development of the United Kingdom Sports Institute Headquarters. We anticipate the first contract being signed within the next two months.

Millennium Celebrations

Mr. Waterson: To ask the Secretary of State for Culture, Media and Sport what initiatives his Department has taken to promote millennium celebrations in southern England; and if he will make a statement. [45440]

Mr. Chris Smith: In Bristol on 27 February, I launched a series of eight Regional Millennium Conferences, which culminated on 16 April in London. The conferences were designed to explain the Government's vision for the Millennium celebrations; publicise the Millennium Commission's various programmes, including the £100m nationwide Millennium Festival; give details of the New Millennium Experience Company's national programme of activities; provide guidance for events organisers on how to apply for funding under the various schemes; and promote co-ordination and the sharing of good practice. 82 organisations attended the South Western conference and 213 the South Eastern, a good coverage which effectively spread useful information about the Millennium to local authorities and other organisations throughout the South of England.

The Millennium Commission (of which I am Chairman) has to date offered grant totalling nearly £210 million to capital projects in the South East and South West regions, ranging from international-scale projects like the Millennium Seed Bank in Sussex and the Eden Project in Cornwall, to small Village Halls from Ashurst to Avon.

Football

Mr. Bob Russell: To ask the Secretary of State for Culture, Media and Sport what representations he has received on the decision of the Nationwide Football League and Football Association to arrange for the Division Three play-off between Colchester United and Torquay United to take place on Friday 22 May; and if he will make a statement. [45546]

Mr. Banks: My Department has received one letter on this subject, which is a matter for the Football League. I understand that the Football League's decision to stage the Division Three play-off Final on 22 May was taken following careful consideration of other venue and date options, and full consultation with all interested parties including the Football Association.

Radio Stations

Mr. Nicholas Winterton: To ask the Secretary of State for Culture, Media and Sport if his Department has given guidance to the Radio Authority about the suitability of *(a)* topless darts, *(b)* bouncing dwarfs and *(c)* news-presenting rabbits on national radio stations; and if he will make a statement. [46278]

Mr. Fisher *[holding answer 16 June 1998]:* The Government have not given guidance to the Radio Authority on topless darts, bouncing dwarves, rabbits as news presenters or indeed any other animals in key roles. It is entirely for the Radio Authority to interpret the provisions of the Broadcasting Acts 1990 and 1996 and to determine their licensing procedures accordingly.

Independent radio licensees are required by the Authority to ensure that their programme content meets a 'promise of performance', which forms part of their licence and which continues in force if ownership or control of the licence changes.

Mr. Nicholas Winterton: To ask the Secretary of State for Culture, Media and Sport by what statutory or other criteria the Radio Authority would assess the suitability to hold an independent national radio licence of any company taking over the current holder of such a licence; and if he will make a statement. [46275]

Mr. Fisher *[holding answer 16 June 1998]:* The Radio Authority applies the restrictions on the control of national analogue radio licences set out in the Broadcasting Acts 1990 and 1996. As such, the Authority must refuse to issue such a licence to individuals who, or companies which, are specifically excluded under that legislation. As well as restrictions on individuals from, or companies registered, outside the European Economic Area, licences may not be controlled by advertising agencies or by bodies whose primary purposes are political or religious. The authority must also refuse licences to applicants whose holdings in other sectors of the media exceed the limits set out in the Acts, or in cases where the Authority is not satisfied that the applicant is a fit and proper person to hold such a licence.

Media Ownership

Mr. Nicholas Winterton: To ask the Secretary of State for Culture, Media and Sport what powers *(a)* his Department and *(b)* the Radio Authority have to intervene in the take-over of one or more of the three companies holding independent national radio licences; and if he will make a statement. [46273]

Mr. Fisher *[holding answer 16 June 1998]:* The Radio Authority is solely responsible for licencing independent radio services in the UK. The Authority enforces the strict limits on the holding of national analogue radio licences by companies active in other sectors of the media, and the other restrictions on the holding of licences set by the Broadcasting Acts 1990 and 1996. It may refuse to issue a national radio licence and has powers to rescind licences already issued.

Mr. Nicholas Winterton: To ask the Secretary of State for Culture, Media and Sport (1) what assessment he has made of the implications for plurality and diversity of ownership within the media industries of the proposed take-over by News International companies of Talk Radio UK Ltd; and if he will make a statement; [46272]

(2) what plans he has to prevent further expansion in the United Kingdom broadcasting sector by News International and associated companies; and what assessment he has made of the extent to which such expansion is in the public interest; [46276]

(3) what steps he is taking to promote plurality and diversity of ownership within the United Kingdom media industries. [46271]

Mr. Fisher *[holding answer 16 June 1998]:* The media ownership controls included in the Broadcasting Acts 1990 and 1996 are designed to protect plurality and diversity in the broadcasting industry. I have no plans to introduce further legislation. One of the effects of the Broadcasting Acts is that, since its newspaper titles have over 20 per cent. of national circulation, News International cannot control a national analogue radio licence nor have a holding of more than 20 per cent. in a company which controls such a licence.

TRADE AND INDUSTRY

Car Manufacturers

Mr. Brake: To ask the President of the Board of Trade if she will provide details of Government grants provided to car manufacturers to establish or expand car or component factories in the UK in each of the last five years. [46091]

Mr. Battle: Under the Regional Selective Assistance (RSA) scheme, grant offers totalling £210 million were made between 1 April 1993 and 31 March 1998 in support of 187 investment projects by motor vehicle manufacturers and component suppliers. Offers in each financial year were as follows:

£ million

	Motor vehicle manufacturers (SIC 3410)	*Motor vehicle parts and accessories suppliers (SIC 3430)*
1993–94	5.85	13.70
1994–95	11.57	11.26
1995–96	.54	15.84
1996–97	60.34	17.80
1997–98	65.97	7.45

Science Research

Mr. Jim Cunningham: To ask the President of the Board of Trade what plans he has to increase private funding for science research. [46218]

Mr. Battle *[holding answer 16 June 1998]:* The Government are looking at ways in which the private sector's contribution to science research can be increased. My Department has recently published, in conjunction with H.M. Treasury, a consultative document, "Innovating for the Future: Investing in R&D" seeking views on this matter. This area is also being addressed in the Comprehensive Spending Review.

It is also important to ensure that the private sector takes advantage of the output of the UK's highly rated Science Base and the recently announced "University Challenge" fund will assist in this process.

Foresight Programme

Mrs. Curtis-Thomas: To ask the President of the Board of Trade what action she is taking to raise the profile of the Foresight programme. [45874]

Mr. Battle: There is substantial activity across a broad front. Shortly after the general election the President of the Board of Trade called for an audit of Foresight activities across Government. The audit provided a baseline against which future agendas could be set and progress monitored.

In response to the audit, a group of Ministers with responsibility for Foresight in Government Departments was set up to provide top-level co-ordination of Foresight across Whitehall. The President of the Board of Trade requested regular progress reports. The first of these was published on 16 June.

The progress report shows that Government departments and public sector organisations have substantially increased their involvement in Foresight over the last six months, to its highest level ever.

The Foresight Steering Group has been restructured to broaden the range of interests represented in Foresight.

The success of projects such as the Foresight Vehicle—which develops technologies for cleaner, greener, and safer cars of the future—and the Clear Zones initiative for innovative urban transport systems, highlights the contribution that Foresight is making to sustained competitive advantage and enhanced quality of life.

The Foresight LINK Awards attracted 91 bids from consortia wishing to pursue projects addressing Foresight priorities. This builds on the earlier Foresight Challenge competition.

Research Councils and Departments are supporting nineteen LINK programmes that reflect Foresight priorities, worth a total of £170 million.

The first of the new SMART Foresight Awards, recognising visionary work in smaller firms, will be made on 17 June.

Proposals for consultation on the next round of Foresight were published in March. Over 35,000 copies have already been distributed. Many of the early responses come from organisations which are new to Foresight.

The next round of Foresight will include a number of cross-cutting themes which reflect the Government's high-level priorities. These include sustainable development, future cities, crime control, and the aging population. Early work to develop plans for particular themes is involving a number of departments.

Eastern Electricity

Mrs. Gordon: To ask the President of the Board of Trade if she will make a statement on Eastern Electricity's Eco Power Pricing Scheme. [46232]

Mr. Battle: Specific schemes are for the companies concerned. Competition in electricity supply will provide suppliers with the opportunity to offer innovative tariffs and services throughout the country, including promoting green energy schemes. I welcome the fact that companies are beginning to take up this challenge—in particular those which support renewable energy projects.

Internal Market Council

Mr. Maclean: To ask the President of the Board of Trade which minister represented the United Kingdom at the Internal Market Council in Brussels on 18 May; and what was Her Majesty's Government's policy on the chocolate draft directive. [45669]

Mrs. Roche: Lord Simon chaired the Council. William Stow, Deputy Director General, Trade Policy and Europe, in the Department of Trade and Industry, represented the UK.

In our Presidency, the Government continue to seek an agreed solution on chocolate which fully respects all established manufacturing traditions within the Member States. Whilst some progress has been made, agreement has been blocked by five Member States who object to the addition of non-cocoa vegetable fats to chocolate. Since the May Council there have been signs that some of these countries may be reconsidering their position, and our efforts to negotiate an acceptable common position are continuing.

Metrication Policy

Mr. Nicholls: To ask the President of the Board of Trade if her reappraisal of metrication policy is complete; and when she expects to publish the results. [46142]

Mr. Nigel Griffiths: I expect the re-appraisal of metrication, including the obligation to use metric units of measurement for specified purposes, to be completed later this summer. The publication of results will follow completion of the re-appraisal.

Wind Power

Mr. Pickthall: To ask the President of the Board of Trade (1) what plans she has to encourage off-shore wind power generation; [45984]

(2) what involvement her Department has in the exploratory work of Border Wind off the coast at Blyth in Northumberland; [45985]

(3) if she will assess the Norwegian Water Resources and Energy Administration's report on the failures of the Danish wind power programme. [45986]

Mr. Battle: I am currently reviewing policy for new and renewable sources of energy, including potential for offshore wind. From work undertaken so far, it seems that the achievement of 10% of the UK's electricity from renewables by 2010 would almost certainly require bringing forward technologies in addition to those proposed to be supported under fifth Non-Fossil Fuel Obligation (NFFO-05), including offshore wind energy. I plan to participate through our renewable energy programme in a European Union JOULE project to study the structural loading of a wind turbine off the coast of Blyth in Northumberland. We are aware of the Norwegian report to which my hon. Friend refers.

Insider Dealing

Mr. Gordon Prentice: To ask the President of the Board of Trade if she has powers to re-examine, or cause to be re-examined by some other authority, closed DTI investigations into alleged insider share dealing. [46140]

Mr. Nigel Griffiths: It is always open to the Secretary of State to appoint inspectors to investigate alleged insider dealing if there is evidence justifying such appointment.

Dounreay

Mr. Llew Smith: To ask the President of the Board of Trade what advice she has sought from the Government's Radioactive Waste Management Advisory Committee in respect of possible methods of handling the remaining irradiated spent fuel at Dounreay in the period of decommissioning the plant. [45450]

Mr. Battle: The Government believe that nothing is more important than safety in the management of nuclear facilities which is why we welcomed the investigation into the management of safety at Dounreay by the Health and Safety Executive (HSE) and the Scottish Environment Protection Agency (SEPA). I shall be considering the UKAEA's future proposals for Dounreay in the light of any recommendation by the HSE and SEPA and will consult with the Government's Radioactive Waste Management Advisory Committee and other interested groups as appropriate.

Mr. Llew Smith: To ask the President of the Board of Trade what steps have been taken to implement Commission decision 92/194 EURATOM of 4 March 1992, in respect of remediation of waste management arrangements at Dounreay. [45873]

Mr. Battle: 92/194/Euratom: Commission Decision of 4 March 1992 imposed a formal "warning" concerning the standard of the nuclear material accountancy and control procedures in a facility at Dounreay.

To rectify the situation, modifications were made to the plant and to management procedures, and improvements were made to the accounting, measurement and associated record systems across the whole facility, including the relevant waste streams.

Millennium Compliance

Mr. Llew Smith: To ask the President of the Board of Trade what discussions she, other Ministers, and officials of her Department have had with *(a)* British Energy, *(b)* BNFL and *(c)* the UK Atomic Energy Authority in respect of the year 2000 millennium compliance of their computer systems. [45517]

Mr. Battle: Ministers and officials are in regular contact with British Energy, BNFL and UKAEA. Officials have raised with them the actions they are taking to address the potential impact of the century date change on their computer systems. All nuclear operators have

major programmes of work underway to address the matter, and are working in close co-operation with the relevant safety, security and environment regulators. I understand that all essential work is due to be completed by the end of April 1999. Through a specially formed liaison group involving all civil nuclear site licensees and the independent nuclear safety regulator, the Health and Safety Executive, the nuclear industry is exchanging information on the issue and trying to ensure the adoption of best practice in addressing it.

SOCIAL SECURITY

Sickness and Disability Benefits

Mr. Browne: To ask the Secretary of State for Social Security what plans she has to set up a forum to discuss sickness and disability benefits as outlined in The Green Paper, "New Ambitions for our Country: a New Contract for Welfare". [46714]

Ms Harman: I am pleased to announce the first meeting of the Disability Benefits Forum took place today. This is an important step forward to ensure a proper dialogue between Government and disability organisations.

The terms of reference of the Forum are: To consider possible options for changes in the gateways to benefits for long-term sick and disabled people and carers, and how to ensure that help is directed to those who need it.

The Forum will bring together representatives of disabled people and experts in disability issues, to conduct an open and detailed dialogue with the Government.

The members of the Forum are:

	Organisation
Peter Adeane	National Association of Citizens Advice Bureaux
David Behan	Local Government Association
Ian Bruce	Royal National Institute for the Blind and co-chair of the Disability Benefits Consortium
Jane Campbell	National Centre for Independent Living
Alison Cobb	MIND
Nicole Davoud	Independent Disability Consultant
Marilyn Howard	Independent Disability Consultant
Professor R. Grahame	Chairman of the Disability Living Allowance Advisory Board
Jill Harrison	Carers National Association
Rachel Hurst	Rights Now!
Brian Lamb	SCOPE
Margaret Lavery	RADAR
Carol Lee	People First
Colin Low	National Federation of the Blind of the UK
Brian McGinnis	MENCAP
Dr. Lotte Newman	Former President of the Royal College of General Practitioners
Lorna Reith	Disability Alliance
Roy Sainsbury	University of York—Social Policy Research Unit
James Strachan	RNID
Pauline Thompson	Disablement Income Group
Richard Wood	British Council of Organisations of Disabled People and co-chair of the Disability Benefits Forum

National Insurance

Mr. Dawson: To ask the Secretary of State for Social Security if she will estimate the effect on Treasury revenue of abolishing the ceiling on national insurance contributions. [46134]

Mr. Denham: If the Upper Earnings Limit on employees' Class 1 contributions and the Upper Profits Limit on Class 4 contributions had been removed in 1998/99, estimated additional revenue of some £4.6 billion would have been raised in respect of earnings in that year.

The figure assumes that the current 10 per cent. contribution rate would apply to earnings above the present Upper Earnings Limit and that the current Class 4 contribution rate of 6 per cent. would apply to profits above the present Upper Profits Limit. The figure also assumes that the Upper Earnings Limit would remain in place for the calculation of employee and employer contracted-out rebates.

Source:

Government Actuary's Department.

FOREIGN AND COMMONWEALTH AFFAIRS

Special Advisers

Mr. Sayeed: To ask the Secretary of State for Foreign and Commonwealth Affairs how many special advisers, political advisers and other political appointees are working in his Department; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43323]

Mr. Tony Lloyd: For details of the numbers of Special Advisers and the annual cost of employing them, I refer the hon. Member to the answer my right hon. Friend the Prime Minister gave to the hon. Member for Woodspring (Mr. Fox) on 11 June 1998, *Official Report*, column 664.

Amsterdam Treaty (Asylum and Immigration)

Mr. Beggs: To ask the Secretary of State for Foreign and Commonwealth Affairs what view the German Foreign Secretary expressed in his recent letter on Article

73K of the Amsterdam Treaty concerning the relationship of national legislation and community legislation in the field of asylum and Immigration policy. [45790]

Mr. Doug Henderson: The letter from the German Foreign Minister expresses the view that nothing in the Amsterdam Treaty provisions on immigration policy prevents national immigration rules as long as they are compatible with the Treaty. A copy of the letter will be placed in the Libraries of the House shortly.

Mr. Beggs: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library copies of the correspondence which has been exchanged with the German Government regarding interpretation of Article 73K of the Amsterdam Treaty. [45791]

Mr. Doug Henderson: Copies of letters on this subject from Chancellor Kohl and from the German Foreign Minister, Klaus Kinkel, which have already been made available to the German parliament, will be deposited in the Library shortly, together with a copy of the letter from the Foreign Secretary under which the German Foreign Minister's letter was circulated to other Member States.

Gibraltar

Mr. Gill: To ask the Secretary of State for Foreign and Commonwealth Affairs what support his Department has provided to Gibraltar following recent incidents involving Spanish vessels in British waters. [46123]

Mr. Doug Henderson: The Governor has assured the Royal Gibraltar Police of his full support, and that of HMG, in any measures needed to enforce the laws within the British waters around Gibraltar.

Council of Europe

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs when he last discussed the United Kingdom's budget contribution to the Council of Europe with the Secretary General of the Council of Europe. [46016]

Mr. Tony Lloyd: The views of Her Majesty's Government on the UK's contribution to the Council of Europe budget are relayed to the Secretary General in meetings of Ministers' Deputies on a regular basis by our Permanent Representative in Strasbourg.

Intergovernmental Authority on Development

Ms Oona King: To ask the Secretary of State for Foreign and Commonwealth Affairs what initiatives were agreed at the recent meeting of the IGAD Partners Forum in The Hague; what role the United Kingdom Government will play in efforts to achieve peace; and if he will make a statement. [45960]

Mr. Fatchett: The IGAD Partners Forum in The Hague has yet to take place. It is due to meet from 17 to 18 June. I will represent the UK.

The conference will provide an opportunity to reinvigorate the IGAD peace process by developing an action plan for consideration when the talks resume in Addis Ababa in August. The UK will play a full part in the meeting and will remain engaged thereafter.

Ms Oona King: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations the United Kingdom Government are planning to make to the IGAD members and the warring parties in Sudan before the forthcoming meeting in Addis Ababa, Ethiopia, in August. [45961]

Mr. Fatchett: The Intergovernmental Authority on Development (IGAD) Partnership Forum, of which we are a member, has convened a meeting in the Hague from 17 to 18 June. The objective is to re-invigorate the IGAD peace process and to propose an action plan that will be put forward when the IGAD peace talks reconvene in Addis Ababa in August.

All the Sudanese parties will be represented along with the members of IGAD and international partners. I will represent HMG.

Ms Oona King: To ask the Secretary of State for Foreign and Commonwealth Affairs what financial support the United Kingdom Government have given for the IGAD peace talks; and to whom it has been given. [45963]

Mr. Fatchett: HMG have offered financial support to the Intergovernmental Authority on Development (IGAD) for work on the Sudan peace process in the past. The offer has not been taken up.

We are currently considering offering further material support in the context of discussions with IGAD and the Partners Forum.

Ms Oona King: To ask the Secretary of State for Foreign and Commonwealth Affairs if the Government will support the establishment of a permanent secretariat for the current peace talks on Sudan under the auspices of the Intergovernmental Authority on Development. [45962]

Mr. Fatchett: The Intergovernmental Authority on Development already has a permanent secretariat.

Youth for Europe

Dr. Julian Lewis: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the expansion of Youth for Europe to non-EU countries in respect of the themes of *(a)* developing European solidarity and *(b)* developing European awareness in such. [46072]

Mr. Doug Henderson: One of the objectives of the "Youth for Europe" programme is

"to promote exchanges with young people from non-member countries".

We welcome and support action in this field.

Panel 2000

Dr. Julian Lewis: To ask the Secretary of State for Foreign and Commonwealth Affairs how many times Panel 2000 has met; and if he will list the agenda for each occasion. [46066]

Mr. Fatchett: There have been three plenary sessions of Panel 2000. These were held on 1 April, 6 May and 11 June. The agenda items for each meeting are set out in the list.

There have also been several meetings of five specialised subgroups in which members of the Panel have taken part.

1 April 1998

1. Paper by Demos Think Tank on the international projection of Britain
2. Discussion of Key Messages and audiences
3. Discussion of existing projection methods. Commissioning of four papers (see agenda for 6 May)

6 May 1998

1. Consideration of papers commissioned from the FCO by the Panel
   - Inventory of Information Practice (an overview of international projection of the United Kingdom)
   - International perceptions of the UK
   - Implications of UK devolution for the international projection of the UK
   - Specific promotional projects and events
2. Strategy: Discussion of recommendations by Panel subgroups
   - Subgroup 1: Key Messages about the UK
   - Subgroup 2: The means of delivery
3. Public Sector co-operation in projection: Presentation by the Director General of the British Council on the FCO/British Council/DTI new Images initiative in Australia
4. Panel 2000 and Millennium events
5. Further work, including preparations for Expo Hanover 2000 and new British Embassies in Berlin and Moscow

11 June 1998

1. Consideration of further sub-group reports:
   - Public/private sector co-operation in promoting Britain abroad
   - FCO communication at home and abroad
   - Recommendations on further major promotional events
2. Panel draft Interim Report
   - Key Messages
   - Recommendations
3. Other elements of the Interim Report
4. Arrangements for launch of Interim Report.

India and Pakistan

Mr. Llew Smith: To ask the Secretary of State for Foreign and Commonwealth Affairs if it is the policy of Her Majesty's Government to support membership of India and Pakistan of the Nuclear Non Proliferation Treaty as nuclear weapon states. [46082]

Mr. Tony Lloyd: The NPT defines nuclear weapon states as those which exploded a nuclear device before 1967 (before the Treaty existed). Notwithstanding their recent nuclear tests, neither India nor Pakistan has the status of a nuclear weapon state in accordance with the NPT. They cannot, therefore, accede to the NPT as nuclear weapon states.

The UK continues to urge India and Pakistan to accede to the NPT as it stands and without modification. All NPT states parties commit to the non-proliferation of nuclear weapons and undertake to pursue negotiations on effective measures relating to nuclear disarmament.

Kosovo

Mr. Drew: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps the Government have taken to address the current problems in Kosovo; and what co-operation it has sought from other EU and European countries on this issue. [46055]

Mr. Tony Lloyd: The UK has taken a leading role in coordinating international efforts to promote a peaceful resolution to the problems in Kosovo, both as a member of the Contact Group and as EU Presidency. With our European partners, we have taken a number of steps to register our concern at the gravity of the situation and to persuade the government in Belgrade to offer a meaningful political process to the Kosovar Albanian leadership, rather than to continue violent repression. Most recently, the European Council in Cardiff on 15 June agreed to take steps to impose a ban on flights by Yugoslav carriers between the FRY and EU member states. The UK has also been active in the contingency military planning taking place in NATO, and at the UN has proposed a Chapter VII resolution designed to meet the threat to regional security and stability. British aircraft also took part in a NATO exercise on 15 June designed to demonstrate NATO's ability to project airpower rapidly into the area.

Indonesia

Mr. Rowlands: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his Department's policy on the provision of further support from the International Monetary Fund, the World Bank and other financial agencies to Indonesia. [44225]

Mrs. Liddell: I have been asked to reply.

The UK will continue to support Indonesia, including through the international financial institutions, provided economic reforms continue to be implemented vigorously, and recognising that successful economic reform also requires continued progress on political reform. An IMF team is currently in Jakarta discussing Indonesia's economic adjustment programme, and lending may resume next month. The UK also recognises the economic hardship faced by the people of Indonesia and welcomes the steps being taken to alleviate the impact of the crisis on poor people.

AGRICULTURE, FISHERIES AND FOOD

Pig Farming

Mr. Cran: To ask the Minister of Agriculture, Fisheries and Food if he will visit Beverley to meet the editor of *Pig World* to discuss the future of the pig industry. [43000]

Dr. John Cunningham *[holding answer 21 May 1998]:* I have no plans to visit Beverley in the near future.

Mr. Cran: To ask the Minister of Agriculture, Fisheries and Food what requests he has received to contribute an article for the magazine *Pig World* on the state of the sector and its prospects; and what response he has made. [43002]

Dr. John Cunningham *[holding answer 21 May 1998]:* The hon. Member wrote asking if I would contribute an article for "Pig World", and I replied to him on 18 May.

Periodicals

Mr. Cran: To ask the Minister of Agriculture, Fisheries and Food what is his policy on writing and contributing articles for sectoral periodicals. [43005]

Dr. John Cunningham *[holding answer 21 May 1998]:* I take decisions on requests for contributions to periodicals on the merits of each individual case.

Agricultural Shows

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food if he will list for himself and each of his Ministers the agricultural shows and similar events which *(a)* they have attended in the United Kingdom so far this year and *(b)* they have made commitment to attend during the remainder of the year. [44871]

Dr. John Cunningham *[holding answer 8 June 1998]:* So far this year, my hon. Friend the Parliamentary Secretary has attended the Suffolk Show on 27 May and my noble Friend the Parliamentary Secretary has attended the Cornwall Show on 5 June.

At present, I plan to attend the Royal Show on 6 July, my hon. Friend the Minister of State plans to attend the Three Counties Show on 16 June, the Royal Show on 6 July and the Westmoreland Show on 10 September. My hon. Friend the Parliamentary Secretary will be attending the Lincolnshire Show on 25 June, the Royal Show on 6 July, the Great Yorkshire Show on 14 July and the East of England Show on 22 July. My noble Friend the Parliamentary Secretary will be attending the Royal Show on 5 July.

Fishing

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what percentage of fish caught at sea by British fishing vessels were *(a)* landed and *(b)* sold for human consumption in the last year for which figures are available. [46034]

Mr. Morley: In 1997, 89 per cent. of the fish landed by the UK fleet was sold for human consumption. Information on the percentage of fish which is caught but not landed is not available.

Fish Quotas

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what percentage of their allocated cod quota French fishing vessels have caught in the English Channel in each of the past five years. [46038]

Mr. Morley: Catches of cod in the English Channel by the French fishing fleet, as reported to the EU, and their respective quotas are set out in the table.

Catches and quotas for cod in the English Channel: France

Quota and catch are in tonnes liveweight

Year	*Quota*	*Catch*	*Uptake (per cent.)*
1993	13,815.0	10,702.0	77
1994	12,832.0	10,985.5	86
1995	12,940.0	13,596.1	105
1996	15,030.0	13,420.4	89
1997	15,272.0	15,372.4	101

Source:
EU catch reports

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what percentage of their allocated haddock quota British fishing vessels have caught in the North Sea in each of the past five years. [46039]

Mr. Morley: The percentage of the UK's haddock quota caught by British fishing vessels in the North Sea in each of the past five years is as follows:

Year	*UK quota (tonnes)*	*UK landings (tonnes)*	*Landings as percentage of quota*
1993	77,620	70,779	91.2
1994	91,820	77,791	84.7
1995	68,030	67,005	98.5
1996	67,830	68,560	101.1
1997	64,241	64,434	100.3

Distant Water Fleet

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what has been the tonnage of the British distant water fleet in each of the years since 1976. [46036]

Mr. Morley: The most recent available information, on a consistent basis, is set out in Table A2.2 of 'UK Sea Fisheries Statistics 1996', a copy of which is available in the Library. Comparable information prior to 1991 is not available.

Food Safety

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what studies his Ministry has undertaken to compare the food safety requirements, animal welfare requirements and agrochemical safety requirements of the United Kingdom with those of each of the countries which export food to the United Kingdom. [45496]

Dr. John Cunningham *[holding answer 15 June 1998]:* Legislation at EU and UK levels exists to ensure that food products entering the UK meet acceptable standards of safety. Developments in other countries are kept under general review and the Government are committed to improving standards of food safety and farm animal welfare at home and throughout Europe.

Legislation

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food (1) which of the requirements of the primary and secondary legislation relating to agriculture, fisheries and food currently in force within the United Kingdom are applicable only in the United Kingdom; [45498]

(2) which of the requirements of the primary and secondary legislation relating to agriculture, fisheries and food currently in force in the United Kingdom are also applicable in other EU countries; and if he will publish the data his Department has collated on the cost compliance for each EU member state where the requirements apply. [45497]

Dr. John Cunningham *[holding answer 15 June 1998]:* The agriculture, fisheries and food industries are subject to legislation which applies generally, such as employment law, as well as that which is sector specific. Much of the legislation, which is the responsibility of

several Government departments, derives from EU requirements which apply to all other member states. The specific information requested could be supplied only at disproportionate cost.

BSE

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food when he will next be asking SEAC to consider the need for maintaining the over thirty months scheme. [45499]

Dr. John Cunningham *[holding answer 15 June 1998]:* I recently met Professor Sir John Pattison, chairman of SEAC, to discuss a number of issues in relation to the future work of the Committee. The Committee advises Government on all issues in relation to the spongiform encephalopathy diseases and that includes keeping under review the measures currently in force to protect public and animal health. If the Committee considered, in the light of developments, that some measures were no longer necessary or could be altered while at the same time maintaining a proper degree of protection for public and animal health, I would expect the Committee to make such recommendations to the Government, but I have not specifically asked the Committee to review this legislation. I have always made it clear that our first priority must be to protect consumers and I will continue to operate on that basis.

Quarantine

Mr. Dalyell: To ask the Minister of Agriculture, Fisheries and Food when he expects to receive the report of the Advisory Group on Quarantine. [46641]

Mr. Rooker: The Chairman of the Advisory Group on Quarantine, Professor Kennedy, envisages a delay in the Advisory Group's report, which had been expected this month. It is important that all the evidence be considered most carefully, and given due weight, before the Advisory Group's report is submitted. I now expect that the report of the Advisory Group on Quarantine will be published in the summer or early autumn. A full public consultation will then be held.

NORTHERN IRELAND

Parades

10. **Mr. Salter:** To ask the Secretary of State for Northern Ireland what has been the cost of policing the Drumcree parade in each of the last three years. [44749]

Mr. Ingram: The cost of police manpower directly employed in policing the Drumcree parade for each of the last three years has been calculated as follows: £960,000 in 1995, £2,110,000 in 1996 and £680,000 in 1997.

Confidence-building Measures

11. **Mr. Soley:** To ask the Secretary of State for Northern Ireland if she will make a statement on new proposals for confidence-building measures in Northern Ireland. [44750]

Mr. Worthington: We have taken a very close interest in measures to build confidence in all parts of the community in line with manifesto commitments.

Of course the Good Friday Agreement is the most substantial confidence building measure that any of us could have hoped for because it provides an agreed long-term basis for tackling the deep historical divisions within the community.

Following the referendums the best way to go on building confidence is to implement the Agreement in a positive spirit and for all of us to use our influence to minimise tensions during what could otherwise be a difficult summer period.

New Northern Ireland Assembly

13. **Mr. Gareth R. Thomas:** To ask the Secretary of State for Northern Ireland if she will make a statement on arrangements for the first meeting of the Northern Ireland assembly. [44752]

Mr. Paul Murphy: I refer my hon. Friend to the oral reply I gave earlier today to my hon. Friends the Members for Stretford and Urmston (Ms Hughes) and for Birmingham, Edgbaston (Ms Stuart).

Mr. Simon Hughes: To ask the Secretary of State for Northern Ireland what steps the Government are taking to ensure maximum participation in the assembly election. [44740]

Marjorie Mowlam: Over 80 per cent. turnout for the referendum suggests a high turnout for the consequential Assembly elections. The Government sent every household in Northern Ireland a copy of the Agreement and an information leaflet stating where, when and how to vote for the New Assembly elections. Additionally, advertisements were placed in Northern Ireland newspapers on 24 and 25 May with details of application procedures for absent votes.

Policing

14. **Mr. Blizzard:** To ask the Secretary of State for Northern Ireland what plans she has for the future of policing in Northern Ireland. [44753]

16. **Mr. Grogan:** To ask the Secretary of State for Northern Ireland if she will make a statement on her Department's plans for the future policing of Northern Ireland. [44755]

Mr. Ingram: The Government are committed to securing the best possible police service for Northern Ireland. The Police (Northern Ireland) Bill, currently under consideration in another place, is intended to improve efficiency, effectiveness and accountability arrangements, within the tripartite structure. It will also establish the Police Ombudsman for Northern Ireland. Work is in hand on implementing changes to police discipline and performance management systems, flowing from the Police (Northern Ireland) (Amendment) Order 1995. Policing is also part of the Comprehensive Spending Review, and of the Cross Cutting Review of Criminal Justice, both of which seek improvements to service delivery and value for money. The Government recently published a consultation paper "Your Voice—Your Choice" on the community police interface and on the make up of, and method of appointment to, the Police Authority; we are considering the responses. In addition, the Belfast Agreement (Cmnd 3883) sets out principles for policing and terms of reference for an independent

Commission on Policing. I refer my hon. Friend to the reply given by my right hon. Friend the Secretary of State for Northern Ireland to the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) on 3 June 1998, *Official Report*, columns *216–17*.

The Government will continue to work with the Royal Ulster Constabulary and Police Authority to look for, and implement, improvements to the police service in Northern Ireland. Furthermore, if a peaceful society is achieved, then inevitably questions will have to be faced about the size of the police service. We are on the record as saying that any changes in this area will be handled sensitively and with generosity.

Guardsmen Fisher and Wright

15. **Mr. Dalyell:** To ask the Secretary of State for Northern Ireland if she will facilitate the early release of Guardsmen Fisher and Wright following recent legal decisions. [44754]

Mr. Ingram: The Secretary of State is currently considering these cases in light of the content of the recent judicial review judgment. The cases remain scheduled for further review by the Life Sentence Review Board in October 1998.

Minimum Wage

17. **Mr. Lansley:** To ask the Secretary of State for Northern Ireland what estimate she has made of the effect on employment in Northern Ireland of a minimum wage of £3.60 an hour. [44756]

Mr. Ingram: With tax and benefit reform, the national minimum wage is part of the Government's range of policies to make work pay. It will, therefore, encourage people to move from dependence on state benefits into employment.

Downe Hospital

18. **Mr. McGrady:** To ask the Secretary of State for Northern Ireland if she will undertake a review of the document entitled, "Securing the Future for Downe Hospital", issued on 29 May. [44757]

Mr. Worthington: A review of this document is not appropriate. The issues which it highlights reflect the consensus of medical advice across the UK. Since its publication the paper has attracted a great deal of support including that of a number of prominent Northern Ireland doctors.

Secondary Schools

19. **Rev. Martin Smyth:** To ask the Secretary of State for Northern Ireland what plans she has to provide a controlled secondary school in inner south Belfast. [44758]

Mr. Worthington: There are no plans to provide a controlled secondary school in Inner South Belfast. It is a matter for the Belfast Education and Library Board, in the first instance, to establish the need for such school provision and prepare suitable plans.

Irish Language

20. **Mr. Jenkins:** To ask the Secretary of State for Northern Ireland what progress is being made in establishing opportunities for the use of the Irish language in education in Northern Ireland. [44759]

23. **Ms Osborne:** To ask the Secretary of State for Northern Ireland what progress is being made in establishing opportunities for the use of the Irish language in Northern Ireland education. [44762]

Mr. Worthington: In fulfilment of the commitment in the Good Friday Agreement a Draft Order in Council was recently laid before the House placing a statutory duty on the Department of Education to encourage and facilitate Irish-medium education. The Order also includes provision for day one recurrent funding of new Irish-medium schools and powers to fund a promotional body in line with current arrangements for integrated education. Seven primary schools and one secondary school currently receive 100 per cent. grant-aid for recurrent expenditure and these cater for 90 per cent. of the 1,400 pupils educated through the medium of Irish in Northern Ireland. In addition, plans to expand pre-school provision this year will include a number of places in Irish-medium settings.

The teaching of Irish meets the foreign language requirement in the statutory curriculum and it is estimated that some 24,000 pupils are studying Irish at present in other secondary schools.

Peace Process

21. **Mr. Canavan:** To ask the Secretary of State for Northern Ireland if she will make a statement about the development of the peace process. [44760]

Mr. Paul Murphy: Following the result of the referendum of 22 May when the people of Ireland, North and South, overwhelmingly endorsed the Belfast Agreement, I am confirmed in my view that we now have the best chance for a generation to bring lasting peace and political stability to Northern Ireland.

Employment Equality White Paper

22. **Dr. Starkey:** To ask the Secretary of State for Northern Ireland what responses she has received to the consultation on the employment equality White Paper. [44761]

25. **Mr. Pike:** To ask the Secretary of State for Northern Ireland what responses she has received to the consultation on the employment equality White Paper. [44765]

Mr. Worthington: Written comments on the consultation elements of the White Paper, "Partnership for Equality" were to be sent to Central Community Relations Unit by 12 June 1998. We have received 114 replies which are now being given careful consideration before taking further action.

Victims of Violence

24. **Shona McIsaac:** To ask the Secretary of State for Northern Ireland what steps are being taken to help the victims of violence in Northern Ireland. [44764]

28. **Mr. Dismore:** To ask the Secretary of State for Northern Ireland what steps are being taken to help the victims of violence in Northern Ireland. [44768]

Mr. Ingram: I refer my hon. Friends to the oral reply I gave earlier today to my hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble).

Council of the Isles

26. **Mr. Chaytor:** To ask the Secretary of State for Northern Ireland if she will make a statement on progress on establishing the Council of the Isles. [44766]

27. **Mr. Hanson:** To ask the Secretary of State for Northern Ireland when she expects to make progress in establishing the Council of the Isles. [44767]

Marjorie Mowlam: The Good Friday Agreement allows for the establishment of a British-Irish Council which reflects an earlier proposal for a Council of the Isles.

We are currently making preparations for the establishment of all the various institutions prescribed by the Agreement. In the case of the British-Irish Council this will include consultations with the interested parties, including the Irish Government, to prepare for the inaugural meeting in shadow form later this year.

Security Situation

29. **Mr. Spring:** To ask the Secretary of State for Northern Ireland what assessment she has made of the current security situation. [44769]

Mr. Ingram: Since the signing of the Agreement on 10 April there have been four murders. In addition several attempts have been made to detonate explosive devices, thwarted by excellent work by the security forces, north and south. Sadly a continuing threat exists from some terrorist groups opposed to the Agreement. The security forces remain alert to deal with this.

Prisoners (Early Release)

Mr. Evans: To ask the Secretary of State for Northern Ireland what representations she has received concerning the early release of prisoners. [44751]

Mr. Ingram: I have received a number of representations from various political parties, groups and individual members of the public concerning the early release of prisoners.

Sinn Fein

Mr. Donaldson: To ask the Secretary of State for Northern Ireland what representations he has made to the Government of the United States of America regarding the proposed employment by Sinn Fein of Ms Rita O'Hare in the United States of America. [46308]

Mr. Ingram: None.

Paedophiles

Mr. McNamara: To ask the Secretary of State for Northern Ireland for what reasons the families and victims of the convicted paedophile W. J. McGarry were not informed of his release on 2 April. [45741]

Mr. Ingram: Mr. William John McGarry, who had been convicted on 4 April 1995 of 61 offences of assault and gross indecency against female children, was released from prison, time served, on 2 April 1998.

In accordance with agreed joint protocols, the majority of which are contained in CIRCULAR HSS (CC) 3/96—a copy of which has been placed in the Library—the Prison Service served Mr. McGarry with a Notice detailing his requirement—in line with the provisions of the Sex Offenders Act 1997—to register with Police within 14 days of his discharge from custody and, on 2 April 1998, it notified the Police that McGarry was being discharged and was a person required to register.

I understand that Mr. McGarry's release date *was* notified to the relevant Social Services authority shortly after his committal to prison under sentence in 1996 but that the usual reminders, which are generally issued three months prior to final discharge, were not sent and that is something that I very much regret.

I must stress, however, that all the relevant authorities *were* notified of Mr. McGarry's release *before* he was discharged.

Steps have now been taken to ensure that the agreed protocols are rigorously followed.

I would remind my hon. Friend that, while the Prison Service has no liability to identify and notify the victims, or their relatives, of offenders discharged upon completion of their sentence, the Northern Ireland Prison Service and the Probation Service Northern Ireland work very closely with the Social Services in the local area and are confident that the existing arrangements take account of both the needs of the Community and of the offender. Even so, an inter-agency working group is currently considering how best to improve the communication about and the management of the release of such offenders. I expect to receive their conclusions and recommendations shortly.

Mr. McNamara: To ask the Secretary of State for Northern Ireland when the RUC Case Unit was informed of the release of W. J. McGarry. [45742]

Mr. Ingram: The RUC CARE Unit, on inquiry, was informed by the Prison Service on 1 April of Mr. McGarry's impending release.

Mr. McNamara: To ask the Secretary of State for Northern Ireland if she will list the normal procedures followed and the relevant agencies involved when the release of a paedophile is pending, including informing the victims and their families. [45743]

Mr. Ingram: Any person convicted of one of the sexual offences listed in Schedule 1 to the Sex Offenders Act 1997 is required, within 14 days of discharge from custody, to register with Police.

The Northern Ireland Prison Service serves such prisoners, during their release interview, with a Notice detailing this requirement. In addition, the Prison Service

routinely and automatically notifies the Force Information Bureau of the RUC of the temporary or final release of *every* prisoner. In the case of Schedule 1 offenders, the FIB is additionally supplied with a copy of the Notice of Requirement to Register served on the discharged prisoner.

As I indicated to my hon. Friend in an earlier reply, the Northern Ireland Prison Service, in addition to liaising with the Police, works closely with the Courts, Probation Service Northern Ireland and the relevant Social Services authorities as well as with Psychiatrists, Psychologists and other professionals involved in case management prior to the release of the offender.

The Prison Service, in common with other agencies, remains seriously concerned that the unregulated release of information about persons convicted of sexual offences may prejudice the work of those agencies assisting the process of re-settlement and re-integration and may also lead—as in recently widely reported cases in England and Wales—to public disorder and the commission of crime.

The Prison Service has, however, in co-operation with other Agencies, agreed procedures to manage the disclosure of information relating to the release of sex offenders where this is judged to be appropriate and is already dealing with such cases.

HEALTH

Road Accidents (Payment for Treatment)

Mr. Dismore: To ask the Secretary of State for Health if he will make a statement on progress on the recovery of NHS expenditure on the treatment of road accident victims from those responsible for the accidents in question; and if he will make a statement. [45522]

Mr. Milburn: The National Health Service recovers around £13 million per year towards the cost of treatment of the victims of road traffic accidents under the terms of the Road Traffic Act 1988. A draft Bill outlining a revised scheme will be introduced as soon as Parliamentary time permits.

The intention in the Bill will be to improve the administration of collection and increase the amounts collected more closely in line with actual costs.

Mr. Dismore: To ask the Secretary of State for Health what plans he has to further extend the recovery of NHS expenditure on accident victims from those responsible for accidents (i) in the workplace and (ii) elsewhere; and if he will make a statement. [45510]

Mr. Milburn: There are currently no plans to extend the recovery of the costs of National Health Service treatment, as provided for by the Road Traffic Act 1988, to other forms of accident. The suggestion that such an extension might be made, as raised by the Law Commission in their consultation document "Damages for personal injury: Medical, nursing and other expenses", is being considered.

NHS Pension Scheme

Mr. Hoyle: To ask the Secretary of State for Health what percentage of general practitioners' staff have taken advantage of the NHS Pension Scheme. [45754]

Mr. Milburn: It is not possible to calculate a precise percentage of practice staff in the National Health Service Pension Scheme as the figures available relate to different months. However, data from the NHS Pension Agency show 59,064 practice staff in the pension scheme at February 1998. Data from the General Medical Services Census show 60,579 whole-time equivalent practice staff at October 1997.

Primary Care Groups

Mr. Levitt: To ask the Secretary of State for Health what measures he will take to maintain a balance of interests within the make-up of primary care groups in the new NHS. [45483]

Mr. Milburn: Primary Care Groups will be established as a committee or sub-committee of the health authority. The chief executive of the health authority is the accountable officer and must ensure that proper arrangements are in place for ensuring that the Primary Care Group operates within the authority it has been delegated. The health authority will also ensure that arrangements are in place that meet the needs of the local population, within the terms of the health improvement programme. Governing arrangements of a Primary Care Group will include input from doctors and community nurses, and representation of social services.

Mr. Levitt: To ask the Secretary of State for Health what mechanisms he proposes to ensure that medical justification is the prime motive for spending decisions within primary care groups in the new NHS. [45481]

Mr. Milburn: Medical justification will remain the prime motive for spending decisions in Primary Care Groups. Individual general practitioners will use their clinical judgment to decide, as they do now, what is best for the individual patient. Patients will continue to be guaranteed the drugs and the treatments they need. Participation by GPs within a Primary Care Group, or membership of a Primary Care Group board, will not interfere with their terms of service obligation always to refer and prescribe in the best interests of their patients.

Varicose Veins (Operating Waiting Lists)

Mr. MacShane: To ask the Secretary of State for Health what percentage of hospital operation waiting lists in each health authority are accounted for by women waiting for varicose vein operations. [45751]

Mr. Milburn: The information requested is not available centrally, since waiting list information is collected only by medical specialty. Varicose vein operations are part of general surgery and not separately identified.

Insulin Injection Pen Needles

Mr. Sanders: To ask the Secretary of State for Health what progress he has made in consideration of whether general practitioners should be allowed to prescribe insulin injection pen needles on the National Health Service. [45545]

Mr. Milburn: I refer the hon. Member to the reply I gave my hon. Friend the Member for Tynemouth (Mr. Campbell) on 28 April 1998, *Official Report*, column *121*.

Dental Services

Mr. Jim Cunningham: To ask the Secretary of State for Health what assessment he has made of the current level of access to NHS dentistry; and what measures he is taking to increase access to dental healthcare. [45532]

Mr. Milburn *[holding answer 16 June 1998]:* We are aware that there are localised problems of access to National Health Service dental services in some areas of the country. That is why, in September 1997, we introduced the Investing in Dentistry (IID) scheme. We have made £19 million available through this scheme to help dentists to expand existing practices and to set up new ones in areas of the country where access problems are most acute. To date, we have received over 450 IID proposals from health authorities. In the longer term, we will be piloting the personal dental services which will provide health authorities with the flexibility to tailor dental services more closely to local need. I recently announced 15 pilot schemes, involving over 150 dentists, to be launched in October this year.

Cystic Fibrosis

Mr. Chaytor: To ask the Secretary of State for Health what assessment he has made of the costs of introducing universal screening of children for cystic fibrosis. [45983]

Mr. Boateng: Research evidence about antenatal and neonatal screening for cystic fibrosis, which will include some estimates of costs, is due to be published shortly. The National Screening Committee, which offers Ministers advice about the case for introducing or changing individual screening programmes, will consider this evidence and offer advice about the next steps later in the year.

Public Appointments

Mr. Healey: To ask the Secretary of State for Health when he intends to publish details of the public appointments made by his Department; and if he will make a statement on the involvement of members of the local community on NHS boards. [46426]

Mr. Dobson: A report with details of all public appointments made to bodies sponsored by the Department of Health is published today. It contains details of 3,794 individuals appointed to 586 bodies at 1 March 1998. It relates to chairs and non-executives in National Health Service trust and health authority boards, members of Executive Non-Departmental Public Bodies (NDPBs) and, for the first time, contains details of those who serve on the 41 Advisory NDPBs which give specialist technical and professional advice to my Department.

Of those people named in the report, around 1,000 have been appointed by me since 1 May 1997, predominantly to NHS trusts and Executive NDPBs.

All these appointments have been made on merit to the exacting procedures laid down by the Commissioner for Public Appointments, which ensure an open and transparent process and encourage people from all walks of life to come forward.

We have honoured the Government's commitment to increase the local accountability of NHS boards, by publicly advertising posts and by seeking nominations from local authorities and Members of Parliament. We have appointed people who live within the local community wherever possible and have substantially increased the participation of women and people from ethnic minorities. In the year to 1 May 1998, 36 per cent. of chairs, and 52 per cent. of non-executives appointed were women and 9 per cent. of appointees were drawn from the ethnic minority population.

We have significantly changed the make-up of NHS trust boards to reflect the abolition of the internal market and the new local partnership which we expect NHS trusts to develop. Of those people appointed since 1 May 1997, over 30 per cent.—the largest single group—are NHS users, carers or voluntary workers.

We intend to maintain this progress and are currently in the process of appointing around 300 people to serve on health authority boards. When completed, details of these new appointments will be placed in the Library and published on the Internet. Copies of the Department of Health Public Appointments Annual Report 1998 are available in the Library.

Hip Operations

Mr. Wallace: To ask the Secretary of State for Health in respect of how many cases of hip joint replacement operations conducted in England and Wales since 1980, patients have been readmitted to hospital for further hip replacement surgery within *(a)* five years and *(b)* 10 years of the original operation. [45776]

Mr. Milburn: There are currently no mechanisms within the data collection systems in England which allow hospital operations to be linked to individual patients. We are, however, discussing with the professions how we might get better information on the outcome of primary hip replacement operations. The table shows the number of primary and revision hip replacement operations carried out in England since 1990–91.

Information about hip operations in Wales is a matter for my right hon. Friend the Secretary of State for Wales.

Total hip replacement and revision of hip replacement operations

Year	*Primary operations*[1]	*Revision operations*[2]
1990–91	28,227	2,489
1991–92	32,153	2,843
1992–93	33,190	3,111
1993–94	34,129	2,939
1994–95	36,502	3,330
1995–96	39,387	3,693

[1] OPCS4R codes W37-W39, W46-W48, excluding emergency admissions and episodes with a primary diagnosis of ICD-10 codes, S72.0, S72.1 and S72.2

[2] OPCS4R codes W37.3, W38.3, W39.3, W46.3, W47.3, W48.3, excluding emergency admissions and episodes with a primary diagnosis of ICD-10 codes, S72.0, S72.1 and S72.2

Note:

Data in this table are grossed for both coverage and unknown/invalid clinical data

Source:

Department of Health, Hospital Episode Statistics (HES).

Community Health Councils

Sir Sydney Chapman: To ask the Secretary of State for Health if he will make a statement about the role of community health councils, with particular reference to their independence vis-a-vis local health authorities and the regional offices of the NHS; and if chairmen and members of community health councils can be removed before their appointment period expires. [46133]

Mr. Milburn: Community Health Councils are statutory bodies which are independent of health authorities. Regional offices of the National Health Service Executive provide operational support to facilitate CHCs' fulfilment of their functions. Regulations provide that members, including chairmen appointments, can be terminated by resignation, failure to attend meetings for 4 months, and if the Secretary of State considers that it is not in the best interests of the health service for a person to continue as a member.

Written Answers to Questions

Thursday 18 June 1998

LORD CHANCELLOR'S DEPARTMENT

Ogden Tables

Mr. Dismore: To ask the Parliamentary Secretary, Lord Chancellor's Department what steps he proposes to take to require the courts to receive in evidence and apply the new edition of the Ogden Tables in personal injury and fatal accident cases. [45436]

Mr. Hoon: The Lord Chancellor will take note of the result of the appeals to the House of Lords in *Wells v Wells, Thomas v Brighton Area Health Authority* and *Page v Sheerness Steel*, and consult interested parties, before exercising any powers which may affect the calculation of awards in personal injury claims. I understand that the appeals have now been heard. It is expected that the outcome will be known in the near future.

Legal Aid

Mr. Maclean: To ask the Parliamentary Secretary, Lord Chancellor's Department what representations he has received from Cumbria on his proposed reforms to legal aid. [45654]

Mr. Hoon: Since the announcement of these reforms in October last year we have received many hundreds of letters about the reforms and, more recently, some 238 responses to the consultation papers "Access to Justice with Conditional Fees". These letters and responses have not been recorded by the geographical location of the sender and this information could be obtained only disproportionate cost. However, it has been possible to establish that, since October last year, the hon. Gentleman has forwarded five letters about these reforms from organisations and individuals in his constituency to my noble and learned Friend the Lord Chancellor.

Asylum Seekers

Mr. Viggers: To ask the Parliamentary Secretary, Lord Chancellor's Department what is his estimate of the cost to legal services of asylum seekers whose application has not been resolved in the last year for which figures are available. [45540]

Mr. Hoon: The information requested, in so far as it relates to costs to the legal aid fund, is not available, because this information is not recorded separately on the Legal Aid Board's computer database.

DEFENCE

RAF Northolt

Mr. Pound: To ask the Secretary of State for Defence what representations he has received requesting an increase in commercial operations at RAF Northolt. [45708]

Dr. Reid: The Ministry of Defence has frequent contracts with established casual and regular civil users of RAF Northolt. In addition, since 2 May 1997, MOD has received specific unsolicited representations from the following business aviation users about utilising spare capacity at RAF Northolt:

Heathrow Executive Jet Operators' Association

Operational Support Services

Magna

Granada Group

Servant Transport Consultants

Glasgow Prestwick International

Luftair Aviation

Virgin Executive Jets.

Most of these approaches were of a tentative nature. Only one explicitly mentions an increase in commercial operations at RAF Northolt over the limits currently in place.

"Shaping the Future Together"

Mr. Wilkinson: To ask the Secretary of State for Defence what was the cost to his Department of the production and distribution of the annual report on defence activity in 1997–98 entitled "Shaping the Future Together". [46139]

Mr. George Robertson: Seventy-five thousand copies of the annual report on defence activity were produced at a cost of 21.53 pence per copy. Copies of the Report were distributed to all Members of Parliament and to Members of the House of Lords with a particular interest in defence issues. The report is available to members of the public on request from the MOD Directorate of Information Strategy and News and on the MOD Touring Exhibition which visits outdoor shows over the Summer. A number of copies have already been distributed to journalists and other members of the public at a cost of approximately £50 in postage.

Prisoners of War

Mr. Andrew George: To ask the Secretary of State for Defence (1) what assessment he has made of the extent of the deductions made from the pay of protected personnel in enemy prisons during the Second World War; and what is his policy on compensation for those affected; [46195]

(2) what representations he has received from Second World War protected personnel who had their pay deducted. [46193]

Mr. Spellar: I refer the hon. Member to the answers I gave to my hon. Friend the Member for Carmarthen, West and South Pembrokeshire (Mr. Ainger) on 24 July 1997, *Official Report*, column *720* and to the hon. Member for New Forest, West (Mr. Swayne) on 9 March 1998, *Official Report*, column *41*.

Land Mines

Mr. Menzies Campbell: To ask the Secretary of State for Defence how many and what percentage of the anti-personnel landmines in the possession of United Kingdom armed forces have been destroyed since 1 May 1997. [46135]

Mr. George Robertson: 438,727 anti-personnel landmines have been destroyed since 1 May 1997. This represents 45.6 per cent. of the total number of such landmines held by the UK.

Mr. Menzies Campbell: To ask the Secretary of State for Defence what measures he is taking to ensure that the landmines in the possession of the United Kingdom armed forces are destroyed before 2004 in accordance with the Ottawa Convention. [46136]

Mr. George Robertson: I refer the hon. and learned Member to the answer I gave to my hon. Friend the Member for Leicester, East (Mr. Vaz) on 8 June 1998, *Official Report*, columns *423–24*.

National Air Traffic Services

Ms Osborne: To ask the Secretary of State for Defence if he will make a statement on the financial relationship between the Ministry of Defence and National Air Traffic Services. [46444]

Mr. Spellar: The Ministry of Defence and National Air Traffic Services Ltd. collaborate closely in the provision of air navigation services in United Kingdom airspace. Costs are shared, by agreement, broadly in proportion to the services supplied.

Bulldog Training Aircraft

Laura Moffatt: To ask the Secretary of State for Defence if he will make a statement on the Private Finance Initiative Project to replace the Bulldog training aircraft. [46914]

Dr. Reid: I am pleased to announce that Bombardier Services has been selected as the preferred bidder for the Royal Air Force's planned Light Aircraft flying task contract. The contractor will supply Grob 115D aircraft. The aircraft will be owned and maintained by the contractor who will provide flying hours and support services to the University Air Squadrons and the Air Cadet Air Experience Flights at 13 locations across the UK.

The planned contract will provide the RAF with a modern aircraft that is ideally suited to the training role it is required to perform. The aircraft is quieter and significantly cheaper to run than the aging Bulldog aircraft it will replace.

The choice of aircraft was narrowed down to the Grob 115D and the Firefly M260. The Grob 115D better meets our particular requirements for the University Air Squadron and Air Cadet tasks and in particular its cockpit size and ergonomics offer a better teaching environment. Moreover, the Grob is quieter and operating costs are significantly less than the Firefly. Taking all factors into account it offers better value for money on this occasion.

Subject to final negotiations, the contract is expected to result in savings in excess on £30 million over its ten-year life, compared with the cost of running-on the Bulldog. It is also cheaper than our assessment of the cost of a conventional procurement of a new aircraft fleet.

The service is to be procured in line with the Private Finance Initiative, demonstrating the Government's strong resolve to achieve value for money in Defence support. Appropriate risks will rest with the contractor and the contract will contain suitable incentives to ensure the RAF receives a high quality service.

Gallantry Medals

Mr. Gerald Howarth: To ask the Secretary of State for Defence how many gallantry medals were awarded to members of Her Majesty's Forces serving in *(a)* the Falklands war, *(b)* the Gulf war and *(c)* peacekeeping operations in former Yugoslavia; and if he will list the class of gallantry medals awarded. [45394]

Mr. George Robertson: Awards for gallantry are published in the *London Gazette*, copies of which are placed automatically in the Library of the House. The first three levels of gallantry awards are recognised by the granting of a medal, and are as follows:

	Current armed forces awards	*Additional armed forces awards pre-October 1993*	*Current non-combatant awards*
Level 1	Victoria Cross		George Cross
Level 2	Distinguished Service Order Gallantry Cross	Conspicuous Gallantry Medal (for RN) Distinguished Conduct Medal (for Army) Conspicuous Gallantry Medal (Flying) (for RAF)	George Medal
Level 3	Distinguished Service Cross (for RN), Military Cross (for Army), Distinguished Flying Cross (for RAF)	Distinguished Service Medal (for RN) Military Medal (for Army) Distinguished Flying Medal (for RAF)	Queen's Gallantry Medal, Air Force Cross (for aircrew of RN, Army and RAF) [Air Force Medal—Pre October 1993] (for aircrew of RN, Army and RAF)

Note:

The pre-October 1993 awards were subsequently discontinued following a Joint Service Review of Honours and Awards

Gallantry Medals were awarded to Service personnel for service in the Falkland War, the Gulf War and the former Yugoslavia, as follows:

The Falklands War

	Level 1	*Level 2*	*Level 3*	*Total*
RN/RM				
Armed Forces Awards	—	15	55	70
Non-Combatant Awards	—	3	10	13
Army				
Armed Forces Awards	2	12	38	52
Non-Combatant Awards	—	—	—	—
RAF				
Armed Forces Awards	—	—	6	6
Non-Combatant Awards	—	—	5	5

The Gulf War

	Level 1	*Level 2*	*Level 3*	*Total*
RN/RM				
Armed Forces Awards	—	1	10	13
Non-Combatant Awards	—	—	1	1
Army				
Armed Forces Awards	—	8	26	34
Non-Combatant Awards	—	—	6	6
RAF				
Armed Forces Awards	—	5	13	18
Non-Combatant Awards	—	—	4	4

Former Yugoslavia (March 1992-December 1997)

	Level 1	*Level 2*	*Level 3*	*Total*
RN/RM				
Armed Forces Awards	—	—	—	—
Non-Combatant Awards	—	—	2	2
Army				
Armed Forces Awards	—	9	14	23
Non-Combatant Awards	—	—	13	13
RAF				
Armed Forces Awards	—	—	—	—
Non-Combatant Awards	—	—	1	1

Royal Armoured Corps

Mr. Brazier: To ask the Secretary of State for Defence what are the average manning levels as a percentage of peace-time establishment in *(a)* the regular Royal Armoured Corps as a whole and *(b)* the Second Royal Tank Regiment; and how many (i) Territorials, including S type and (ii) regular reservists are included in those percentages. [45851]

Dr. Reid: Average manning levels as a percentage of peace time establishment are 96 per cent. for the Royal Armoured Corps as a whole and 94 per cent. for the Second Royal Tank Regiment. 43 Territorial Army soldiers are currently serving in the Royal Armoured Corps. No Territorial Army or Regular Reservists are currently serving with the Second Royal Tank Regiment.

NORTHERN IRELAND

European Parliament

Mr. Flight: To ask the Secretary of State for Northern Ireland for what reason she attended a question and answer session at the European Parliament on the Northern Ireland peace agreement. [45292]

Marjorie Mowlam: I had the honour of addressing a special plenary session of the European Parliament which had been called to debate a resolution welcoming the Belfast Agreement. I took the opportunity to thank the Members for the positive contribution which the EU has made towards creating the climate necessary for the Agreement.

Military Complaints Procedures

Ms Stuart: To ask the Secretary of State for Northern Ireland when she intends to lay before Parliament the annual report of the Independent Assessor of Military Complaints Procedures in Northern Ireland. [46724]

Barbara Follett: To ask the Secretary of State for Northern Ireland when she intends to lay before Parliament Mr. Jim McDonald's annual report as Independent Assessor of Military Complaints Procedures in Northern Ireland. [46807]

Marjorie Mowlam: I have today arranged for the Fifth Annual Report of the Independent Assessor of Military Complaints Procedures in Northern Ireland to be placed in the Library of the House. I note that, following Mr. McDonald's first year in office, he is of the firm view that the complaints procedures and their operation continue to be given proper attention by the Army and, although there has been an increase in non-criminal complaints compared with the previous year, I am heartened that the Assessor concludes that this is at least in part a reflection of increased public confidence in the effectiveness of the complaints system.

The report provides welcome reassurance to the Government and to the public that the Army's complaints procedures stand scrutiny.

Tuition Fees

Mr. Welsh: To ask the Secretary of State for Northern Ireland how she intends to monitor the effects of the decision not to waive fourth-year fees for eligible Northern Irish students at Scottish institutions. [46298]

Mr. Worthington: We shall continue, as now, to monitor the number of applicants domiciled in Northern Ireland who apply for degree courses at Scottish institutions.

SCOTLAND

Higher Education

Mr. Welsh: To ask the Secretary of State for Scotland if he will make a statement on his policy on the future of the four-year honours degree at Scottish universities. [46296]

Mr. Wilson: It will continue to be for higher education providers to determine the length of course required for students to attain the standard of academic achievement appropriate to the award of an Honours degree. The Government support educationally worthwhile change and, in the context of lifeline learning and the proposed Scottish Credit and Qualifications Framework, would expect institutions to make decisions on course length, and suitable entry/exit points, which reflect both the learning needs and prior attainment level of students, the changing requirements of employers and the need to maintain rigorous academic standards.

Mr. Welsh: To ask the Secretary of State for Scotland how he intends to monitor the effects of *(a)* the abolition of grants, *(b)* the introduction of tuition fees and *(c)* the decision not to waive fourth-year tuition fees for English, Welsh and Northern Irish students, on the (i) age, (ii) gender, (iii) domicile, (iv) ethnicity, (v) socio-economic background and (iv) total number of students at Scottish institutions. [46295]

Mr. Wilson: The Scottish Office regularly receives and publishes information on Scottish student award holders and on all students studying in Scottish higher education, including information on age, gender, domicile and total number of students. The Government are currently considering what further information can be collected and made available on ethnicity and socio-economic background.

In addition, in response to the Garrick Report, the Government have asked the Scottish Higher Education Funding Council to provide advice on issues arising for higher education in Scotland including the implementation of the reforms, in consultation with all those who have an interest in education. The Scottish Office has also asked SHEFC to undertake a survey of access by different socio-economic groups in Scotland and to work with partners in developing a national strategy to widen access.

Teacher Training

Mr. Welsh: To ask the Secretary of State for Scotland what period of notice teacher training institutions in Scotland will be given before an inspection; and what reasons underlie the decision on the giving of notice. [46294]

Mr. Wilson: HM Inspectorate will be developing the framework for inspection of teacher education in consultation with interested parties. Details such as period of notice have not yet been addressed, but HM Inspectors' normal procedures for inspection provide for giving reasonable notice—usually at least nine weeks. I would expect the position to be similar for inspection of teacher education.

WALES

Public Appointments

Mr. Barry Jones: To ask the Secretary of State for Wales how many *(a)* female and *(b)* male appointments he has made; and if he will make a statement. [44600]

Mr. Ron Davies: Since 1 May 1997, I have made 96 new appointments. Of these, 36 were women and 60 men. I have also approved the re-appointments of existing members (23 women and 79 men) where they met the criteria.

The proportion of women in public appointments in Wales has risen from 26 per cent. in December 1997 to 29 per cent. in June 1998. We are making progress but I am not complacent. I have pledged to redouble our efforts to encourage more women to come forward so that I can balance, wherever possible, the numbers of men and women appointed.

Chernobyl

Dr. Lynne Jones: To ask the Secretary of State for Wales what areas of Wales remain contaminated by radioactivity as a result of the Chernobyl disaster; and how many sheep are affected. [45757]

Mr. Win Griffiths: The area of land under restriction in North Wales as a result of the Chernobyl accident is now approximately 530 square kilometres (131,000 acres) and about 180,000 sheep are affected. These restrictions cover areas within the Unitary Authorities of Gwynedd, Conwy and Powys.

TREASURY

Foreign Earnings Deductions

Mr. Robathan: To ask the Chancellor of the Exchequer what assessment he has made of the impact of the abolition of foreign earnings deduction announced in the Budget on *(a)* companies employing British subjects overseas and *(b)* the competitiveness of British consultants working overseas. [40484]

Dawn Primarolo: In reaching the decision to end the general foreign earnings deduction, full consideration was given to all likely practical consequences. It would, however, be wholly misleading to look at one aspect of tax in isolation. The Government believe the best way to support business is by generating a stable economic environment and through broadly based relief.

Sir Alastair Goodlad: To ask the Chancellor of the Exchequer what estimate he has made of the cost to UK aid agencies of the proposed changes to the foreign earnings deduction regulations announced in the Budget. [40918]

Dawn Primarolo: Based on information provided by the agencies, any such cost will be very low. There are a number of measures built into the tax system which are designed to provide support for charities. Foreign earnings deduction (FED) was not one of these. The majority of aid agency employees abroad will not be UK resident for tax purposes and so will be unaffected by the FED changes.

Sir Alastair Goodlad: To ask the Chancellor of the Exchequer what assessment he has made of the foreign earnings deduction regulations announced in the Budget on the UK staff of overseas aid agencies who are employed on contracts overseas. [40917]

Dawn Primarolo: Most aid agency employees working abroad will not be UK resident for tax purposes and so will be unaffected by the FED changes. The small number of aid agency employees affected by the FED changes will be left in a position similar to that of other UK resident charity employees, and new relief will be available to them for travel and accommodation.

Savings and Investments

Mr. Loughton: To ask the Chancellor of the Exchequer if he intends to adopt proposals by the European Commission for a minimum tax on income from savings and investments; and what other measures of tax harmonisation are being considered. [43746]

Dawn Primarolo: We support international co-operation in taking effective action against tax evasion in a way which does not damage EU financial markets. We shall be studying the draft directive carefully and consulting on its implications.

A draft directive on cross-border payments of interest and royalties between associated companies is also under consideration.

Budget Measures

Mr. Lilley: To ask the Chancellor of the Exchequer if he will extend Table 1.3 in the 1998 Financial Statement and Budget report entitled, "The Budget Measures", to each of the tax years 2001–02 indexed and 2002–03 indexed. [43987]

Dawn Primarolo *[holding answer 1 June 1998]:* The effects of Budget tax and spending measures are reflected in the fiscal projections set out in the "Financial Statement and Budget Report" (HC620). However, the cost of individual Budget measures on an indexed base shown in Tables 1.3 and C.1 are not routinely estimated beyond 2000–01 and any estimates would become increasingly speculative in later years. For measures where revenue effects are expected to be substantially different from those in Tables 1.3 and C.1, information is already published in FSBR appendix C.1; other estimates would be disproportionately costly.

EU Code of Conduct Group

Mr. Gibb: To ask the Chancellor of the Exchequer if he will list the *(a)* dates and *(b)* venues of future meetings of the European Union Code of Conduct Group. [43573]

Dawn Primarolo *[holding answer 1 June 1998]:* Given that paragraph 12 of the Council Conclusions of 9 March 1998 states that the Council

"agrees that the work of the Code of Conduct group shall be confidential",

the Government cannot give the dates and venues of meetings. However, paragraph 10 of the same conclusions provide that

"the Group shall meet not less than twice a year".

Mr. Gibb: To ask the Chancellor of the Exchequer (1) if he will list and place in the Library copies of papers and reports prepared for forthcoming meetings of the European Union Code of Conduct Group; [43574]

(2) if he will list the subjects for discussion at the next meeting of the European Union Code of Conduct Group. [43571]

Dawn Primarolo *[holding answer 1 June 1998]:* Paragraph 12 of the Council Conclusions of 9 March 1998 states that the Council

"agrees that the work of the Code of Conduct Group shall be confidential".

The Government are not, therefore, at liberty to place papers before the Group in the Library of the House, or to comment on the issues for discussion. However, the Government will place in the Library reports from the Group to the Council which are published, and inter-institutional Communications on harmful tax competition will be subject to parliamentary scrutiny in the normal way.

Post Office

Sir Sydney Chapman: To ask the Chancellor of the Exchequer what were the total payments received by the Treasury from the Post Office *(a)* in corporation tax and *(b)* under the external finance limit, in each of the last 10 years; and what estimate he has made of the amounts the Treasury will receive in this and the following two financial years. [44677]

Mr. Geoffrey Robinson: Payments received for corporation tax and contributions via the external financing limit (EFL) are shown in the table for each of the last 10 years. No Government estimates of future corporation tax revenue for individual bodies are made. The Post Office's EFL for 1998–99 is £-335 million, before any adjustment resulting from end-year flexibility. The Post Office's financial regime for the two following years is under discussion in the Comprehensive Spending Review and the Post Office review.

£ million

	Contribution via EFL	*Contribution via corporation tax*
1988–89	102	52
1989–90	102	42
1990–91	0	71
1991–92	74	69
1992–93	80	84
1993–94	182	81
1994–95	235	103
1995–96	245	150
1996–97	285	145
1997–98	1338	215

[1] Provisional outturn

Sir Sydney Chapman: To ask the Chancellor of the Exchequer if the Post Office operates under the same public sector borrowing requirement rules as its EU equivalents. [44678]

Mr. Geoffrey Robinson: As long as the Post Office remains in the public sector the Government will need to ensure that there are adequate controls on its borrowing in order to protect the taxpayer's interests. Control is

currently exercised via the external financing limit rather than public sector net borrowing. A variety of different arrangements apply in other EU countries.

Tax Demands

Dr. Cable: To ask the Chancellor of the Exchequer on how many occasions the Inland Revenue has sent out under the self-assessment initiative *(a)* more than one demand to the same person, *(b)* demands where no tax was due, *(c)* demands containing computational error and *(d)* penalty notices to taxpayers who filed in time. [44949]

Dawn Primarolo: Under self-assessment, the Inland Revenue issues taxpayers with Statements of Account (not demands) which are a statement of the individual's tax position and include a payslip to enable the taxpayer to make payment if one is due. It is therefore possible that a taxpayer would receive a statement of account showing no tax to pay.

The Management Information System for Self Assessment, whilst recording the number of Statements of Account issued, does not record whether more than one had been issued to the same person or whether any have been issued containing computational errors. Nor does it record the number of penalty notices issued to taxpayers who filed on time but the Inland Revenue do know that some penalties were incorrectly issued where returns were not recorded as received. Incorrect penalty notices will of course be cancelled.

The Inland Revenue will, in the second year of live service for self-assessment, be looking at improved guidance to staff and the development of quality monitoring processes to ensure continued improvement to a system that has performed well in its first year.

Propane (Vehicle Fuel)

Mr. Hancock: To ask the Chancellor of the Exchequer what tax incentives exist to encourage the use of propane as a vehicle fuel; if he will extend tax incentives to encourage propane use; and if he will make a statement. [45128]

Dawn Primarolo: This year the duty on road fuel gases (liquefied petroleum gas (propane) and liquefied natural gas (methane)) has been frozen for the second Budget in succession. This has increased the differential in favour of road fuel gases in recognition of their environmental benefit and more than fulfilled the pledge to maintain the duty differential with more conventional fuels for the lifetime of this Parliament.

Duty rates on the main road fuels are now as follows:

Road fuel gas: 21.13 pence per kg (approximately 2 litres)

Ultra low sulphur diesel: 42.99 pence per litre

Unleaded petrol: 43.99 pence per litre

Conventional diesel: 44.99 pence per litre

Super unleaded petrol: 48.76 pence per litre.

The widened duty differential with conventional fuels offers a clear incentive for high mileage fleets, vans and buses to convert to cleaner gas power and will help offset the cost to motorists of vehicle conversion. As a further incentive to use road fuel gas, the cost of converting a vehicle to run on gas will not be taken into account when calculating any income tax car benefit change.

Diesel Duties

Ms Lawrence: To ask the Chancellor of the Exchequer what estimate he has made of the revenues which will be obtained by the Treasury under the new definition of ultra-low sulphur diesel in the Finance (No. 2) Bill; and how this compares with the revenues that would be received if no changes were made. [45300]

Dawn Primarolo: The decision to change the definition of ultra-low sulphur diesel was made solely for environmental reasons. No separate estimate was made of the revenue effect. It was assumed that the effect on ULSD clearances of the new definition would be broadly offset by the increased demand for ULSD created by simultaneously widening the duty differential with conventional diesel from 1 to 2 per litre.

Duty Free

Mr. Maclean: To ask the Chancellor of the Exchequer in what circumstances United Kingdom ferries will be able to sell duty free after 1999. [45661]

Dawn Primarolo: The European Commission has set out in a working document its view, based on interpretation of Community law, of the arrangements which should apply to sales on board ships following the abolition of intra-EU duty-free sales after 30 June 1999. They express the view that (i) duty-free sales of goods to be carried away will be allowed only on journeys which touch the territory of third countries; (ii) duty-free sales of goods to be carried away will not be allowed on voyages directly between Community ports—even if part of a ship's voyage is in international waters; and (iii) duty-free sales of goods for consumption on board will continue to be governed by the national provisions of member states until the Council adopts Community provisions on stores for boats and aircraft. Commission chaired discussions at official level are now underway in Brussels to work out the detail of these proposals.

Smugglers' Vehicles

Mrs. Lait: To ask the Chancellor of the Exchequer what was the value and number of the vehicles confiscated from smugglers and bootleggers of tobacco and alcohol in each financial year since 1994; and how the vehicles have been disposed of. [45789]

Dawn Primarolo: I regret that figures on the value of these seized vehicles are not available.

In the past four financial years, Customs seized the following numbers of vehicles used in the carriage of smuggled alcohol and tobacco:

1994–95: 600

1995–96: 1,446

1996–97: 2,002

1997–98: 2,929.

Most vehicles seized are restored upon payment of a fee. In cases where restoration is not appropriate, vehicles are sold at auction or for scrap at their trade-in value; a small number may also be appropriated by Customs for operational use.

Mrs. Lait: To ask the Chancellor of the Exchequer what differences there have been in the types and characteristics of vehicles confiscated from smugglers

and bootleggers of tobacco and alcohol during the last year compared with those confiscated in previous years; and if he will make a statement. [45788]

Dawn Primarolo: I regret that no central record on the types and characteristics of vehicles seized from excise smugglers is kept by Customs.

Alcohol Duty

Mr. Nigel Jones: To ask the Chancellor of the Exchequer if he will estimate the effect on Treasury revenues of a reduction in beer duty of 10 per cent. [46047]

Dawn Primarolo: HM Customs and Excise estimate of the revenue lost to the Exchequer in a full year through a 10 per cent. reduction in the level of excise duty for beer is £335 million.

Mr. Hoyle: To ask the Chancellor of the Exchequer if he will estimate the effect on revenues of each 10 per cent. reduction of tax on wine, beers and spirits. [45958]

Dawn Primarolo *[holding answer 15 June 1998]:* HM Customs and Excise estimate of the revenue lost to the Exchequer in a full year through a 10 per cent. reduction in the level of excise duty for each of the product types set out is as follows:

Wine: £110 million

Beers: £335 million

Spirits: £80 million.

Mr. Hoyle: To ask the Chancellor of the Exchequer what plans has he made to equalise the tax on wines and spirits following the abolition of duty free. [45956]

Dawn Primarolo *[holding answer 15 June 1998]:* The Chancellor keeps duty rates under regular review. The abolition of intra-EU duty free sales from 30 June 1999 is unlikely to raise any new policy considerations.

Mr. Hoyle: To ask the Chancellor of the Exchequer what estimate he has made of the duty lost through smuggling of wines and spirits from the Continent to United Kingdom in the last year for which figures are available. [45957]

Dawn Primarolo *[holding answer 15 June 1998]:* HM Customs and Excise estimate of the revenue lost to the Exchequer through cross-channel smuggling of wines and spirits in 1997 is set out in the table.

£ million

Product type	*Excise duty*	*VAT*	*Total*
Wines	35	15	50
Spirits	20	5	25

Notes:

1. Figures have been independently rounded to £5 million

2. Figures for estimates revenue losses use Customs assumptions that 70–80 per cent. of smuggled alcoholic drinks substitute for similar purchases in the UK.

The above estimates exclude any amounts for revenue lost on wines and spirits involved in commercial fraud or smuggling in freight consignments. There are no official estimates for the extent of these activities.

Tax Collection

Mr. Swinney: To ask the Chancellor of the Exchequer what was the annual cost of collecting income tax in each of the five tax years prior to the introduction of self-assessment; and what was the estimated cost in the first year of self-assessment. [45341]

Dawn Primarolo *[holding answer 16 June 1998]:* The annual cost of collecting income tax in each of the years referred to in the question was as follows (all figures are rounded to the nearest £10 million):

Year	*£ million*
1997–98 (first year of SA)	1,030
1996–97	960
1995–96	1,000
1994–95	1,020
1993–94	1,030
1992–93	1,070

Mr. Swinney: To ask the Chancellor of the Exchequer how many staff were employed in collecting income tax in each of the five tax years prior to the introduction of self-assessment; and what was the number in the first year of self-assessment. [45342]

Dawn Primarolo *[holding answer 16 June 1998]:* The number of staff employed in collecting income tax in each of the years referred to in the question was as follows (all figures are rounded to the nearest 100):

	Man years
1997–98 (first year of SA)	37,200
1996–97	38,800
1995–96	41,000
1994–95	43,900
1993–94	44,700
1992–93	47,000

Frozen Assets (Iraq)

Mr. Derek Twigg: To ask the Chancellor of the Exchequer if he will make a statement on the Government's policy concerning applications for the release of Iraqi frozen assets to cover legal fees. [46915]

Mrs. Liddell: Since 29 October 1997, any application for Iraqi frozen assets to be released to cover legal fees has had to be considered by Ministers. In the taking of decisions, there is a presumption against the release of the assets.

ENVIRONMENT, TRANSPORT AND THE REGIONS

West Coast Main Line

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received about the upgrade of the West Coast Mainline from rail users in Northampton. [45317]

Ms Glenda Jackson: The West Coast Main Line remains a high profile rail infrastructure project which attracts a high level of public interest. On 7 April, I met a delegation from Northampton to discuss service issues for Northampton. As part of the consultation process I understand that the Rail Regulator consulted both local authorities (County and District) and the RUCCs on the WCML upgrade.

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions what consultation there has been with rail users in Northampton over the proposed upgrade of the West Coast Mainline agreed by the Rail Regulator. [45318]

Ms Glenda Jackson: I understand that the Rail Regulator consulted both local authorities (county and district) and the Rail Users Consultative Committees on the West Coast Main Line upgrade.

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the impact on Northampton's train services of the West Coast Mainline upgrade agreed by the Rail Regulator. [45320]

Ms Glenda Jackson: The Franchising Director has considered the impact of the PUG2 scheme when completed for services between London and Northampton. He has satisfied himself that Railtrack will be able to maintain the existing journey times for peak services, and also maintain the current number of such services. The Regulator has taken this advice into account in approving the PUG2 agreement.

Ms Keeble: To ask the Secretary of State for the Environment, Transport and the Regions what access trains serving Northampton will have to the fast lines on the West Coast Mainline following the upgrade agreed by the Rail Regulator. [45319]

Ms Glenda Jackson: Railtrack has indicated that it will be able to maintain the existing journey times for the fast peak Northampton services which currently use fast lines.

In addition, the upgrade will provide for some spare capacity on the fast lines for operators other than Virgin, which could potentially include faster services via Northampton.

Rural Development and Countryside Commissions

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the projected public expenditure settlement for *(a)* the Rural Development Commission and *(b)* the Countryside Commission for each of the next two years. [45667]

Mr. Meacher: My right hon. Friend the Secretary of State announced on 27 March 1998, *Official Report*, columns 289–91, that the Countryside Commission will merge on 1 April 1999 with that part of the Rural Development Commission which is not to be incorporated into the Regional Development Agencies.

Spending plans for the rest of the Parliament will be announced as part of the outcome of the Comprehensive Spending Review which will be reported to Parliament before the summer recess. Detailed plans for individual programmes will follow.

New Zealand Flatworm

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to limit the damage caused by the New Zealand flatworm. [45665]

Angela Eagle: The New Zealand flatworm was added to Part 1 of Schedule 9 of the Wildlife and Countryside Act 1981 on 17 March 1992, making it an offence to release or allow it to escape into the wild. In 1996, the Ministry of Agriculture, Fisheries and Food issued a 'Code of Practice to Prevent the Spread of Non-Indigenous Flatworms' and an identification guide. The status of this species continues to be monitored.

Local Agenda 21

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions how many local authorities have *(a)* promoted local air quality schemes and *(b)* published information on the implementation of local Agenda 21 schemes; and if he will make a statement. [45521]

Angela Eagle: Information about the number of local authorities which have promoted local air quality schemes is not held centrally.

The new Local Air Quality Management (LAQM) system, however, came into effect at the end of December 1997. Under this system, district and unitary local authorities are currently reviewing the quality of the air within their area and assessing it against statutory objectives in the UK National Air Quality Strategy for seven key pollutants.

Localities must be designated Air Quality Management Areas where the review and assessment shows that national measures will not ensure that an objective (or objectives) are likely to be achieved by the end of 2005. The relevant local authority must then prepare an action plan in pursuit of the objective(s).

The LAQM guidance which the Government have published to assist local authorities is listed in Environment Circular 15/97 (Welsh Office Circular 63/97) and is available in the Library.

The Local Government Management Board (LGMB) monitors progress by local authorities in adopting and implementing Local Agenda 21 strategies. "Local Agenda 21 in the UK—the first five years" published by the LGMB in July 1997 showed that 55 per cent. of UK authorities were in the process of putting a Local Agenda 21 strategy in place. In July this year, the LGMB will be publishing the results of a new survey of local authorities undertaken in April. This will indicate the number of authorities which have now published Local Agenda 21 strategies and how close we are towards meeting the Prime Minister's target that all local authorities should have a strategy in place by the year 2000.

Rented Accommodation

Mr. Kemp: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to introduce a system of guarantees on deposits for rented accommodation. [45799]

Mr. Raynsford: The Government are concerned about the problem of tenants' rental deposits being withheld unreasonably by landlords at the end of tenancies. We are currently looking at legislation operating overseas to see whether there is an appropriate model for dealing with these problems. But we will need to be satisfied that any new requirements would not deter reputable small landlords, or potential landlords, and that they would achieve a fair balance between the interests of tenants and landlords.

My Department's Housing Investment Programme guidance encourages local housing authorities to consent setting up rent and deposit guarantee schemes where tenants on low incomes have difficulty gaining access to private rented accommodation. These schemes provide a guarantee to the landlord to cover unpaid rent or the cost of damage to the property where the tenant cannot afford to pay a deposit. Over 100 local authorities now operate schemes and schemes are also run by voluntary bodies. The Department provides funding under section 180 of the Housing Act 1996 to voluntary organisations setting up such schemes and is also part funding a project by CRISIS called SmartMove, which aims to develop a network of voluntary schemes in partnership with local authorities in areas with significant levels of homelessness.

Housing

Ms Oona King: To ask the Secretary of State for the Environment, Transport and the Regions if regional development agencies will be required to consider housing demand and need as part of their regeneration strategies. [46013]

Angela Eagle: The main vehicle for considering regional housing demand, and for planning for its provision, will continue to be Regional Planning Guidance (RPG). Regional Development Agencies will need to have regard to RPG, and to development plans, in formulating their regional economic strategies and in carrying out their regeneration functions.

Mr. Love: To ask the Secretary of State for the Environment, Transport and the Regions if the regional housing statement currently being drawn up by Government offices of the regions and regional offices of the Housing Corporation will be coordinated with the formulated strategy and activities of relevant RDAs. [45955]

Angela Eagle: The regional housing statements produced by some Government Offices for the first time in 1998, in association with the Housing Corporation and other regional partners, are intended to supplement national guidance to local authorities on Housing Investment Programmes, by highlighting issues specific to individual regions. We are assessing their value and considering whether to extend them to all regions. If they are produced for future years, they will need to take account of the work of RDAs, and where appropriate, of RDA's regional strategies.

Packaging Waste

Mr. Bill O'Brien: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to publish the reports on the review of the Producers Responsibility Obligation (Packaging Waste) Regulations 1997. [46106]

Angela Eagle: The recommendations of the Advisory Committee on Packaging following its review of the Producer Responsibility Obligations (Packaging Waste) Regulations 1997 are expected very shortly. As soon as they are submitted, a copy will be placed in the Library.

Once Ministers have considered all the issues, a consultation paper setting out any proposals for amendments to the Regulations will be published as soon as possible.

Genetically Modified Organisms

Mr. Alan Simpson: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 1 June 1998, *Official Report*, column 6, under what statutory authority the holder of a consent to conduct experimental trials concerning genetically modified seeds under the deliberate release regulations may delegate third parties to conduct releases on their behalf. [46207]

Angela Eagle: Under the Genetically Modified (Deliberate Release) Regulations 1992 (as amended in 1995 and 1997), the consent holder is authorised by the Secretary of State to conduct trials in accordance with the conditions of the consent. Therefore, if the consent imposes conditions which permit or require that the trial be carried out by a third party, the consent holder is authorised by the Secretary of State to carry out the trial in this way. In all cases, the consent holder is legally responsible for ensuring that the trial is carried out in accordance with the conditions and limitations of their consent.

Mr. Alan Simpson: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 8 June 1998, *Official Report*, column *418*, if he will make a statement on the locations, references, holders and dates of, and the crops and the modified traits covered by, the release consents for *(a)* the site of 494 acres and *(b)* the commercial seed production site covering 17.5 acres. [46206]

Angela Eagle: *(a)* the consent holder for the release covering 494 acres is John K. Kings and Sons Ltd., reference number 98/R28/3. Consent for this release was granted on 17 March 1998, and is for oilseed rape modified for increased lauric acid production. The applicant has consent to release this material from 1 March 1998 to 1 November 2000. The total area covered by this release is not more than 200ha (494 acres), and is proposed to take place at 15 sites. This release is currently taking place at the following sites—

Whitehouse, Newcastle, Monmouthshire, (18.14ha)

Painslack Farm, Wetwang, East Yorkshire, (10.93ha)

Littledean Farm, Ayton, Eyemouth, Berwickshire, (13.92ha)

Awbridge Farm, Union Lane, Tryscull, Wolverhampton, (17.00ha)

Tythope Park, Kingsey, Thame, Buckinghamshire, (13.94ha)

Manor Farm, Crux Easton, Newbury, Hampshire, (12.12ha)

Bussey Stool Farm, Tarrant, Gunville, Blandford, Dorset, (12.14ha)

Hall Farm, Tofirees, Fakenham, Norfolk, (10.94ha)

Fenton Barns, North Berwick, East Lothian, (17.40ha)

Norcote Hall Farm, Northchurch, Berkampsted, Hertfordshire, (37.51ha)

Hunsley Hall, High Hunsley, Cottingham, East Yorkshire, (6.07ha)

Dunkirk Park, Bridge of Earn, Perth, (10.88ha)

Total area 181ha

(b) the consent holder for the release covering 17.5 acres for commercial seed production is Plant Genetic Systems, reference number 94/M1/1. Marketing consent was granted for this crop on 28 February 1996 under EU Directive 90/220/EEC. As such the applicant is not required to inform the DETR where the GM material is planted. However, the conditions of the marketing consent were for commercial seed production only, and the GM material cannot therefore enter the food or feed chain. Consent for this has not yet been issued by the French Competent Authority. The crop is a hybrid oilseed rape consisting of three different modified lines: a male sterile line, a fertility restoration line, and a combination of both lines expressing restored fertility.

Open Government

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to paragraph 2.19 of his Department's annual report, what was the nature of the four requests made to his Department under the Code of Practice on Open Government in the past year which were refused. [45872]

Angela Eagle: The four requests made under the Code of Practice on Open Government which were refused by my Department in 1997 were:

a. A request for details of submission made by the Commission for the New Towns to the Department to dispose of a site in Milton Keynes to a private developer.

b. A request for details of a Ministerial Direction relating to a scheme of redress for those who had experienced exceptional hardship from generalised blight as a result of the Channel Tunnel Rail Link before the final route was fixed.

c. A request for information on the A5036(T) road scheme identification study.

d. A request for a list of Ministerial Directions to accounting officers made since 1990.

Motorcycles

Mr. Gareth Thomas: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to review the regulations and law affecting learner motorcycle riders. [46189]

Ms Glenda Jackson: We will shortly be issuing a consultation paper to obtain views on the duration of provisional motorcycle licences. In addition, we will be considering, as part of the work on the new road safety strategy and targets, what further measures might be necessary to increase the safety of learner motorcyclists.

Biodiversity

Mr. Jim Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions what measures he has evaluated to maintain the current level of biodiversity. [46227]

Angela Eagle *[holding answer 16 June 1998]:* The UK Biodiversity Action Plan and UK Biodiversity Steering Group Report contain the measures aimed at maintaining and enhancing biodiversity within the UK. Principal among these measures is the development of costed action plans for priority species and habitats. Some 116 species and 14 habitat action plans were published as part of the Steering Group report and are now being implemented. A further 56 species action plans were published on 2 June and copies are available in the Library. It is expected that by the end of the year over 400 species and 38 habitat action plans will have been published.

Sewerage

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions (1) what is the Government's policy on the draft water industry specifications for plastic sewage pipes; and what representations they have made on this matter; [45194]

(2) what discussions have taken place between his Department and the water companies on the draft water industry specifications for plastic sewage pipes; [45195]

(3) what representations his Department has received on the draft water industry specifications for plastic sewage pipes; [45196]

Angela Eagle *[holding answer 16 June 1998]:* My Department has received 33 letters on the draft water industry specifications for plastic sewage pipes. Such specifications are matters for the sewerage undertakers, and my Department has not commented on them nor had any discussions with the undertakers.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions when the British Standards Institute will be consulting on Part 1 for a European standard for plastic piping systems for structured wall non-pressure underground drainage and sewerage systems. [45197]

Angela Eagle *[holding answer 16 June 1998]:* The European Standard is currently being considered by the European Committee for Standardisation. I understand that it will be distributed for comment later in the year at which point the British Standards Institution will consult relevant parties.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions how many water companies have been prosecuted for polluting groundwater with sewage for each year since 1990. [45198]

Angela Eagle *[holding answer 16 June 1998]:* Environment Agency records show that there have been no such prosecutions.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions what powers the Environment Agency has to prosecute water companies for polluting groundwater with sewage. [45199]

Angela Eagle *[holding answer 16 June 1998]:* It is an offence under section 85 of the Water Resources Act 1991 to cause or knowingly permit any poisonous, noxious or polluting matter or any solid waste matter to enter any controlled waters (including groundwater). The Environment Agency may bring a prosecution for this offence under section 85.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions how the Environment Agency monitors sewage leaking into groundwater. [45200]

Angela Eagle *[holding answer 16 June 1998]:* Most data on general groundwater quality are obtained from water companies' and private industrial and agricultural abstractions. The Environment Agency also monitors specific sites where it believes there is potential for pollution but does not monitor specifically for the effects of sewage leakage.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions what action the Environment Agency is able to take against jetting contractors who damage sewage pipes with high-pressure water jetting. [45201]

Angela Eagle *[holding answer 16 June 1998]:* If pollution were to occur as a result of a contractor damaging sewage pipes, the sewerage undertaker would be liable. Any prosecution by the Environment Agency would be in line with section 85 of the Water Resources Act 1991. Enforcement action could be taken against the contractor or the sewerage undertaker depending upon the evidence available.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions how his Department measures leakage from small holes in underground sewer pipes. [45202]

Angela Eagle *[holding answer 16 June 1998]:* The Department does not measure leakage from sewers. Under section 94 of the Water Industry Act 1991, sewerage undertakers are responsible for the effectual drainage of their area and for maintaining their pipework.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions what are the current targets for reduction in leakage from sewer pipes; and how these are measured. [45203]

Angela Eagle *[holding answer 16 June 1998]:* No targets have been set in relation to leakage from sewer pipes.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions how his Department monitors the effectiveness of the code of practice for removing blockages in sewer pipes which limits the pressure of the cleaning jet. [45204]

Angela Eagle *[holding answer 16 June 1998]:* The code of practice for removing blockages in sewer pipes which limits the pressure of the cleaning jet was produced on a voluntary basis by the manufacturers. As such, the Department does not monitor its effectiveness. It would be for the sewerage undertaker to specify compliance with a code of practice in any contract with contractors.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions what research his Department has conducted into the damage done to thin-walled plastic sewer pipes from the use of high pressure water jets to remove blockages; and what account his Department has taken of the extent to which recent design changes in jets prevent damage to the pipes. [45205]

Angela Eagle *[holding answer 16 June 1998]:* My Department has not undertaken any research into this area, which is the responsibility of the sewerage undertakers.

Mr. Fabricant: To ask the Secretary of State for the Environment, Transport and the Regions what research his Department has evaluated into the infiltration of groundwater into sewer pipes and its impact upon the working of the sewer network. [45206]

Angela Eagle *[holding answer 16 June 1998]:* My Department has not undertaken any research on this issue. I understand that UK Water Industry Research Limited (UKWIR) are carrying out research on behalf of Water UK into infiltration into and exfiltration from sewers, the results of which are expected by April 1999.

Recycled Plastics

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to develop and promote research into and incentives for the recycling of plastics. [45987]

Angela Eagle *[holding answer 17 June 1998]:* We are committed to an increased level of recycling, and are currently reviewing our national waste strategy. This is aimed at reducing the amount of waste produced and ensuring its environmentally sound management. The recycling of plastics will be covered by the new strategy.

We have held discussions with a number of organisations involved in plastics recycling to ascertain what further measures can be taken by both industry and Government to increase recycling.

Plastics constitutes a significant proportion of packaging waste. The Producer Responsibility Obligations (Packaging Waste) Regulations 1997 aim to double the amount of packaging waste (including plastics) recovered to around 50 per cent. by 2001. The Regulations also impose a material-specific recycling target of 16 per cent. for each packaging material—including plastic packaging—to be achieved by 2001.

Diabetic Drivers

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the discussions he has had with the British Diabetics Association concerning driving licences for diabetics. [46281]

Ms Glenda Jackson *[holding answer 17 June 1998]:* My noble Friend the Minister for Roads met representatives of the British Diabetic Association in February to learn at first hand their concerns about the legislation preventing insulin-treated diabetes sufferers from driving medium-sized lorries and minibuses. She undertook to consider the review of medical evidence which they presented. The Department's Advisory Panel on Diabetes and Driving examined this and other

evidence, in the light of which they recommended a limited modification to the present restrictions. The Government are currently consulting on a proposal which would allow, subject to meeting the qualifying criteria and stringent annual medical checks, those who have driven medium-sized lorries to renew that entitlement.

Sellafield

Mr. Alasdair Morgan: To ask the Secretary of State for the Environment, Transport and the Regions (1) what plans he has to reduce liquid discharges from the Sellafield plant; [45866]

(2) what account the Environment Agency is taking of the levels of technetium 99 in *(a)* seaweed and *(b)* lobsters in the Solway Firth in setting discharge authorisation levels for the Sellafield plant; [45867]

(3) if he will make a statement on the relationship between current levels of radiation from technetium 99 in the Solway Firth and EU intervention levels; [45868]

(4) what steps he intends to take to reduce radiation levels arising from technetium 99 in the Solway Firth. [45869]

Angela Eagle *[holding answer 17 June 1998]:* The Environment Agency is currently considering the responses received from a recent public consultation into the application by British Nuclear Fuels plc (BNFL) for variations to the discharge authorisations for the Sellafield site. In determining these applications, all relevant factors will be taken into account. We have reiterated to the Environment Agency that we wish to see progressive reductions in discharges and discharge limits at Sellafield, and this includes technetium-99. The Agency has proposed substantial reductions in the discharge limits for technetium-99 and a legal requirement on BNFL to develop abatement technology for this radionuclide. A number of requests have been made for the Secretary of State to call the applications in for his own determination. These requests are under consideration.

Community Food Intervention Levels are intended for use only in the event of a nuclear accident or emergency when the health impacts may be very uncertain.

Dolby Stereo (Cinemas)

Mr. Dalyell: To ask the Secretary of State for the Environment, Transport and the Regions if he will examine the aural safety of the Dolby stereo system, used in cinemas. [44988]

Angela Eagle *[holding answer 17 June 1998]:* I am advised that the Health and Safety Executive is not aware of any aural safety implications of the Dolby stereo system.

Moorside Drift Mine

Mr. Barnes: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the fatal accident at the Moorside Drift Mine, Eckington, Derbyshire, on 4 June. [45056]

Angela Eagle: I am saddened to hear of the accident at Eckington and would like to take this opportunity to extend my sympathy to the families of the two men who were killed.

An investigation into the accident is currently being carried out by the Health and Safety Executive's Mines Inspectorate. I will write to my hon. Friend when the investigation has been completed.

Throckmorton Airfield

Mr. Luff: To ask the Secretary of State for the Environment, Transport and the Regions when he will reply to the letter of 5 March from the hon. Member for Mid-Worcestershire about the planning status of Throckmorton Airfield. [46465]

Mr. Caborn: I signed a reply to the hon. Member's letter some time ago, but it has clearly gone astray. I can only apologise and I sent a further copy yesterday.

Coalfield Taskforce Report

Mr. Tipping: To ask the Secretary of State for the Environment, Transport and the Regions when he intends to publish the Coalfield Taskforce's report. [46104]

Mr. Prescott: I warmly welcome the publication today of the Coalfields Taskforce's excellent report "Making the Difference: A New Start for England's Coalfield Communities". Copies of the report will be placed in the House Library.

Last year, I gave a commitment to help regenerate communities devastated by pit closures. I wanted to ensure that every option open to us was explored so that those communities could get the help and support that they need and deserve. That is why I set up the Coalfields Taskforce last October, under the chairmanship of Paula Hay-Plumb. I want to thank Paula and her team for their hard work and dedication in producing their excellent report.

The taskforce's report is comprehensive in its approach. It includes many promising practical proposals. I want to ensure that our response is equally comprehensive, and that careful consideration is given to the detail of all the recommendations. I will give our initial response at the conference to be held at Ollerton Miners Welfare, North Nottinghamshire on Monday 13 July. I will announce a detailed programme of action for the former coalfield communities in the Autumn.

We all agree that we must redress the decline of our former coalfields communities. Government cannot do this alone. All partners—central and local government, the voluntary and private sectors, and the communities themselves—must make a firm long term commitment if we are to make the difference.

Sites of Special Scientific Interest

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions what actions his Department is taking to ensure protection of *(a)* existing sites of special scientific interest and *(b)* potential sites. [46696]

Angela Eagle: The Government are currently considering how best to improve the protection and management of Sites of Special Scientific Interest. This will involve examining the powers available to English

Nature, who are responsible for notifying potential sites. Officials are preparing a consultation paper seeking views.

Water Abstraction

Mr. Steinberg: To ask the Secretary of State for the Environment, Transport and the Regions what changes he proposes to make to the water abstraction licensing system in England and Wales. [46985]

Mr. Meacher: Together with the Welsh Office, my Department has prepared a consultation paper, setting out a wide range of proposals which will ensure that abstraction licensing and related arrangements in England and Wales provide full protection to the water environment while enabling fair and flexible measures for meeting properly managed demand for water resources. I shall place copies in the Library of the House tomorrow morning, coincident with the paper's publication.

Private Coach Hire Companies

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions if he will review the operation of the tour operators margin scheme in respect of private coach hire companies. [45456]

Dawn Primarolo: I have been asked to reply.

HM Customs and Excise last reviewed the Tour Operators Margin Scheme in 1996 and undertook a comprehensive consultation exercise. Coach operators contributed to the review and full account was taken of their representations. Progress on implementing certain of the recommendations of the review has been constrained by EC law, but a case currently before the European Court of Justice may clarify further the legal interpretation. In the light of the outcome Customs will look again at the possibility of simplified treatment for businesses such as private coach hire companies.

INTERNATIONAL DEVELOPMENT

Development Assistance

Helen Jones: To ask the Secretary of State for International Development what official development assistance was provided by the United Kingdom in 1997 as a percentage of gross national product; and how this compares with the performance of other members of OECD's Development Assistance Committee. [46808]

Clare Short: Precise figures are still to be calculated but the UK's expenditure on official development assistance in 1997 is estimated to have been £2,058 million, representing 0.26 per cent. of GNP. This is slightly lower than the 1996 figure of 0.27 per cent. The UK was the fifth largest bilateral aid donor in 1997 in volume terms. The average for all OECD DAC Member Countries in 1997 was 0.22 per cent. of GNP, its lowest ever level. The average for the European Union was 0.33 per cent. of GNP. These figures exclude financial flows to countries in transition in central and eastern Europe and more advanced developing countries as defined in the Development Assistance Committee list of aid recipients.

There is a clear need for more investment in developing countries to tackle poverty and social exclusion. This government are committed to playing their part, including by reversing the decline in UK development assistance as we promised in the manifesto.

World Bank

Mr. Fabian Hamilton: To ask the Secretary of State for International Development to what extent the objectives laid down by the donors for IDA 11 have been realised by the World bank. [44929]

Mr. Foulkes: The IDA 11 deputies' report—laid in the Libraries of both Houses in February 1998—sets out over 20 areas of action on a range of policy issues, e.g. covering efforts to strengthen the performance-based allocation of the International Development Association (IDA); improving the World bank's country assistance strategy process; encouraging the participation of affected people and non-governmental organisations, and the completion of poverty assessments. Important progress has been made in a number of these policy areas including improvements to the quality and coverage of poverty and environmental assessments, and overall improvements to the quality and impact of the IDA portfolio of projects. A copy of a matrix report dated April 1998 detailing the action taken on the implementation of this framework of policy issues will be laid in the Library of the House.

HOME DEPARTMENT

Parc Prison

Mr. Flynn: To ask the Secretary of State for the Home Department if he will publish the findings of the recent inquiries into serious disorders at Her Majesty's prison Parc; what assessment he has made of safety, security and order at that establishment; and if he will make statement. [44713]

Ms Quin: There have been three inquiries into recent events at Parc prison. Two were into acts of concerted indiscipline which took place on 6 May and 14 May, and the third was an investigation into a self-inflicted death which took place on 5 May. All these inquiries were conducted by senior managers in the Prison Service. In addition, I asked the director general of the Prison Service for a report on the current situation at Parc.

It is not current Prison Service policy to publish the findings of internal inquiries of this nature because of security considerations and issues of personal confidentiality. The management of the establishment is kept under regular review and it is working towards an action plan agreed with the Prison Service to deliver improvements in the operation and security of the establishment. I am in receipt of monthly reports on the establishment's progress towards achievement of the action plan. The action plan will be reviewed to take account of the recommendations contained in the recent inquiries and will be monitored closely by the Prison Service.

Zero Tolerance Policing

Mr. Beith: To ask the Secretary of State for the Home Department (1) what plans he has to implement zero tolerance policing as a formal policy; [45641]

(2) what assessment he has made of the cost implications of introducing a policy of zero tolerance policing; and if he will make a statement. [45617]

Mr. Michael: "Zero tolerance" is a term which has been interpreted in different ways by different people. Ministers have used it to indicate an approach which involves early intervention to discourage crime and disorder at an early stage rather than waiting until anti-social activities have reached a serious level. We are clear that "zero tolerance" does not mean intolerance or indiscriminate crackdowns by the police against the wishes of the community. It means action for, and with the consent of, the community to address the sort of anti-social behaviour which adversely affects people's quality of life.

Many forces have adopted effective strategies to tackle those local crime and disorder problems which impact on the quality of life of their local communities. We have given our full support to such strategies, whether they operate under the term "zero tolerance" or not. The findings of Her Majesty's inspectorate of constabulary's thematic inspection report on police community and race relations, published in October 1997, showed that there is strong support for policing which involves effective targeted action on quality of life issues.

The Home Secretary's key objectives for the police in 1998–99 include tackling local problems of crime and disorder in partnership with local authorities, other local agencies and the public. The Home Office Police Research Group is conducting an evaluation of the range of approaches to counter anti-social behaviour, with a view to developing key indicators on reducing anti-social behaviour. Meanwhile, Her Majesty's inspectorate of constabulary is carrying out a thematic inspection of the policing of disorder.

We are also taking steps to tighten the law in a number of areas. The Crime and Disorder Bill will ensure that the criminal justice system is better equipped to deal with anti-social and disorderly behaviour, including petty criminality amongst young offenders. First anti-social behaviour orders will provide protection from harassment and neighbourhood disorder. They will prohibit specified conduct, and may be made on anyone over the age of 10. If their terms are breached, criminal sanctions will be available.

Secondly, joint responsibilities will be placed on the police and local authorities in every area to work in partnership with other agencies and in consultation with the local community to develop and implement strategies to reduce crime and disorder. Thirdly, the Bill includes a range of measures to prevent and tackle youth crime, including powers for local authorities to establish night-time curfews on children under 10 and a statutory police reprimand and warning scheme to replace cautioning for youngsters and ensure a swift, effective response to their offending.

Prison Service

Mr. Beith: To ask the Secretary of State for the Home Department if he will publish the results achieved by the Prison Service on each of its key performance indicators in each prison for the last available year; and if he will make a statement. [45555]

Ms Quin: The performance of each prison on the Prison Service's key performance indicators is listed in the table.

The overcrowding KPI is formulated in terms of overall Prison Service capacity and population levels; therefore, the performance of individual prisons cannot be meaningfully related to the KPI.

Performance against key performance indicators by prison, 1997–98

Prison name	Category A escapes (KPI 1)	Escapes (KPI 1)	Assault rate (KPI 2) Per cent	Positive random drug testing rate (KPI 3) Per cent	Purposeful hours per prisoner (KPI 5)	Are standard/ enhanced regime prisoners unlocked less than 10 hours on weekdays (KPI 6)	Offending behaviour programme completions (KPI 7)	Sex offender programme completions (KPI 7)	Cost per place (KPI 8) £	Average training days per staff member (KPI 9)
Acklington	0	1	0.9	29.0	25.5	Yes	50	29	13,376	6.5
Albany	0	0	1.4	7.5	24.0	Yes	143	51	19,625	7.5
Aldington	0	0	•0.7	23.1	30.4	Yes	0	0	15,845	7.5
Altcourse	0	0	21.3	'—	24.5	Yes	0	0	'—	•—
Ashwell	0	1	1.1	39.9	32.6	Yes	0	0	14,646	10.2
Askham Grange	0	0	0.0	13.9	41.8	Yes	0	0	17,512	6.6
Aylesbury	0	0	45.4	12.7	22.6	No	44	0	23,592	6.9
Bedford	0	0	11.0	36.1	25.6	Yes	0	0	20,141	6.3
Belmarsh	0	1	14.3	8.1	11.8	No	0	0	29,864	7.2
Birmingham	0	0	6.3	32.8	10.9	No	0	0	20,792	5.1
Blakenhurst	0	0	14.2	46.0	20.1	Yes	0	0	17,247	•—
Blantyre House	0	0	0.0	5.6	34.2	Yes	36	0	17,709	8.3
Blundeston	0	0	6.5	25.9	23.2	Yes	0	0	19,948	5.8
Brinsford	0	0	28.2	17.9	15.3	No	0	0	18,256	7.2
Bristol	0	0	7.2	26.7	20.1	No	35	0	30,593	11.4
Brixton	0	1	8.9	14.9	17.1	Yes	81	23	21,603	4.7
Brockhill	0	0	16.3	30.5	30.7	Yes	0	0	27,394	4.6
Buckley Hall	0	1	4.5	38.4	32.8	Yes	0	0	16,957	•—
Bullingdon	0	1	6.8	34.6	20.9	Yes	7	0	16,358	10.8
Bullwood Hall	0	0	21.3	20.0	21.6	Yes	0	0	30,183	10.7
Camp Hill	0	0	5.6	31.9	20.9	Yes	0	0	17,843	3.8
Canterbury	0	0	6.0	18.5	17.5	Yes	0	0	34,433	6.0
Cardiff	0	0	7.6	27.0	22.0	Yes	0	0	20,940	6.1
Castington	0	0	21.2	10.9	23.4	No	11	11	18,577	6.6
Channings Wood	0	0	1.5	20.0	29.6	Yes	53	39	15,403	6.7
Chelmsford	0	0	12.0	24.0	16.0	No	0	0	19,256	5.4
Colchester	0	0	14.4	19.4	'33.93	No	0	0	31,300	11.8

Performance against key performance indicators by prison, 1997–98

Prison name	Category A escapes (KPI 1)	Escapes (KPI 1)	Assault rate (KPI 2) Per cent	Positive random drug testing rate (KPI 3) Per cent	Purposeful hours per prisoner (KPI 5)	Are standard/ enhanced regime prisoners unlocked less than 10 hours on weekdays (KPI 6)	Offending behaviour programme completions (KPI 7)	Sex offender programme completions (KPI 7)	Cost per place (KPI 8) £	Average training days per staff member (KPI 9)
Coldingley	0	1	2.4	29.3	38.1	Yes	64	0	22,013	6.7
Cookham Wood	0	0	9.6	6.7	23.6	Yes	14	0	25,391	10.4
Dartmoor	0	0	6.9	16.8	18.8	No	104	26	20,259	8.2
Deerbolt	0	0	21.0	15.1	21.7	Yes	0	0	16,740	506
Doncaster	0	0	19.2	22.8	16.7	Yes	0	0	19,475	'—
Dorchester	0	0	13.9	44.6	16.2	Yes	0	0	28,696	7.7
Dover	0	0	21.0	16.6	21.7	No	0	0	17,463	6.5
Downview	0	1	0.3	5.0	31.5	Yes	0	0	18,714	10.6
Drake Hall	0	0	1.1	17.9	35.1	Yes	0	0	14,092	6.0
Durham	0	0	5.2	31.5	16.7	Yes	0	0	27,588	6.2
East Sutton Park	0	0	0.0	7.5	38.4	Yes	0	0	17,749	6.4
Eastwood Park	0	0	24.3	9.4	19.7	Yes	0	0	25,453	13.0
Elmley	0	0	5.9	13.5	19.0	Yes	41	0	16,838	12.7
Erlestoke	0	1	0.3	28.4	29.0	Yes	0	0	17,593	5.2
Everthorpe	0	0	3.3	27.0	25.8	Yes	0	0	17,158	5.2
Exeter	0	1	8.1	34.8	17.9	No	0	0	31,266	4.1
Featherstone	0	0	2.9	40.4	23.7	Yes	10	0	17,541	2.6
Feltham	0	0	33.2	20.9	19.6	No	25	18	17,995	8.2
Ford	0	0	0.4	9.9	33.7	Yes	0	0	10,974	6.5
Foston Hall	0	1	12.2	13.5	21.3	Yes	0	0	31,685	13.8
Frankland	0	0	14.1	36.0	17.0	No	13	13	38,078	9.8
Full Sutton	0	0	4.8	6.4	18.0	No	77	25	33,594	9.8
Garth	0	0	3.4	17.4	21.0	Yes	0	0	18,483	12.7
Gartree	0	0	1.7	30.7	26.5	Yes	18	0	22,496	7.8
Glen Parva	0	0	35.3	20.8	16.5	No	0	0	15,429	8.7
Gloucester	0	0	22.7	35.3	21.6	No	0	0	27,651	6.5
Grendon	0	0	1.2	17.4	33.3	No	0	0	19,592	6.7
Guys Marsh	0	0	5.1	33.9	30.9	Yes	0	0	16,741	9.7
Haslar	0	0	2.1	4.3	21.4	Yes	0	0	14,617	6.9
Hatfield	0	0	9.9	13.5	37.2	Yes	0	0	21,601	5.4
Havering	0	1	1.8	16.2	33.8	Yes	0	0	17,351	10.1
Hewell Grange	0	0	0.5	15.3	41.2	Yes	0	0	12,667	3.6
Highdown	0	0	13.6	25.2	15.7	Yes	50	11	22,250	11.3
Highpoint	0	0	4.2	24.8	17.7	No	0	0	17,046	13.9
Hindley	0	0	24.1	35.6	20.1	No	0	0	19,389	5.1
Hollesley Bay	0	0	13.4	22.9	28.1	No	0	0	23,231	3.6
Holloway	0	0	30.9	24.1	18.7	Yes	21	0	36,903	10.5
Holme House	0	0	3.9	19.2	16.0	No	34	0	15,236	6.2
Hull	0	0	9.3	20.7	18.6	No	0	0	21,583	7.5
Huntercombe	0	0	15.4	17.8	25.1	Yes	0	0	20,008	12.2
Kingston	0	0	0.9	10.9	28.6	Yes	0	0	20,943	6.0
Kirkham	0	0	0.2	25.3	54.8	Yes	0	0	13,380	6.0
Kirklevington	0	1	0.6	5.7	48.8	Yes	0	0	13,463	6.2
Lancaster	0	0	0.9	36.8	22.8	Yes	0	0	20,792	6.6
Lancaster Farms	0	0	20.1	5.1	22.4	Yes	54	0	19,115	7.0
Latchmere House	0	0	0.0	14.5	72.7	Yes	0	0	12,031	8.3
Leeds	0	0	9.0	24.1	15.5	No	0	0	17,400	10.5
Leicester	0	0	11.0	32.2	21.4	Yes	0	0	36,690	7.2
Lewes	0	0	13.1	27.1	18.5	No	0	0	18,603	5.6
Leyhill	0	0	0.3	13.3	38.6	Yes	33	33	16,619	5.3
Lincoln	0	0	5.0	34.6	19.6	Yes	18	0	24,438	4.2
Lindholme	0	0	2.1	23.3	25.3	Yes	31	5	17,801	5.1
Littlehey	0	0	3.0	16.9	29.8	Yes	21	21	14,020	8.2
Liverpool	0	1	4.9	18.9	16.5	No	0	0	19,071	7.7
Long Lartin	0	0	9.5	22.7	15.6	No	26	0	34,242	7.3
Low Newton	0	0	35.5	41.3	21.7	No	0	0	27,644	4.7
Lowdham Grange	0	0	6.9	15.8	'—	Yes	0	0	'—	'—
Maidstone	0	0	2.3	14.6	22.5	Yes	66	28	17,872	8.8
Manchester	0	0	6.0	18.2	29.4	Yes	0	0	24,460	6.5
Moorland	0	0	19.1	10.8	25.3	Yes	106	0	18,507	8.5
Morton Hall	0	0	1.5	9.3	39.1	Yes	0	0	12,224	4.6
Mount	0	0	2.6	28.0	18.4	No	0	0	13,839	10.5
New Hall	0	0	16.9	8.0	22.9	Yes	0	0	21,682	6.1
North Sea Camp	0	0	0.0	23.5	42.4	Yes	0	0	14,978	4.8
Northallerton	0	0	8.9	16.3	14.7	Yes	0	0	30,431	5.3
Norwich	0	0	9.3	24.1	18.1	Yes	0	0	20,548	5.8
Nottingham	0	0	6.9	31.1	18.1	No	0	0	20,517	7.5
Onley	0	0	32.7	4.7	20.0	Yes	22	0	15,595	9.0
Parc	0	0	12.3	57.1	'—	Yes	0	0	'—	'—
Parkhurst	0	0	4.3	6.7	20.1	Yes	58	0	22,530	7.6
Pentonville	0	0	10.6	31.9	19.6	No	40	0	19,177	10.7
Portland	0	0	11.7	10.2	29.4	Yes	7	0	16,664	7.1
Preston	0	1	11.2	18.8	17.4	No	0	0	27,967	6.3
Ranby	0	4	3.0	15.9	30.2	Yes	26	0	17,631	6.8
Reading	0	0	18.8	24.2	24.2	No	0	0	24,395	7.0

Performance against key performance indicators by prison, 1997–98

Prison name	Category A escapes (KPI 1)	Escapes (KPI 1)	Assault rate (KPI 2) Per cent	Positive random drug testing rate (KPI 3) Per cent	Purposeful hours per prisoner (KPI 5)	Are standard/ enhanced regime prisoners unlocked less than 10 hours on weekdays (KPI 6)	Offending behaviour programme completions (KPI 7)	Sex offender programme completions (KPI 7)	Cost per place[1] (KPI 8) £	Average training days per staff member (KPI 9)
Risley	0	0	8.8	24.5	22.7	No	28	28	18,554	5.2
Rochester	0	0	12.5	4.4	18.7	Yes	29	29	18,303	6.4
Send	0	3	0.0	30.2	35.1	Yes	0	0	13,807	12.8
Shepton Mallet	0	0	0.9	47.3	23.7	Yes	0	0	24,285	4.2
Shrewsbury	0	0	3.1	15.7	21.4	Yes	0	0	30,202	6.8
Stafford	0	0	5.3	20.1	25.0	No	0	0	16,527	3.5
Standford Hill	0	0	0.9	11.8	33.8	Yes	0	0	15,891	7.0
Stocken	0	0	3.9	33.6	27.1	Yes	25	0	15,950	6.1
Stoke Heath	0	0	29.9	8.2	21.6	Yes	0	0	15,591	13.5
Styal	0	0	11.0	24.4	28.6	Yes	0	0	22,617	6.2
Sudbury	0	1	0.4	11.1	47.2	Yes	0	0	13,283	7.4
Swaleside	0	1	5.2	19.4	22.0	No	17	0	18,275	11.5
Swansea	0	0	9.0	52.6	15.0	No	0	0	24,555	4.4
Swinfen Hall	0	0	13.5	14.3	25.5	No	80	15	24,421	8.8
Thorn Cross	0	0	10.4	25.7	50.3	Yes	100	0	19,112	8.6
Usk	0	0	1.4	7.8	35.5	No	38	38	20,794	8.1
Verne	0	0	0.7	36.2	30.9	Yes	0	0	15,044	6.2
Wakefield	0	0	3.5	2.9	17.8	Yes	110	33	24,189	8.2
Wandsworth	0	0	6.1	3.6	22.0	No	47	26	16,193	11.2
Wayland	0	1	2.5	33.3	24.6	Yes	72	33	14,004	10.3
Wealstun	0	0	0.7	26.6	33.7	No	0	0	15,561	7.3
Weare	0	0	3.0	28.0	[4]19.8	Yes	0	0	17,402	21.6
Wellingborough	0	4	5.0	33.2	25.1	Yes	0	0	16,665	7.4
Werrington	0	3	59.3	5.7	36.5	Yes	0	0	23,165	7.2
Wetherby	0	1	23.9	4.0	29.5	Yes	0	0	18,535	10.4
Whatton	0	0	1.3	5.4	30.6	Yes	86	70	16,980	4.3
Whitemoor	0	0	8.4	12.8	18.5	Yes	0	0	34,319	7.8
Winchester	0	0	8.1	29.1	17.2	Yes	8	0	24,587	4.1
Wolds	0	0	5.8	18.1	31.0	Yes	18	0	20,606	[6]—
Woodhill	0	0	13.7	25.3	20.9	Yes	20	20	25,294	13.6
Wormwood Scrubs	0	0	8.1	16.4	13.6	No	54	0	17,267	6.4
Wymott	0	0	3.3	19.9	34.4	Yes	72	46	16,171	6.5

[1] Cost per place performance figures for HMP Parc, HMP Altcourse and HMP Lowdham Grange cannot be provided on a comparable basis because available data include an element for capital repayment

[2] Cost per place figures are provisional because final expenditure figures are not yet available. Final figures are not likely to be significantly different

[3] Purposeful activity performance figures for HMP Parc and HMP Lowdham Grange are not available for the financial year 1997–98, but will be available for 1998–99

[4] Purposeful activity data for HMP Weare and HMP Colchester are provisional

[5] Random drug testing started at Altcourse in April 1998

[6] Private prison contractors do not supply training figures because they are treated as commercial in confidence

Prisoners

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women were on rule 43 in prisons in England and Wales on 1 June. [45444]

Ms Quin: The most recent available provisional information is for 30 April 1998. On that date, the number on inmates held on prison rule 43 or young offender institution rule 46 were:

	Good order and discipline	*Own protection*
Males	421	1,211
Females	7	21
Total	428	1,232

Prisoners who are held for their own protection are generally held in separate units offering a normal regime. Prisoners held for the purposes of good order and discipline are normally held in segregation units.

Police Funding Formula

Mr. Maclean: To ask the Secretary of State for the Home Department if he will list the names of those serving on the police funding formula working party; and if he will indicate those aspects of the formula currently under review. [45668]

Mr. Michael: The members of the allocation formula working Group are as follows:

Members of formula working group 1998

Members	
Ms Lynda Lockyer—(Chair)	Home Office, Police Resources Unit
Mr. Jim Bradley	Home Office, Police Resources Unit
Mr. Andrew Honeyman—(Secretary)	Home Office, Police Resources Unit
Mrs. Liz Curry	Home Office, Police Resources Unit
Mr. Simon Field	Home Office, Resource Analysis Unit

Members of formula working group 1998

Members	
Dr. Ian Williamson	Home Office, Resource Analysis Unit
Dr. Phil Emmott	Home Office, Resource Analysis Unit
Mr. Robin Dickens	Home Office, Finance Unit
Mr. Barry Coker	Her Majesty's Inspectorate of Constabulary
Mr. Andrew Presland	Department of the Environment, Transport and the Regions
Mr. Justin Vetta	Department of the Environment, Transport and the Regions
Mr. Steven Marshall	Welsh Office
Chief Constable Barry Shaw	Association of Chief Police Officers
Deputy Chief Constable Malcolm Cairns	Association of Chief Police Officers
Assistant Chief Constable Tony Lake	Association of Chief Police Officers
Deputy Assistant Commander Roy Clark	Metropolitan Police
Mr. John Parker	Metropolitan Police
Mr. Alan Meyrick	Metropolitan Police Committee Secretariat
Mr. Mike Heiser	Association for London Government
Mr. Malcolm Watson	Association of Police Authorities
Mr. John Street	Association of Police Authorities
Mr. Howard Springthorpe	Association of Police Authorities
Mr. Bill Wilkinson	Association of Police Authorities
Mr. Derek Smith	Association of Police Authorities
Mrs. Catherine Crawford	Association of Police Authorities
Mr. Richard Tettenborn	Association of Police Authorities
Mr. Mike Grealy	Association of Police Authorities

The main areas being considered currently by the working group are: the question whether there are additional costs associated with policing in sparsely populated rural areas and/or difficult urban areas; the pensions component; the area cost adjustment; and some technical issues.

I have decided to commission two pieces of external research into whether there are additional costs associated with policing in sparsely populated rural areas and/or difficult urban areas. I hope that the results of this work will inform the 2000–2001 police funding settlement.

Police (Health)

Mr. Maclean: To ask the Secretary of State for the Home Department (1) if he will introduce annual fitness tests for police officers; [45656]

(2) what research he has evaluated into the cost to police authorities of police officers being unavailable for duty due to illness related to a lack of physical fitness. [45657]

Mr. Michael: Annual fitness tests and the monitoring of sickness absence are matters for individual chief police officers to consider. Many forces do require officers in specialists units, such as firearms units, to undertake regular fitness tests. The Home Office has not undertaken any work as to the causes of sickness absence due to a lack of physical fitness, but has issued police forces with advice on the management of sickness absence, together with training booklets for managers in the police service to try to improve sickness levels amongst police officers. Her Majesty's inspectorate of constabulary has carried out a thematic inspection of sickness in the police service, and has made a number of recommendations for improving the way in which sickness absence and ill health retirement are dealt with. A copy of the report is in the Library. One of the report's recommendations is that all forces should calculate the cost of their sickness absence to a common formula, a format for which is provided in the report.

We will be collecting information from all forces on the way they have responded to that report, and will ask them to provide information on local practice in respect of regular fitness tests.

Chief Police Officers

Mr. Maclean: To ask the Secretary of State for the Home Department if he will make a statement on the selection procedure for chief officers of police. [45679]

Mr. Michael: The responsibility for making appointments and for managing the procedures for the selection and appointment of chief officers of police in England and Wales rests with police authorities.

On 2 December 1996, the Home Office issued guidance to police authorities following consultation with representatives of the then police authority associations, Her Majesty's inspectorate of constabulary, the police staff associations and the Equal Opportunities Commission.

Mr. William Ross: To ask the Secretary of State for the Home Department (1) what was the income for each year since its formation of the Chief Police Officers Staff Association; what is the membership fee for each member; what amount is contributed from public funds; and if he will make a statement; [46085]

(2) if the Association of Chief Police Officers will be subject to the Government's proposed freedom of information legislation; [46115]

(3) if he will place in the Library copies of the accounts for the Association of Chief Police Officers for each of the last five years for which they are available. [46108]

Mr. Michael: Under the current proposals, the Association of Chief Police Officers of England, Wales and Northern Ireland would not be subject to the proposed legislation. ACPO is not a public body within the terms of the proposals. However, much of the information which is supplied by ACPO and which would be held by public bodies such as police forces, or the Home Office, would fall within the scope of the proposals.

The Chief Police Officers' Staff Association is a private, voluntary organisation whose activities are entirely financed by membership subscriptions. The levels of those subscriptions are entirely a matter for the internal management of the association, which is not accountable to the Secretary of State. No public funds are provided to CPOSA to support its activities, although its members may claim expenses in relation to their representative functions on the Police Negotiating Board and the Police Advisory Board. The Home Office has allocated £2,000 in 1998–99 to the staff side in respect of expenses in connection with CPOSA's duties as part of the staff side of the Police Negotiating Board.

I have arranged for copies of the accounts for the Association of Chief Police Officers for the years 1992–93 to 1996–97 to be placed in the Library.

Drivers (Sentences)

Mr. Beith: To ask the Secretary of State for the Home Department how many persons were *(a)* convicted and *(b)* jailed for (i) driving with excess alcohol and (ii) driving while disqualified, in each of the last three years for which figures are available. [46236]

Mr. Michael: The information requested is in the table.

Persons convicted of offences of driving while disqualified and driving after consuming alcohol or taking drugs England and Wales

	1994	1995	1996
Driving while disqualified			
Persons convicted	24,167	24,394	23,246
Persons sentenced to immediate custody	8,395	9,581	9,483
Driving etc. after consuming alcohol or taking drugs			
Persons convicted	78,005	81,464	85,012
Persons sentenced to immediate custody	3,243	3,443	3,529

Notes:

Figures for 1997 are not yet available.

Protection from Harassment Act

Mr. Beith: To ask the Secretary of State for the Home Department (1) how many persons have been prosecuted under sections 1 or 2 of the Protection from Harassment Act 1997; and how many prosecutions have resulted in a conviction; [46229]

(2) how many complaints have been received by the police in respect of section 1 of the Protection from Harassment Act 1997; and if he will make a statement. [46231]

Mr. Michael: Sections 1 and 2 of the Protection from Harassment Act 1997 came into force on 16 June 1997. Section 1 refers to the prohibition of harassment with section 2 advising that a person who pursues a course of conduct in breach of section 1 is guilty of a summary offence.

Provisional court proceedings data for 1997 show 504 prosecutions under section 2 of the Act, which resulted in 247 convictions. In addition, 171 cautions have been recorded provisionally for the offence.

Figures for complaints received by the police in respect of this Act are not collected centrally. However, the British crime survey is collecting information on levels of harassment reported by respondents.

Air Guns

Dr. Cable: To ask the Secretary of State for the Home Department how many cases of deaths and personal injuries resulting from air guns have been recorded in England and Wales over the last five years. [45787]

Mr. Michael: The information requested is contained in the table. The information is confined to notifiable offences recorded by the police in which air weapons were reported to have been used. Corresponding figures for accidental deaths or injuries are not available.

Notifiable offences recorded by the police in which air weapons were reported to have been used in England and Wales, by injury

Year	Fatal injury	Other injury
1992	—	1,718
1993	—	1,572
1994	—	1,580
1995	1	1,400
1996	—	1,203

Figures for 1997 are not yet available.

Cricket

Mr. Nigel Jones: To ask the Secretary of State for the Home Department (1) what discussions he has had with the England and Wales Cricket Board regarding crowd disturbances at test matches following the game against South Africa at Edgbaston on 4 June; [46042]

(2) what discussions he has held with the England and Wales Cricket Board regarding its plans to control crowd behaviour during the cricket world cup in the United Kingdom in 1999. [46039]

Mr. Michael: My right hon. Friend has not had any discussion with the England and Wales Cricket Board on these matters. The Association of Chief Police Officers is responsible for co-ordinating policing arrangements for the cricket world cup. In October 1997, the association held an initial meeting with the tournament organiser appointed by the England and Wales Cricket Board. A co-ordinating group consisting of the organiser and representatives of the 17 forces involved in policing arrangements for the cricket world cup met in January and April, and further meetings are planned. One of the purposes of these discussions is to ensure that there is a consistent approach by stewards and police officers to the behaviour of spectators. West Midlands police held discussions with Warwickshire country cricket club before, during and after the Edgbaston test.

Mr. Nigel Jones: To ask the Secretary of State for the Home Department if he will list the total number of cricket-related arrests in each of the past 10 cricket seasons, broken down by *(a)* test matches, *(b)* one-day internationals, *(c)* Sunday league, *(d)* Benson and Hedges, *(e)* Nat West and *(f)* county championship games. [46048]

Mr. Michael: The Home Office collects information on the total number of arrests but it is not possible to determine those which are cricket-related.

Police (Minimum Height)

Mr. Maclean: To ask the Secretary of State for the Home Department if he will set a minimum height requirement for police officers. [45839]

Mr. Michael: An earlier minimum height requirement was removed by the previous Government in 1990 on the advice of the Police Advisory Board. We have no plans to reintroduce it.

Vehicle Fleets (Fuel)

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department how many police and fire authorities have converted their fleets, in whole or in part, to run on compressed natural gas, LPG or electricity. [46125]

Mr. Michael: The information requested is not held centrally. However, a number of police forces are currently engaged in trials of alternative fuels, the results of which will be disseminated by the National Association of Police Fleet Managers. We are not aware of any initiatives within the fire service to trial such fuels.

Closed Circuit Television (London)

Mr. Colvin: To ask the Secretary of State for the Home Department how many closed circuit television schemes have been installed by each London borough council. [46370]

Mr. Michael: We do not have a record of closed circuit television schemes which have been funded by local councils. The number of schemes within London boroughs which have received awards under the Home Office CCTV challenge competition are shown in the table. These schemes are sponsored by local crime reduction partnerships, most of which involve the local authority.

CCTV challenge competition round 1: 1994–95

Borough	*Number of successful bids*	*Total amount awarded*
Bexley	1	50,000
Harrow	1	50,000
Hillingdon	1	14,000
Hounslow	1	50,000
Islington	1	12,400
Richmond upon Thames	1	50,000
Total	6	226,400

CCTV challenge competition round 2: 1996–97

Borough	*Number of successful bids*	*Total amount awarded*
Brent	1	250,000
Camden	1	71,000
Croydon	4	296,500
Ealing	2	253,600
Hackney	2	236,005
Hammersmith and Fulham	1	105,200
Haringey	1	130,300
Harrow	2	156,880
Hillingdon	1	12,703
Hounslow	10	485,299
Islington	1	71,000
Kensington and Chelsea	1	84,306
Kingston upon Thames	1	154,500

CCTV challenge competition round 2: 1996–97

Borough	*Number of successful bids*	*Total amount awarded*
Lewisham	1	250,000
Merton	2	177,500
Newham	6	553,800
Redbridge	1	200,000
Richmond upon Thames	1	13,305
Southwark	1	145,000
Sutton	1	63,000
Wandsworth	1	66,500
Westminster	2	133,600
Total	44	3,910,998

CCTV challenge competition round 3: 1997–98

Borough	*Number of successful bids*	*Total amount awarded*
Barking and Dagenham	5	519,968
Bexley	1	61,088
Brent	1	135,000
Camden	1	74,250
Ealing	1	109,868
Greenwich	2	202,500
Hackney	3	324,000
Hammersmith and Fulham	2	170,469
Harrow	1	35,000
Hounslow	1	135,000
Kingston upon Thames	1	135,000
Lambeth	1	103,500
Merton	2	146,633
Newham	2	185,000
Southwark	3	238,725
Tower Hamlets	2	186,008
Uxbridge	1	74,529
Waltham Forest	1	130,793
Wandsworth	2	117,620
Westminster	3	342,063
Total	36	3,427,014

CCTV challenge competition round 4: 1998–99

Borough	*Number of successful bids*	*Total amount awarded*
Barking and Dagenham	1	75,000
Bexley	1	40,000
Brent	1	74,710
Lewisham	1	18,500
Merton	1	50,000
Newham	1	75,000
Total	6	333,210

Restriction Orders

Mr. Peter Ainsworth: To ask the Secretary of State for the Home Department how many of those British citizens arrested in France in the past month *(a)* are now or *(b)* have previously been the subject of a restriction order. [46447]

Mr. Michael: None.

Mr. Peter Ainsworth: To ask the Secretary of State for the Home Department what proportion of those convicted of eligible offences in the last five years are currently the subject of restriction orders. [46448]

Mr. Michael: There are currently 71 people subject to restriction orders under the Football Spectators Act 1989. This is an increase of 62 since the start of the year. The number of convictions for football-related offences in the five years 1992–93 to 1996–97 was 19,969.

Football Hooligans (France)

Mr. Peter Ainsworth: To ask the Secretary of State for the Home Department what steps the Government have taken to ensure that those arrested for committing football offences in France are tried there. [46449]

Mr. Michael: The policing of the world cup and decisions on dealing with people who are arrested are matters for the French authorities. British and French police officers have worked together extensively in the run-up to the world cup, and are continuing to do so during the tournament. We have made it clear that the French authorities have our full support in ensuring that spectators are policed firmly and effectively and in taking proceedings against those who are arrested.

Racial Abuse

Mr. Spring: To ask the Secretary of State for the Home Department what proposals the Government have to combat the chanting of racial abuse at sporting events. [46100]

Mr. Michael: Under section 3 of the Football (Offences) Act 1991, it is an offence for two or more people to take part in racist chanting at football matches. In May, the Government accepted a recommendation by the football task force that the 1991 Act should be amended to make racist abuse by individual supporters an offence. The Government will amend the 1991 Act as soon as legislative priorities allow. In the meantime, the Home Office has written to all chief police officers in England and Wales reminding them of existing powers under the Public Order Act 1986.

MINISTER WITHOUT PORTFOLIO

Millennium Experience

Mr. Mitchell: To ask the Minister without Portfolio if he will list the committees involved in the millennium experience indicating their membership and the number of meetings each has held in 1998. [44447]

Mr. Mandelson: The New Millennium Experience Company has a board of 10 non-executive directors: Bob Ayling (chairman); Sam Chisholm (deputy chairman); Ian Ash; the hon. Mrs. Sara Morrison; Sir Brian Jenkins; Councillor Len Duvall; David Quarmby; Sir Alan Cockshaw; Michael Grade; Ruth Mackenzie; and three executive directors: Jennie Page, chief executive; Liam Kane, managing director; and Steve Brown, finance and corporate services director. The board meets once every month and has met six times in 1998. In line with normal company practice, the board has established a number of committees, with specific delegated responsibilities, to act on its behalf:

The executive committee (chaired by Sam Chisholm; members are Michael Grade, Jennie Page and, co-opted members, David Chance and Matthew Freud). The terms of reference provide for the chairman to decide the frequency of meetings. The committee has met 13 times in the 1998 calendar year to date.

The audit committee (chaired by Sir Brian Jenkins; members are Ian Ash and Len Duvall). The terms of reference provide for the committee to meet not less than twice each year and otherwise as any member may require. The chief executive, in her role as accounting officer attends the meetings of this committee, as does the finance and corporate services director. The committee has met four times in the 1998 calendar year to date.

The remuneration and recruitment committee (chaired by Bob Ayling; members are Sir Brian Jenkins, the hon. Mrs Sara Morrison and David Quarmby). The terms of reference provide for the committee to meet not less than twice a year and otherwise as often as the members may require. The Committee has met twice in the 1998 calendar year to date.

The health, safety and environment committee (chaired by David Quarmby; members are Sir Alan Cockshaw and the hon. Mrs Sara Morrison). The terms of reference provide for the committee to meet at least four times a year and otherwise as often as any member may require. The committee has met once in the 1998 calendar year to date.

In addition the NMEC has established two advisory groups:

The advisory group on accessibility (chaired by David Phillips—holiday care services; members are Paul Bush—TFA consortium; Stephen Bradshaw—Spinal Injuries Association; Peter Holland—Disability Partnership; Peter Parker—RNIB GDBA; David Bonnett—Access for England; Claire Goodridge—RADAR; Brian McGinnis—MENCAP; Sue Peace—Buro Happold; Andrew Berry—SCOPE; Sara Langton-Lockton—CAE; Carol Thomas—Disability Wales; Robert Pickles—Disability Scotland; Fiona Hill—South East MIND; Andrew Bradock—London Transport; Monica Wilson—Disability Action Northern Ireland; Ken Whittingham—RNID; Wendy Dibdin—Greenwich Association for Disabled People; Orla McCann—Disability Action Northern Ireland; Bob Benson—Disability Scotland). The group held its first meeting in June 1997. During 1998, three meetings have been held to date.

The creative strategic review group—the "litmus group" (chaired by Michael Grade—board member and chairman, First Leisure Corporation plc; members are Ruth Mackenzie—board member and general director, Scottish Opera; Floella Benjamin—Floella Benjamin Productions; Sir Neil Cossons—director, the national museum of science and industry; Mike Davies—Richard Rogers Partnership; Professor Christopher Frayling—rector, Royal College of Art; Simon Jenkins—millennium commissioner and journalist; Michael Jolly, chairman and chief executive, the Tussauds Group and chairman CBI tourism action group; Lord Puttnam—chairman, Enigma productions; Lord Rogers—chairman, Richard Rogers Partnership; John Sorrell—chairman, the Design Council; and Alan Yentob—Director of Television BBC). The group was established in December 1997 and has met eight times in 1998 to date.

The NMEC liaises closely with other groups and committees established by the Department for Culture, Media and Sport, notably the Lambeth group. The company also attends the new millennium experience co-ordinating group set up by the Minister without Portfolio, who is shareholder of the company on behalf of Government, and which is also attended by representatives of the Millennium Commission.

CULTURE, MEDIA AND SPORT

National Lottery

Mr. Maclean: To ask the Secretary of State for Culture, Media and Sport what guidance he has issued to the Arts Council on the priority to be accorded to the likely popular appeal of films in determining whether to grant them national lottery funding. [45834]

Mr. Fisher: In accordance with section 26(1) of the National Lottery etc. Act 1993, on 1 June 1998, the Secretary of State issued a direction to the Arts Council of England that, in distributing its share of the net lottery proceeds, it must take account of the needs of projects relating to film and moving image. It is for the Arts Council to draw up the detailed criteria for lottery funding.

Mr. Maclean: To ask the Secretary of State for Culture, Media and Sport what powers he has to recover national lottery money from film companies when a grant has been obtained on a false prospectus. [45831]

Mr. Fisher: Responsibility for the recovery of lottery moneys obtained by fraud is a matter for the issuing national lottery distributing bodies.

Millennium Commission

Mr. Barry Jones: To ask the Secretary of State for Culture, Media and Sport what proportion of Millennium Commission money has been apportioned to Wales. [46289]

Mr. Chris Smith: This is a matter for the Millennium Commission. I shall write to my hon. Friend in my capacity as chairman of the commission and place copies of my reply in the Libraries of the House.

FOREIGN AND COMMONWEALTH AFFAIRS

Journalists in Europe Project

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations his Department has made to ensure political impartiality in the Journalists in Europe project concerning European integration; and if he will make a statement. [45273]

Mr. Doug Henderson: The Journalists in Europe organisation runs an annual training programme for young journalists from around the world, focusing on the EU and on political, economic and social developments in Europe. This Department has no role in determining the activities of this organisation and we have made no representations about them.

European Commission of Human Rights

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs which cases are currently pending before the European Commission of Human Rights; and if he will make a statement on the nature of each case. [45671]

Mr. Tony Lloyd: As of 15 June 1998, 375 applications against the United Kingdom pending before the European Commission of Human Rights had been registered but not yet put before the Commission, 2 had been adjourned, 26 had been communicated to the United Kingdom Government with no request for observations for the moment, 109 had been communicated to the Government with a request for observations, and 53 applications had been declared admissible and were awaiting examination of the facts and arguments of the parties by the Commission. It would not be practicable for the Government to make a statement in respect of all these cases.

Sierra Leone

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs when he expects to receive Sir Thomas Legg's report. [46028]

Mr. Robin Cook *[holding answer 15 June 1998]:* Sir T. Legg said that he will complete his investigation and report as soon as possible. He is currently interviewing witnesses and examining evidence.

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs at what point in the drafting of United Nations Security Resolution 1132 the unambiguous reference to the arms ban applying to both the Government-in-exile of President Kabbah and their replacement was replaced by more general terminology; which Governments moved the amendment; what was the position of Her Majesty's Government; if the documents relating to such will be made available to Sir Thomas Legg QC; and if he will make a statement. [46277]

Mr. Robin Cook *[holding answer 16 June 1998]:* At no stage during the drafting of Security Council Resolution 1132 did the draft under consideration in New York refer to the arms ban applying to both the Government in exile of President Kabbah and their replacement. The earliest and all subsequent drafts referred only to a ban on the sale or supply of arms and related material to Sierra Leone. Sir Thomas Legg has access to all documents germane to his investigation, including those relating to the drafting of Security Council Resolution 1132.

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs when Baroness Symons was informed by officials of alleged United Nations sanctions breaking by Sandline International. [46021]

Mr. Robin Cook *[holding answer 16 June 1998]:* I refer to the answer given by my noble Friend the Parliamentary Under-Secretary of State, Baroness Symons, to a Private Notice Question from Lord Avebury in another place on 15 June 1995, *Official Report, House of Lords*, column 1287–89.

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish the advice he has received on the legal interpretation of UN Resolution 1132 provided by the United Nation's lawyers. [46062]

Mr. Robin Cook *[holding answer 16 June 1998]:* Our interpretation of SCR 1132 was set out in my reply to a question from the hon. Member for Reigate (Mr. Blunt) 4 June 1998, *Official Report*, columns *345–46*. The legal advice on which this interpretation is based has been made available to the Select Committee on Foreign Affairs. The Government's interpretation has not been affected by the advice sent to the Chairman of the Sierra Leone Sanctions Committee of the United Nations by the UN's Legal Counsel. Subsequent discussion in the Sanctions Committee revealed that different member states held differing views on the Legal Counsel's advice.

Mochovce Power Plant, Western Slovakia

Mr. Hoyle: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he has taken to provide assistance to the management of the Mochovce power plant in Western Slovakia. [45967]

Mr. Doug Henderson *[holding answer 15 June 1998]*: None.

Intergovernmental Authority on Development

Ms Oona King: To ask the Secretary of State for Foreign and Commonwealth Affairs what proposals there currently are to increase transparency in respect of the IGAD peace talks and subsequent activities. [45964]

Mr. Fatchett: The level of transparency in the Inter Governmental Authority on Development (IGAD) peace talks is determined by the IGAD members themselves. At the conclusion of each round of talks, the Ministerial Subcommittee of IGAD produces a communiqué which describes the ground covered, the agreements reached and the recommendations on how to proceed. We believe this is an adequate arrangement.

EU Youth Forum

Dr. Julian Lewis: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list *(a)* the organisations belonging to and *(b)* the events hosted by the European Union Youth Forum funded by the European Communities; and what representations (i) he and (ii) his colleagues, have received from that organisation. [46070]

Mr. Doug Henderson: Questions about the membership and activities of the European Youth Forum should be addressed to that organisation. I received a delegation from the EUF on 14 June to hear a report of a conference they had held on youth unemployment.

Intelligence

Sir John Stanley: To ask the Secretary of State for Foreign and Commonwealth Affairs if his oral answer to the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), on intelligence, on 12 May 1998, *Official Report*, column 159, was based on oral or written briefing that he had received. [46279]

Mr. Robin Cook: I received oral briefing to the effect that no intelligence reports were seen by Ministers that referred to Sandline, or companies associated with Sandline, and to the supply of arms or military equipment.

Export Promotion

Mr. Levitt: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will set in hand an examination of the structure of the Government's arrangements for export promotion. [46963]

Mr. Fatchett: My right hon. Friends the Foreign and Commonwealth Secretary and the President of the Board of Trade, with the approval of my right hon. Friend the Prime Minister, have asked the Secretary to the Cabinet to lead a review with the following terms of reference:

To examine the arrangements for providing official support and promotion for exports (other than defence goods and services) and investment abroad, having regard to the importance of continuing close interaction between business and the DTI on all aspects of business performance, and maintaining the close integration of all aspects of support by diplomatic posts for the full range of British interests overseas, and to make recommendations to the Secretary of State for Foreign and Commonwealth Affairs and the President of the Board of Trade.

Sir Richard Wilson will be assisted by a panel whose members are:

Sir Ronald Hampel (Chairman, ICI plc)

Mr. David John (Chairman, BOC plc)

Mr. Eric Peacock (Chief Executive, Hertfordshire Business Link)

Mr. Martin Henry (Chairman, Lastolite Ltd.)

Mr. John Shepherd (Deputy Under Secretary of State, Foreign and Commonwealth Office)

Mr. Tom Harris (Director-General of Export Promotion, Department of Trade and Industry)

Mr. Harry Bush (Enterprise and Growth Unite, HM Treasury).

Sir Richard expects to report by the autumn.

SOCIAL SECURITY

Ms Yvonne Davies

Mr. Barry Jones: To ask the Secretary of State for Social Security when she proposes to answer the letters from the hon. Member for Alyn and Deeside of the 30 September 1997, 20 March 1998 and 24 April 1998 on behalf of Ms Yvonne Davies; and if she will make a statement. [46300]

Mr. Keith Bradley: A reply was sent to my hon. Friend on 17 June.

The delay, which was caused by an administrative error, is regretted.

HEALTH

Drugs Treatment

Mr. Flynn: To ask the Secretary of State for Health if he will estimate the current average waiting list for NHS drug treatment services. [43849]

Ms Jowell: We currently have no comprehensive systematic national data on waiting lists for drug treatment services. However, early returns from work being carried out on behalf of the Department by the Standing Conference on Drug Abuse suggests that the average waiting time for access to drug services in the statutory and non-statutory sectors is 14 weeks. Returns were received from around half the agencies in England. These agencies were broadly representative of the pattern of services nationally in that they were equally divided between the National Health Service and the voluntary sector and community-based and residential services.

One of the key performance targets in "Tackling Drugs Together to Build a Better Britain", which sets out our 10 year anti-drugs strategy, is to reduce the number of drug misusers being denied immediate access to appropriate treatment. Over the next few months, we will be considering what changes are necessary to meet this key aim and what systems will be required to monitor progress towards the target.

NHS Pension Scheme

Mr. Hoyle: To ask the Secretary of State for Health if he will make a statement on the exclusion of general practitioners' staff who are part of a co-operative from participating in the NHS Pension Scheme. [45755]

Mr. Milburn: The current extension of the National Health Service Pension Scheme, which has recently been agreed with the profession, is intended to include staff employed under a contract of employment by a general practitioner or practitioners. We have no plans to open the NHS Pension Scheme to staff who are not directly employed by GPs, including staff employed by GP co-operatives.

General Practitioners

Mr. Keetch: To ask the Secretary of State for Health how many patients have been de-listed by GPs *(a)* in the West Midlands Region and *(b)* nationally in the last three years. [45554]

Mr. Milburn: The latest available information is contained in the "General Medical Practitioners Census Additional Data Collection 1995/1996", copies of which are available in the Library.

Primary Care Groups

Mr. Levitt: To ask the Secretary of State for Health what controls there will be on the relative expenditure on staffing and other budget heads imposed on primary care groups in the new NHS in the next financial year. [45480]

Mr. Milburn: Each Primary Care Group will have available its population's share of the available resources for hospital and community health services, prescribing and general practice infrastructure. Within this single cash limited envelope, the group will have the opportunity to deploy resources and savings to strengthen local services and ensure that patterns of care best reflect their patients' needs.

Mr. Levitt: To ask the Secretary of State for Health what consultations he has had with groups representing GPs in respect of the establishment of primary care groups in the new NHS. [45484]

Mr. Milburn: We have had a number of consultations about Primary Care Groups with groups representing general practitioners, including the General Medical Services Council, the National Association of Fundholding Practices, the Association of Independent Multifunds, the National Association of Commissioning GPs (which has been renamed the National Health Service Alliance), the Royal College of General Practitioners, the National Association of Non-Principals and the National Association of GP Co-operatives.

NHS (Patient Satisfaction)

Mr. Paul Marsden: To ask the Secretary of State for Health what plans he has to introduce a national framework for measuring patient satisfaction in the NHS. [45448]

Mr. Milburn: As stated in our White Paper "The New NHS", we propose to carry out an annual survey of patient experience of the National Health Service. Work to plan and design the first of these surveys is currently in progress.

Female Consultants

Dr. Gibson: To ask the Secretary of State for Health (1) how many consultants currently in post are female; [45803]

(2) how many female consultants are currently in post in *(a)* pathology, *(b)* obstetrics, *(c)* paediatrics and *(d)* psychiatry. [45805]

Mr. Milburn: The latest information on the numbers of female consultants currently in post in National Health Service hospitals, including numbers by specialty group, can be found in the Department's statistical bulletin: "Hospital, Public Health Medicine and Community Health Service Medical and Dental Staff in England: 1986–1996", copies of which are available in the Library.

Food Poisoning

Mr. Gill: To ask the Secretary of State for Health if he will list the cases of food poisoning caused by the consumption of meat in each of the past 10 years, indicating the number of people who *(a)* were affected and *(b)* died in each case. [46124]

Ms Jowell: Information on individual, sporadic cases of food poisoning is not available. The Public Health Laboratory Service's (PHLS) current surveillance system for food poisoning outbreaks was introduced in 1992. Information on the number of outbreaks associated with meat where the suspect vehicle is known is in the table. Also included in the table is information on *(a)* numbers affected and *(b)* the number of deaths. The PHLS collects data on outbreaks involving multiple cases and publishes quarterly information in its Communicable Disease Review, copies of which are available in the Library.

General outbreaks of infectious intestinal disease associated with the consumption of poultry or meat and meat products England and Wales 1992–96

	Number of outbreaks	*Number affected in outbreaks*	*Number died in outbreaks*
1992	82	2,410	2
1993	62	1,515	2
1994	51	1,224	1
1995	61	1,859	6
1996	60	1,134	12

Notes:
Data are provisional
Other vehicles may have been implicated in each outbreak
Number affected is those with diarrhoea and/or vomiting with or without any other symptoms. Not necessarily laboratory confirmed
Source:
PHLS Communicable Disease Surveillance Centre
Gastrointestinal Diseases Section

Tuberculosis

Mr. Love: To ask the Secretary of State for Health, pursuant to his answer of 30 March 1998, *Official Report*, column *434*, what steps the Government are taking to combat tuberculosis. [46213]

Ms Jowell: Steps have been taken to strengthen the surveillance, prevention and control of tuberculosis, including drug resistant tuberculosis, within the United Kingdom. The main measures for dealing with tuberculosis include: promptly identifying cases, treating

them and examining their contacts; the routine immunisation of children in schools; screening people entering the UK from countries where the incidence is high and arranging Bacille-Calmette-Guerin immunisation or treatment where necessary; immunising the new-born infants and children of immigrants from areas with a high incidence of TB and monitoring the population to keep up to date with trends in incidence. A report was sent to health authorities last year highlighting the importance of monitoring TB and summarising key messages and pointers for practice.

Direct Payments

Mr. Burstow: To ask the Secretary of State for Health, pursuant to his answer of 11 June 1998, *Official Report*, columns *687–88*, concerning direct payments, if the Greater London Forum for Elderly People will be consulted. [46309]

Mr. Boateng: A general invitation has been issued to all interested parties to comment on the implementation of the direct payments legislation. Any comments that the Greater London Forum for Elderly People wish to make will be welcomed and considered in the review.

Smoking Trends

Mr. Flynn: To ask the Secretary of State for Health what were the smoking trends for all categories of young people below the age of 30 years in each of the last 15 years for which figures are available. [46483]

Ms Jowell: The information is not available in the form requested. The prevalence of cigarette smoking among adults aged 16–34 and school children aged 11–15, in England, in 1982–1996, is given in the tables.

Table 1: Prevalence of cigarette smoking among adults aged 16–34 by sex and age group—England 1982 to 1996

Percentage

	Men			Women		
Year	*16–19*	*20–24*	*25–34*	*16–19*	*20–24*	*25–34*
1982	31	39	40	31	39	36
1984	28	39	39	31	35	35
1986	30	41	37	31	38	35
1988	28	37	37	27	37	33
1990	28	39	37	33	39	34
1992	29	39	35	24	37	32
1994	28	42	34	28	38	30
1996	25	43	38	32	37	33

Source:
Office for National Statistics General Household Survey, 1982–1996

Table 2: Prevalence of cigarette smoking among secondary school children aged 11–15 by sex, and smoking behaviour

Percentage

	All pupils		Boys		Girls	
Year	*Regular smokers*	*Occasional smokers*	*Regular smokers*	*Occasional smokers*	*Regular smokers*	*Occasional smokers*
1982	11	8	11	7	11	9
1984	13	9	13	9	13	9
1986	10	5	7	5	12	5
1988	8	5	7	5	9	5
1990	10	6	9	6	11	6
1992	10	7	9	6	10	7
1993	10	8	8	7	11	9
1994	12	9	10	9	13	10
1996	13	9	11	8	15	10

Notes:
1. Regular smokers are defined as those who smoke at least one cigarette a week, occasional smokers are classified as those who smoke less than one cigarette a week
Source:
Office for National Statistics Smoking Among Secondary School Children, 1982 to 1996.

Health Services (Worcestershire)

Mr. Luff: To ask the Secretary of State for Health when he will decide on the plans developed by Worcestershire Health Authority for the restructuring of health services in Worcestershire; and if he will make a statement. [46464]

Mr. Milburn: We are aware of the decision taken by Worcestershire Health Authority, at the meeting which took place on 11 June 1998, to approve its preferred option for service reconfiguration. We are also aware that support for this option has been received from two of the three local community health councils within Worcestershire.

On the basis that the Kidderminster and District Community Health Council has formally objected to the proposals, a submission will be made to Ministers. We will give it careful consideration and make a decision in due course.

DUCHY OF LANCASTER

Heads of Information

Mr. John M. Taylor: To ask the Chancellor of the Duchy of Lancaster what has been the cost to public funds of compensating those departmental heads of information who have been replaced since 1 May 1997. [46097]

Dr. David Clark: Of the 10 changes at departmental Head of Information level since 1 May, five have been on early retirement terms. In line with the practice of successive Administrations, information on the cost of compensating the five individuals is not provided in order to protect the privacy of the individuals concerned.

EDUCATION AND EMPLOYMENT

Teachers' Pay

Mr. Michael J. Foster: To ask the Secretary of State for Education and Employment if he will list the school teacher starting salary (mainscale/spinal point O) for each of the years 1979 to 1998, in *(a)* cash terms and *(b)* 1998 real values. [45552]

Ms Estelle Morris: The information is as follows:

School teacher starting salary (main scale/spine point 0)

	(a) Cash terms	*(b) 1998 real values*[1]
April 1979	3,231	9,014
April 1980	3,972	9,366
April 1981	4,653	10,004
April 1982	4,932	9,899
April 1983	5,178	9,932
April 1984	5,442	9,939
April 1985	5,817	10,072
April 1986	6,423	10,795
October 1987	7,600	12,128
April 1988	7,920	11,846
April 1989	8,394	11,735
April 1990	9,000	11,650
April 1991	10,212	12,426
December 1991	10,404	12,659
April 1992	11,184	13,060
April 1993	11,244	12,759
April 1994	11,571	12,935
April 1995	11,883	12,926
April 1996	12,342	13,043
December 1996	12,462	13,170
April 1997	12,711	13,080
December 1997	12,873	13,246
April 1998	13,131	13,131
December 1998	13,362	13,362

[1] Using GDP deflator

Physical Education

Mr. Spring: To ask the Secretary of State for Education and Employment (1) what provision his Department currently makes for teacher training in physical education; [46101]

(2) if he will make a statement on the requirements for physical education in teacher training programmes. [46102]

Ms Estelle Morris: In November 1997, the Government gave the Teacher Training Agency a target of 1,450 trainees to be recruited to specialist physical education initial teacher training courses in 1998–99.

The Secretary of State's requirements for courses of initial teacher training set out the standard of knowledge, understanding and skills all trainees must demonstrate in order successfully to complete a course of initial teacher training and be eligible for Qualified Teacher Status. It is for individual providers of initial teacher training to decide how physical education is covered in their courses in order to ensure that these standards are met.

Skills Mismatches

Mr. Jenkins: To ask the Secretary of State for Education and Employment what assessment he has made of the extent of skills mismatch on a regional basis. [45854]

Dr. Howells: In early Spring this year, each English Region held a Skills Summit specifically to consider regional skills needs. Information from these events has been passed to the national Skills Task Force, whose remit includes consideration of geographical skills needs. Training and Enterprise Councils (TECs) also undertake a periodical survey of local skills needs and a report will be published by the TEC National Council after their Skill Strategy Steering group meeting on 24 June 1998.

Staffordshire TEC

Mr. Jenkins: To ask the Secretary of State for Education and Employment what assessment he has made of the performance of Staffordshire TEC. [46299]

Dr. Howells: Staffordshire Training and Enterprise Council achieved or surpassed most of the targets contracted in its 1997–98 Business Plan against DfEE/DTI funding lines. Its overall performance was the best in the West Midlands.

Tuition Fees

Mr. Welsh: To ask the Secretary of State for Education and Employment how he intends to monitor the effects of the decision not to waive fourth year fees for eligible English and Welsh students at Scottish institutions. [46297]

Dr. Howells: We shall continue, as now, to monitor the number of applicants domiciled in England and Wales who apply for degree courses at Scottish Institutions.

PRIME MINISTER

Sierra Leone

Mr. Keith Simpson: To ask the Prime Minister on what date the Cabinet Secretary was first informed of the planned involvement of UK Government personnel and military assets in support of Sandline International's involvement in restoring the Government of Sierra Leone. [41833]

The Prime Minister *[holding answer 14 May 1998]:* The Cabinet Secretary first received an indication of the allegations against Sandline on 20 April 1998. It was not until 30 April 1998 that such information was confirmed.

Intelligence Services

Mr. Baker: To ask the Prime Minister if the information available to the Permanent Secretaries' Committee on the Intelligence Services is available in full to the Intelligence and Security Committee. [44413]

The Prime Minister *[holding answer 9 June 1998]:* The Permanent Secretaries' Committee on the Intelligence Services (PSIS) advises Ministers on the intelligence and security agencies. Advice to Ministers is not disclosed to the Intelligence and Security Committee (ISC) but some of the information available to the PSIS may be made available to the ISC.

Mr. Baker: To ask the Prime Minister if the reports to, and minutes of, meetings of the Ministerial Committee on the Intelligence Services are available in full to the Intelligence and Security Committee. [44414]

The Prime Minister *[holding answer 9 June 1998]:* The remit of the Ministerial Committee on the Intelligence Services is to keep under review policy on the Security and Intelligence Services. Proceedings of Ministerial Committees are not disclosed to the Intelligence and Security Committee, but much of the information available to the Ministerial Committee may also be made available to the Intelligence and Security Committee.

House of Lords

Mr. Cash: To ask the Prime Minister if he will make a statement on the proposed reform of the House of Lords; and if he will introduce measures to permit hereditary peers to stand for election to this House. [45619]

The Prime Minister: The Government will publish detailed proposals for fulfilling their Manifesto commitments on reforming the House of Lords in due course.

Lockerbie

Mr. Dalyell: To ask the Prime Minister (1) if he will show the evidence which the Crown Office has in relation to the destruction of Pan Am 103 to a Lord of Appeal in Ordinary for his scrutiny; [46017]

(2) pursuant to his answer of 11 May 1998, *Official Report*, columns 19–20, if he will re-examine the basis on which on 6 October 1995 the then Lord Advocate wrote to the hon. Member for Linlithgow confirming that proof of the case against two Libyans accused of the destruction of Pan Am 103 does not depend on the evidence of Mr. James T. Thurman. [44909]

The Prime Minister *[holding answers 15 and 17 June 1998]:* I have nothing to add to the answer which I gave on 19 May 1998, *Official Report*, column *314*.

British Nuclear Fuels

Mr. Llew Smith: To ask the Prime Minister which representatives from British Nuclear Fuels were invited to participate in the last British trade and co-operation visit to Japan. [45953]

The Prime Minister: There have been a number of trade visits to Japan this year. British Nuclear Fuels did not participate in any of these but they do maintain a permanent representative in Tokyo.

Ambassadors' Telegrams

Mr. Butterfill: To ask the Prime Minister if ambassadors' telegrams to the Foreign Office are routinely copied to No. 10 Downing Street. [45861]

The Prime Minister *[holding answer 16 June 1998]:* FCO telegrams are distributed internally and to other Government Departments using pre-set distribution lists linked to the subject of the telegram. No. 10 appears on a number of these distribution lists.

Dounreay

Ms Roseanna Cunningham: To ask the Prime Minister (1) what discussions he had with President Clinton on the transfer of nuclear waste from Georgia to Dounreay; and what data the US Government gave him on this material; [46248]

(2) on what dates negotiations took place with the US Government with regard to the importation of nuclear material from Georgia; on what date it was first discussed that low-grade nuclear material would form part of the consignment; and which UK representatives were involved in these discussions; [46249]

(3) on what date he was notified that 9 kilogrammes of low-grade nuclear waste was included in the consignment of nuclear material brought to Dounreay from Georgia; and what quantity of low-grade nuclear waste was proposed when he agreed to receive the material into the United Kingdom; [46246]

(4) who made the decision to accept the 9 kilogrammes of low-grade nuclear waste from Georgia for reprocessing at Dounreay; when it was made; and which ministers were informed. [46247]

The Prime Minister *[holding answer 16 June 1998]:* Following their initial approach in July 1997, there were contacts at official level with the US Government on several occasions. The decision to accept the Georgian nuclear material was made in the normal way, in consultation between Cabinet colleagues, at the beginning of February this year, and communicated to the US Government during my visit to the United States a few days later. Policy officials from the DTI and their security advisers took part in a meeting in Washington on 24 February to discuss security and transport issues related to the movement. Technical information relating to the probable nature of the consignment was among the detailed documents received from US officials and subsequently passed on to the technical specialists at Dounreay so that they could make the necessary preparations for receipt and safe-keeping of the Georgian material.

The Government's prime objective was to remove material of proliferation concern from Georgia. Before the Government made the decision to take the material, we were informed of all relevant issues. Low grade nuclear waste did not form part of the consignment, which consisted of irradiated highly enriched uranium. As I told the House on 22 April 1998, *Official Report*, column 818, in my reply to my hon. Friend the Member for Ealing, Acton and Shepherds Bush (Mr. Soley), the intermediate level radioactive waste resulting from reprocessing the irradiated uranium would fill two drums. The exact details of the consignment were a matter for the technical specialists whose job it was to handle the material safely and securely once it arrived in this country.

ASEM

Mr. Vaz: To ask the Prime Minister if he will support the expansion of ASEM to include India and Pakistan; [42358]

The Prime Minister: The United Kingdom has supported the inclusion of India and Pakistan, as well as Australia and New Zealand, since the start of the ASEM process in 1996.

However, it is clear that Asian members of ASEM are not ready to see expansion of membership before ASEM 3 in the year 2000. Any decision to expand membership will require the support of all current members.

TRADE AND INDUSTRY

Small and Medium Businesses

3. **Mr. Llwyd:** To ask the President of the Board of Trade if she will make a statement on the range of schemes available to assist in the start-up of small and medium businesses. [45052]

Mrs. Roche: There is a range of support available to assist those wishing to start-up in business. This includes schemes funded through the Single Regeneration Budget Challenge, European Structural Funds and New Deal together with other locally funded initiatives.

The Business Link network, Business Connect in Wales and Scottish Business Shops provide key information, business support and advice through partner organisations such as Local Enterprise Agencies and Training and Enterprise Councils.

26. **Mr. Dismore:** To ask the President of the Board of Trade if she will make a statement on the support offered by Government to small businesses. [45077]

Mrs. Roche: Small businesses are crucial to a successful enterprise economy and the Government are firmly committed to stimulating and sustaining the competitiveness of the sector.

The key principles underlying the Government's approach include fostering an enterprise culture that rewards innovators and risk takers; providing and maintaining a supportive economic environment; and providing high quality business support for SMEs at all stages of their development.

Industry Productivity

15. **Mr. McNulty:** To ask the President of the Board of Trade what action her Department is taking to improve productivity in British industry. [45066]

Mrs. Beckett: Improving productivity is at the heart of the Government's drive to improve the competitiveness of UK companies.

While the responsibility for this lies largely with business itself, the Government have a key role to play. It is for this reason that I set up six business-led working parties last year to make recommendations about how Government and business could work together in partnership to promote competitiveness. I am also co-hosting, with my right hon. Friend the Chancellor of the Exchequer, a series of seminars on the UK's productivity gap.

This work will contribute to a White Paper on competitiveness to be published in the Autumn. This White Paper will, for the first time, be written in partnership with the business community.

"Fairness at Work"

16. **Mr. Skinner:** To ask the President of the Board of Trade how many representations she has received on the "Fairness at Work" White Paper; and if she will make a statement. [45067]

Mr. Ian McCartney: When the Government published the White Paper on 21 May, we asked for views on a number of the specific issues which it raised. By 10 June, the Department had received twelve responses. The consultation period lasts until 31 July.

Manufacturing Industry

17. **Mr. Robathan:** To ask the President of the Board of Trade what assessment she has made of the prospects for manufacturing industry. [45068]

Mr. Nigel Griffiths: Despite tough competition in domestic and overseas markets, UK manufacturing output is expected to grow both this year and next.

21. **Mr. Baldry:** To ask the President of the Board of Trade what was the level of United Kingdom manufacturing exports for *(a)* the last three-month period for which records are available and *(b)* the same period in the previous year. [45072]

Mrs. Roche: In the three months to March 1998, United Kingdom exported manufactured goods, worth £32.8 billion, little changed from a year earlier. The volume of manufactured exports, grew by 5 per cent. over the same period.

22. **Mrs. Lait:** To ask the President of the Board of Trade what representations she has received on the prospects for manufacturing industry to the year 2000. [45073]

Mrs. Beckett: Every day, I hear success stories about British manufacturing industry. I also hear about its strengths and weaknesses and about the issues which affect its short and long-term prospects. The Government's task is to work in partnership with industry to build on the strengths, address the weaknesses and promote the sustainable healthy businesses on which we depend as a nation for our future prosperity.

Post Office

20. **Mr. Leigh:** To ask the President of the Board of Trade what plans she has to increase private sector involvement in the Post Office. [45071]

Mr. Ian McCartney: The review of options for giving the Post Office greater commercial freedom is considering the potential for the involvement of the private sector, for example through increased use of joint ventures. We plan to present our proposals to Parliament in the Autumn.

Framework Research Programme

23. **Mr. Ben Chapman:** To ask the President of the Board of Trade if she will make a statement on the EU fifth Framework research programme. [45074]

Mr. Battle: I am pleased to say that we have made very good progress with negotiations on the fifth framework programme (FP5) during the UK Presidency of the European Union.

The Council common position on FP5 was secured at the EU Research Council meeting, which I chaired, on 12 February. The new programme, as agreed in the Council, is well focused on a limited number of user-led objectives of clear European importance and is designed to complement the work undertaken at national level. Potential users of the research will also be given a formal advisory role in the implementation of the programme to define the research they need as the programme progresses. Ministers agreed a budget of 14 billion ecu for FP5 (around £10 billion), which closely reflects the UK priorities and objectives. In addition, the UK Presidency also hosted a Ministerial Colloquium meeting in April to consider how FP5 can be managed and implemented to make the most effective use of these resources. A number of points for action were agreed with the Commission which will make an important contribution to the future effectiveness of the programme.

The Commission have recently proposed texts for the specific programmes of FP5 which set out the detail of the research and technological priorities for the new programme. Three of these specific programmes will be considered by Ministers at the forthcoming Research Council meeting on 22 June, and the remainder in the autumn. Much remains to be done, but I am optimistic that we will be able to bring FP5 in on time at the beginning of 1999.

EH101 Helicopter

24. **Mr. Wilkinson:** To ask the President of the Board of Trade what launch aid her Department has provided for the Westland EH101 helicopter and its powerplant the RTM322. [45075]

Mr. Battle: DTI provided £60 million of launch aid toward the development of the civil variant of EH101 between 1986 and 1994. No launch aid was paid by DTI toward development of the RTM322 engine. Launch aid is a repayable but risk-sharing Government investment in specific projects for the design and development of civil aircraft, helicopters and aeroengines in the UK.

Clothing and Textile Industry

25. **Mr. Woolas:** To ask the President of the Board of Trade what representations she has received on the export prospects in the United Kingdom clothing and textile industry. [45076]

Mrs. Roche: DTI ministers and officials have a regular dialogue with representatives of the textiles and clothing industry to discuss export prospects and opportunities for UK manufacturers of textiles, clothing and footwear. This dialogue is conducted through the British Apparel and Textiles Export Advisory Group (BATEAG).

BATEAG is used primarily as a forum for discussing specific export opportunities for the textiles and clothing industry, but it also provides members with the opportunity to discuss the wider economic background to exporting.

Mr. Woolas: To ask the President of the Board of Trade what representations she has received regarding the value of the pound and its impact on the clothing and textile industry. [44990]

Mr. Nigel Griffiths: I have met representatives of the textiles, clothing, and footwear industries over the past six months and have had the opportunity to discuss with them the impact of macro-economic factors upon the industry in the UK. I have discussed these issues recently with the T&GWU at their conference in Skegness, with a range of knitwear manufacturers at a conference in April, and with footwear manufacturers in February.

Mr. Woolas: To ask the President of the Board of Trade what measures she is taking to promote the British clothing and textile industry. [44989]

Mr. Battle: DTI is supporting a range of activities aimed at improving the competitiveness of the UK's textiles and clothing industries. These include projects to help improve marketing skills, develop supply chain partnerships, encourage better links between industry and academia, improve environmental performance, promote the profile of the industry, and assist young fashion designers.

DTI Ministers and officials are also engaged in a dialogue with representatives of the textiles and clothing industries and the trade unions, with a view to establishing a more coherent strategic framework in which these various activities can be placed.

Economic and Monetary Union

27. **Mr. McWilliam:** To ask the President of the Board of Trade what further progress her Department has made in assisting businesses to prepare for the launch of EMU. [45078]

Mrs. Beckett: The Euro Preparations Unit was set up in the Treasury at the beginning of this year to raise business awareness of this issue and to help firms prepare.

My officials will continue to work closely with the EPU to ensure that the many contacts that my Department has with business are used to support these objectives.

Ice-cream Industry

28. **Fiona Mactaggart:** To ask the President of the Board of Trade what representations she has received about restrictive practices in the United Kingdom ice-cream industry. [45079]

Mr. Nigel Griffiths: Several representations have been received.

My right hon. Friend the President of the Board of Trade and I are currently considering the Monopolies and Mergers Commission report on the supply of wrapped ice-cream to wholesalers by Birds Eye Wall's Ltd.

EU Structural Funds

30. **Mrs. Heal:** To ask the President of the Board of Trade if she will make a statement on the European Commission's proposals for the reform of EU structural funds. [45081]

Mrs. Roche: The draft regulations for the Structural and Cohesion funds covering the operation of the Funds from the years 2000 to 2006 were published on 18 March as part of a wider Agenda 2000 package.

It is important that the Structural and Cohesion Funds be reformed to make them more effective and to provide better value for money. The Funds' procedures are in need of substantial simplification and the prospect of enlargement of the EU to include central and Eastern European countries makes this reform vital in any event.

During the long negotiations ahead, we will be striving to achieve three main aims for the UK and its regions—these are fairness, affordability and durability.

Publication of the Regulations marks the start of a long negotiation initially under the UK Presidency and continuing possibly into 1999. The regulations will have to be agreed in the council of Ministers and approved where appropriate by the European Parliament.

Minimum Wage

31. **Mr. Hanson:** To ask the President of the Board of Trade when she expects to announce her response to the Low Pay Commission report on the level of the minimum wage. [45082]

Mr. Ian McCartney: My right hon. Friend the President of the Board of Trade will be making a statement to the House later this afternoon.

Millennium Compliance

32. **Mr. Ian Bruce:** To ask the President of the Board of Trade what assistance she is giving to industry to help counteract the year 2000 computer problem; and what role her Department is playing in providing the technicians announced by the Prime Minister. [45083]

Mrs. Roche: I have established Action 2000 to specialise in helping industry to address the year 2000 problem. The Department is also making use of existing delivery mechanisms to ensure that the message gets across. Business Links, the main delivery channel for Government support to the SME sector, are working closely with Action 2000 in developing services to provide information and advice on this issue. In addition, Business Links are working closely with the Training and Enterprise Councils (TECs) to help employers access the Department of Education and Employment (DfEE) funding announced by the Prime Minister to train 20,000 people in IT skills. DTI also contributes to the funding of the IT National Training Organisation (ITNTO) which is directly involved in developing the programme.

34. **Mr. David Atkinson:** To ask the President of the Board of Trade what is her current assessment of the state of awareness within the United Kingdom of the need for computer systems to be millennium compliant and of the action that is necessary to be taken in the private sector. [45085]

Mrs. Roche: Recent research by Action 2000 shows that the vast majority of large companies and most small and medium enterprises are aware of the need to ensure that their computer systems can handle Millennium date changes. Large businesses are taking action to avoid disruption to their own systems and increasingly addressing the potential for problems in the supply chains across their sectors.

Many smaller companies have yet to act, and these are the priority target for Action 2000 which has put in place a number of activities to pursue progress with these.

Regional Development Funds

33. **Mrs. Ellman:** To ask the President of the Board of Trade what steps she will take to ensure that Merseyside receives a fair allocation of objective 1 funding relative to other European objective 1 areas. [45084]

Mrs. Roche: We are at an early stage in the negotiation on the Commission's proposed reform for the Structural and Cohesion Funds from 2000 to 2006. The Commission have not made any detailed proposals for the financial allocations to individual areas. When they do, the Government will press for the future allocation of the European Structural Funds to be fair and affordable to the UK and its regions.

35. **Mr. Andrew George:** To ask the President of the Board of Trade what assessment she has made of the requirement to ensure that each United Kingdom bid for EU objective 1 status is from a territory recognised by the United Kingdom as a European region. [45086]

Mrs. Roche: The present criterion for Objective 1 is as follows

"regions at NUTS level 11 whose per capita GDP, on the basis of the figures for the last three years, is less than 75 per cent. of the Community average".

This applies across the European Union.

The Commission produced draft proposals on 18 March for the reform of the Structural and Cohesion Funds. We are at an early stage in the negotiations. I cannot therefore make an assessment of the likely eligibility of any region for Structural Funds.

Steel Industry

Mr. MacShane: To ask the President of the Board of Trade if she will support measures to ensure fair trade in steel products *(a)* in Europe and *(b)* globally. [45069]

Mr. Battle: We support strict controls on subsidies for European Union steel production; action against dumped or subsidised steel where that is clearly consistent with our World Trade Organisation obligations and in the interests of the European Union as a whole including steel users; and action against unjustified restrictions on European Union steel exports.

Mr. Barry Jones: To ask the President of the Board of Trade what assessment she has made of the impact of dumping of steel products by competitors in Europe on the British steel industry; and if she will make a statement. [45070]

Mr. Battle: The European Commission is responsible for any investigations following complaints that products originating outside the EU are being dumped. These investigations include an assessment of the impact of any dumping on the EU industry concerned. A number of steel products are currently under such investigation, or consideration for investigation.

Gas-fired Power Stations

Mr. Peter Atkinson: To ask the President of the Board of Trade how long she plans to continue the moratorium on the building of gas-fired power stations. [45080]

Mr. Battle: I propose to continue to defer decisions on consents for power stations until we have the conclusions of the review of energy sources for power generation. The present position is not a moratorium: exceptions are possible, and some have been approved.

Nuclear Material

Ms Roseanna Cunningham: To ask the President of the Board of Trade if she will list the countries which have received weapons-usable nuclear material from Dounreay since 1968, indicating *(a)* the quantity of material, *(b)* the type of material, *(c)* the date of the contract, *(d)* the date the material was shipped to the client country and *(e)* the proportion of weapons-usable remains and by-products from this material which have been returned to the United Kingdom. [43064]

Mr. Battle *[holding answer 21 May 1998]:* I have asked the Chairman of the UKAEA for this information and his reply will be placed in the House of Commons Library.

Sellafield

Mr. Alasdair Morgan: To ask the President of the Board of Trade what action the Nuclear Industries Directorate has taken to investigate the effects of radiation from liquid discharges into the Irish Sea from the Sellafield plant. [45865]

Mr. Battle *[holding answer 17 June 1998]:* The Nuclear Industries Directorate of my Department has no role in this matter. Monitoring in the Irish Sea, and elsewhere, and investigations into the effects of discharges is carried out by BNFL, the operators of the Sellafield plant. Independent monitoring and investigations are also carried out by the Environment Agency (who are responsible to DETR) who regulate the level of discharges, and the Ministry of Agriculture, Fisheries and Food.

Power Generation (South-East England)

Mr. Ottaway: To ask the President of the Board of Trade when she plans to announce the result of Barking Power Station's application of 4 July 1997 to build an emergency black start facility to cover London and the South East. [46456]

Mr. Battle: My right hon. Friend, the President of the Board of Trade, will make her decision on the application as soon as practicable.

Mr. Ottaway: To ask the President of the Board of Trade what advice she has received from the National Grid Company about emergency black start capacity covering London and the South East. [46455]

Mr. Battle: The National Grid Company has written to my right hon. Friend, detailing the benefits of black start capacity in relation to the security of supply for London and the South East.

Legislation

Mr. Prior: To ask the President of the Board of Trade if she will make a statement on the impact on the level of employment of her employment and industrial relations legislation. [45087]

Mr. Ian McCartney: The Government's strategy is to secure high and sustained rates of growth and employment. This requires a flexible labour market based upon the principles of fair treatment and partnership at work.

The Government's proposals in this area create a legislative framework of decent minimum standards. This should encourage people to move into employment, raise employee commitment, reduce turnover, and increase incentives for employers and employees to invest in training. Employment prospects should not be damaged and the net economic effect should be beneficial.

Military Exports

Ann Clwyd: To ask the President of the Board of Trade if she will make a statement on the countries in conflict for which the United Kingdom has provided ECGD cover for military exports since May 1997. [45050]

Mrs. Roche: I can assure my hon Friend that, when considering the risks associated with the provision of its support, ECGD takes into account all political circumstances of the market into which UK goods are to be exported.

Anglia TV (Shares)

Mr. Miller: To ask the President of the Board of Trade if she will place in the Library the findings of the previous inquiry into Anglia TV share dealings. [46485]

Mr. Nigel Griffiths: Reports of insider dealing inspections are not published. There are strict legal restraints on disclosure of information obtained in such inspections.

Mr. Miller: To ask the President of the Board of Trade if she will re-open the inquiry into Anglia TV share dealings. [46484]

Mr. Nigel Griffiths: Possible insider dealing in Anglia shares in 1994 has already been carefully investigated. The matter would be re-opened only if substantial fresh information became known which it was considered in the public interest should be investigated.

Diesel

Mr. Gordon Prentice: To ask the President of the Board of Trade what steps she is taking to increase the availability in the United Kingdom of low-sulphur diesel. [46575]

Mr. Battle: The major step the Government have taken to increase the availability of ultra-low sulphur diesel has been the change in the relative levels of excise duty between this fuel and conventional diesel, announced in the March Budget. I expect new suppliers of this fuel to enter the UK market as a result.

Key Cutting

Ms Stuart: To ask the President of the Board of Trade what plans she has to prevent registered keys being cut without proper identification, by limiting the availability of key blanks to authorised key cutters and locksmiths. [46266]

Mr. Michael: I have been asked to reply.

Concern over the ease with which car thieves were able to obtain duplicate keys led to discussion last year between the Home Office Vehicle Crime Prevention Group and the Master Locksmiths Association. The result of negotiations between the various trade associations, the main players in the automotive key cutting industry, the police service and the Home Office resulted in a voluntary Code of Practice being drawn up at the beginning of this year which we launched on 2 March.

All key cutting outlets have been asked to comply with the Code of Practice.

There are no plans at the moment to extend the Code of Practice to cover the supply of keys generally, but we will keep progress in this area under review.

AGRICULTURE, FISHERIES AND FOOD

Live Animal Exports

Mr. Etherington: To ask the Minister of Agriculture, Fisheries and Food in respect of how many of the sheep exported in 1997 for *(a)* slaughter and *(b)* further fattening the final destination was stated in the route plan, submitted to the Minister, as (i) Artenay, (ii) Lunery, St. Florent sur Cher, (iii) Baroche, (iv) Zuilichem, (v) Morkhoven, (vi) Elst, (vii) Harmelen, (viii) Pervije and (ix) Loker. [44648]

Mr. Morley: It is not open to me, on grounds of commercial confidentiality, to disclose information about specific businesses which has been given in fulfilment of statutory obligations.

Mr. Hancock: To ask the Minister of Agriculture, Fisheries and Food what research his Department has commissioned on the number of animal deaths per year resulting from the live animal export trade. [46026]

Mr. Morley: None. The Ministry's research programme is intended to provide a better understanding of the way animals respond to transport and to determine factors relating to vehicle design, handling and stocking of animals on vehicles and feeding, watering and rest requirements for animals on long journeys.

Egg Producers

Mr. Baldry: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the cost to United Kingdom egg producers of the European Commission's proposals on new cage sizes. [45467]

Mr. Rooker: As part of our recently completed consultation exercise on these proposals, we invited UK industry organisations to supply information on costs. The outcome of our evaluation of the estimates supplied will be included in the regulatory appraisal which is currently in preparation.

Flood Damage

Mr. Baldry: To ask the Minister of Agriculture, Fisheries and Food, pursuant to the visit of the Parliamentary Secretary, the hon. Member for Scunthorpe (Mr. Morley), to Banbury to consider flood damage, what estimate he made of the level of compensation payable to *(a)* Cherwell District Council and *(b)* local residents as a consequence of the recent flooding. [45827]

Mr. Morley: I have made no such estimates. Local authorities have statutory powers to deal with emergencies and are expected to budget accordingly. They may apply for additional financial assistance where there is a case for doing to under existing rules. Cherwell District Council has indicated its intention to submit such an application in respect of the Easter floods. The Government do not provide compensation direct to individuals.

Grade 1 Land

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the permanent loss of Grade 1 agricultural land since 1980. [45896]

Mr. Morley: The Department does not hold information about actual agricultural land losses by ALC Grade. The Department of the Environment, Transport and the Regions' Land Use Change Statistics give, for England, approximate estimates of the amounts of land changing from agriculture to developed urban uses, but the data do not record ALC Grade.

Rabbits

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food if he will list the research documents on rabbits published by his Department over the last 20 years. [45835]

Mr. Morley: I have placed in the Library of the House a list of research papers written by researchers undertaking research on rabbits funded by this Department and published in scientific journals.

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food what has been his Department's expenditure on research on rabbits for each of the last 10 years. [45836]

Mr. Morley: Details of expenditure covering research on rabbits funded by the Department from 1991–92 to 1998–99 are listed. The figures relate to the whole cost of research projects rather than the proportion directly addressing rabbits. Details covering 19988–89 to 1990–91 could be obtained only at disproportionate cost and so are not listed.

Year	£
1991–92	672,000
1992–93	741,000
1993–94	648,000
1994–95	647,000
1995–96	782,000
1996–97	744,000
1997–98	435,000
1998–99	597,000

Estimate

Meat Labelling

Mr. Luff: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 15 June 1998, *Official Report*, column *28*, if he will make it his policy to encourage beef from animals born, raised and slaughtered in the United Kingdom and sold in the United Kingdom to be prominently and clearly labelled as British. [46463]

Mr. Rooker: Yes, but the Government cannot insist that all such beef is so labelled because the EU Scheme is a voluntary one.

EU Wine Subsidies

Mr. Malcolm Bruce: To ask the Minister of Agriculture, Fisheries and Food what action the Government intend to take to contain expenditure on European Union wine subsidies; and if he will make a statement. [46392]

Mr. Rooker: When negotiations commence on the European Commission's awaited new proposal to reform the EC wine regime, we will be seeking fully to expose the budget implications. Our main objective will be to achieve a balanced market using cost-effective, enforceable and transparent mechanisms.

Written Answers to Questions

Friday 19 June 1998

FOREIGN AND COMMONWEALTH AFFAIRS

Turkey

Mr. Love: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the discussions held during his recent visit to Turkey. [44520]

Mr. Doug Henderson: During his visit to Ankara on 19 May my right hon. Friend the Foreign Secretary held discussions on a range of issues with the Turkish President, the Prime Minister and the Foreign Minister. The focus of the discussions was largely on Turkey's relationship with the European Union.

UN Resolutions

Mr. Baldry: To ask the Secretary of State for Foreign and Commonwealth Affairs how many United Nations resolutions the United Kingdom Government have vetoed in the past 12 months; and if he will list them. [45466]

Mr. Tony Lloyd: None.

Peruvian President

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what factors underlay the decision to invite the President of Peru, Alberto Fujimori, as an official guest of the Government; and what human rights issues he will raise during the President's visit. [46532]

Mr. Tony Lloyd: The invitation to President Fujimori to visit Britain was originally extended in 1996. The principal objective of this visit is to strengthen our already good relations with a country where we have important and growing commercial interests. We also want to improve co-operation with Peru on areas of importance to UK interests such as drugs, environmental protection and human rights.

The visit provides a good opportunity to discuss the human rights situation in Peru in general and to express support for the Peruvian Government's commitment to improving their performance in this field.

DEFENCE

RAF Northolt

Mr. Wilkinson: To ask the Secretary of State for Defence what contacts, and when, his Department has had with *(a)* Stagecoach Aviation Ltd and *(b)* other commercial interests since 2 May 1997 about (i) turning RAF Northolt into a civil airport and (ii) increasing the permitted number of civil aircraft movements or the stipulated operating hours for civil aircraft at RAF Northolt. [45290]

Dr. Reid *[holding answer 18 June 1998]:* The Ministry of Defence has had no contact with Stagecoach Aviation Ltd. expressing an interest in civil operation at RAF Northolt. However, my right hon. Friend the Secretary of State for Defence received a letter in February 1998 from Glasgow Prestwick International about combined civil/military use of RAF Northolt. Glasgow Prestwick International has since been bought by Stagecoach.

For other expressions of interest, I refer the hon. Member to the answer I gave to my hon. Friend the Member for Ealing, North (Mr. Pound) on Thursday 18 June 1998, *Official Report*, column 264.

Royal Yeomanry and Queen's Own Yeomanry

Mr. Brazier: To ask the Secretary of State for Defence what recent assessment his Department has made of the readiness state and mobilisation arrangements for squadrons of *(a)* the Royal Yeomanry and *(b)* the Queen's Own Yeomanry; what trials were involved in such assessments; what visits to the unit were made by ministers or senior officers; and what consultation took place with the unit. [45847]

Dr. Reid *[holding answer 18 June 1998]:* These units are assessed annually on a number of factors including their manning levels, sustainability and equipment holdings, as well as their collective performance on exercises. The Royal Yeomanry's first assessment, conducted nine months after becoming operational in April 1997, showed the unit as not yet achieving required readiness levels at that time. The Queen's Own Yeomanry's last assessment, during 1997, reported that it was close to or at the required level for all factors against which it was assessed.

The Commander in Chief Headquarters Land Command visited the Royal Yeomanry in November 1997, and the Deputy Commander in Chief Headquarters Land Command visited the Queen's Own Yeomanry in May 1997, during which they discussed a number of issues concerning the units.

PRIME MINISTER

World Citizenship

Mr. Peter Bottomley: To ask the Prime Minister what contribution each department currently makes to education in world citizenship. [44577]

The Prime Minister: An Advisory Group on Education for Citizenship and the Teaching of Democracy in Schools has been established by my right hon. Friend the Secretary of State for Education and Employment. It will advise on how schools can develop in their pupils an understanding of democratic institutions and practices at local and national level and an awareness and concern for world affairs and global issues. There are already requirements and opportunities in the National Curriculum for pupils to study global issues, particularly through geography, history and modern foreign languages.

The Government have also established an Advisory Panel on Sustainable Development Education. This will consider education for sustainable development in schools, further and higher education, at work, during recreation and at home; and make practical recommendations for action in England. The Panel reports directly to the Deputy Prime Minister and the Secretary of State for Education and Employment. Panel members are considering the relationship between citizenship education and education for sustainable development.

The Foreign and Commonwealth Office also jointly funds with the Department for International Development (DFID) the Chevening Scholarship programme. This enables some 3,000 overseas students to study in the UK each year. DFID also promotes greater participation of citizens in developing and transitional countries through their support for civil society, democratic reform and human rights—including the strengthening of legal systems.

HOUSE OF COMMONS

Child Care

Caroline Flint: To ask the Chairman of the Administration Committee if the Committee has received the results of the child care survey conducted by Research Services Ltd; and if she will make a statement. [47004]

Mrs. Roe: The Administration Committee has now received the results of the childcare survey, which were considered at the Committee's meeting on 16 June. For the benefit of the House, the Committee agreed that it should publish a short information Report, to which the results would be appended. I wish to advise the hon. Lady that the Report, the First Report from the Administration Committee, Session 1997–98, entitled "Childcare Facilities Survey" was published by The Stationery Office at twelve noon today. The Report, HC (1997–98) 825, is available to hon. Members from the Vote Office; in view of her interest in this matter, I have arranged for a copy to be sent to the hon. Lady.

The Committee agreed with the majority of respondents to the survey that the House should continue to provide some assistance with childcare, and hon. Members will wish to note that the Committee agreed also to a Resolution, making several recommendations which it will draw to the attention of the relevant House authorities. The text of the Resolution is available in the Report.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Housing

Ms Oona King: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the effect on housing provision for low-income single people of the Government's policy to end the predict and provide approach to housing provision. [45959]

Mr. Raynsford: When the new system is in place, we will expect the Regional Planning Conferences (RPCs) to report each year on a number of indicators, which are likely to include local housing needs. We will consult later this year on what the indicators should cover. If the RPC reports were to show serious shortfalls or other impacts, we would expect provision to be increased in the next revision of Regional Planning guidance, although an earlier review of Regional Planning Guidance could be undertaken if that were necessary.

Illegal Travellers

Mr. Reed: To ask the Secretary of State for the Environment, Transport and the Regions what is the current average time taken by local authorities to respond to complaints relating to illegal travellers. [46212]

Mr. Raynsford: My Department does not collect such information centrally.

It is for local authorities to develop their own policies for responding to incidents of unauthorised camping. In doing so, my Department would expect local authorities to take account of existing legislation, current Circular advice from my Department, and prevailing local circumstances.

My Department's proposed good practice on unauthorised camping, to which I referred in my previous reply of 15 June 1998, *Official Report*, column *36*, will also look at such issues, based on research carried out on current practice in local authorities.

Motor Cycles

Mr. Gareth Thomas: To ask the Secretary of State for the Environment, Transport and the Regions what meetings he has had with representatives of motorcycle users to discuss integrated transport policy. [46201]

Ms Glenda Jackson: On 25 November 1997 my noble Friend the Minister for Roads held a consultative meeting with representatives of motorcycle, environment and safety groups to discuss all aspects of motorcycling within an integrated transport policy.

Local Authority Planning

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions if he will list those *(a)* local authorities, *(b)* county councils and *(c)* regional planning conferences which have adjusted their UDP, structure plans and housing estimates as a result of the replacement of Predict and Provide with Plan, Monitor and Manage. [46303]

Mr. Raynsford *[holding answer 18 June 1998]*: "Planning for the Communities of the Future" (Cmnd 3885) makes clear that the new approach to setting future levels of housing provision outlined in that document will be implemented through new arrangements for the revision and adoption of Regional Planning Guidance. It is for local planning authorities to decide whether they wish to alter or replace their structure plans or UDPs once new Regional Planning Guidance is in place. We are discussing with relevant Regional Planning Conferences ways in which the new approach can be introduced into reviews of RPG that are already underway, some of which will be completed early next

year. Until then local authorities are required by statute to have regard, amongst other matters, to the existing regional guidance.

Telecommunication Masts

Mr. Faber: To ask the Secretary of State for the Environment, Transport and the Regions how many telecommunications masts are located within 500 metres of *(a)* a school and *(b)* a hospital. [46673]

Mr. Raynsford: This information is not collected centrally.

Mr. Faber: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to introduce planning restrictions prohibiting the siting of telecommunications masts less than 500 metres from (i) schools, (ii) hospitals and (iii) any residence. [46711]

Mr. Raynsford: We have no plans to introduce such restrictions. Local planning authorities already have the opportunity to exercise control over the siting of individual mast developments, whether that be through the consideration of a full planning application or the determination of a "prior approval" application under the Town and Country Planning (General Permitted Development) Order 1995.

Mr. Faber: To ask the Secretary of State for the Environment, Transport and the Regions (1) what plans he has to update PPG 8 to bring it into line with Article 130r of the Maastricht Treaty; [46655]

(2) what proposals he has to issue regular guidance to local authorities on the planning implications of electromagnetic fields from telecommunications masts. [46657]

Mr. Raynsford: The potential impact on the environment of telecommunications development is a key factor in forming Government policy on telecommunications planning. This is set out in my Department's Planning Policy Guidance note 8, supplemented by Appendix E to Circular 9/95 and by the answer given by my hon. Friend the Minister for the Regions, Regeneration and Planning to my hon. Friend the Member for Hull, West and Hessle (Mr. Johnson) on 4 November 1997, *Official Report*, column *152*. The general policy is to facilitate the growth of such systems while protecting the environment.

We are currently drawing up a joint circular with the Department of Health to address the issue of development in proximity to sources of electromagnetic fields. This includes guidance in respect of telecommunications base stations, and will in that respect be supplementary to PPG8. I anticipate that the proposed joint circular will be issued in draft form for public consultation later this year.

Mr. Faber: To ask the Secretary of State for the Environment, Transport and the Regions what discussions his Department has had with the relevant authorities in (i) Australia, (ii) New Zealand, (iii) Denmark and (iv) Sweden concerning the siting of telecommunications masts. [46656]

Mr. Raynsford: This Department has not engaged in any direct discussions with the relevant authorities in (i) Australia (ii) New Zealand (iii) Denmark and (iv) Sweden about the siting of telecommunications masts. My officials continue to liaise with other Government Departments in monitoring practice internationally in order to assist the development of policy in this country.

WALES

Beef Exports

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on the prospects for exporting beef produced in Wales. [45884]

Mr. Win Griffiths: The European Commission has issued a proposal for a UK Date Based Export Scheme for the export of meat from animals born after 1 August 1996. The proposal will now be considered by the Standing Veterinary Committee.

This is a key step towards lifting the export ban throughout the UK. But there are tough negotiations to come. The Government are working hard for a scheme which fits the scientific advice and permits real trade to resume as rapidly as possible.

Beaches

Mr. Barry Jones: To ask the Secretary of State for Wales what initiative he has taken to ensure cleaner beaches in Wales; and if he will make a statement. [45882]

Mr. Win Griffiths: The Government are committed to complying with the EC Bathing Water Directive (76/160/EEC). Last year 60 of the 64 EC identified bathing waters on the Welsh coastline met the mandatory bacteriological standards set in the Directive. This compliance rate of 94 per cent. was the highest ever achieved in Wales.

Earlier this month 13 Welsh beaches were awarded Blue Flags. This is also the highest level ever achieved in Wales. To be eligible for Blue Flag status, water quality must attain the even more stringent guideline standards set in the EC Directive, as well as meeting various land based criteria. 31 of the 64 EC identified bathing waters monitored in Wales in 1997 met the guideline standards. The Welsh Office fully supports the aim of the Green Sea Initiative to achieve 50 Blue Flags in Wales.

Diesel Emissions

Mr. Barry Jones: To ask the Secretary of State for Wales what research his Department has evaluated into the link between diesel engine emissions and lung disease in Wales; and if he will make a statement. [45875]

Mr. Win Griffiths: The Welsh Office has not evaluated any research specifically into links between diesel engines and lung disease in Wales.

A Government research initiative into air pollution and respiratory disease was launched in 1995. Research into lung function and diesel emissions is included amongst the projects chosen to receive funding. It is hoped that when this programme is completed towards the end of

next year, we may have a better understanding of some of the mechanisms that may be at work concerning air pollution and lung disease.

Dobshill and Meadowsleigh Hospitals

Mr. Barry Jones: To ask the Secretary of State for Wales (1) if he will make a statement on the future of Dobshill Hospital, Flintshire; [45879]

(2) if he will make a statement on the future of Meadowsleigh Hospital, Flintshire. [45878]

Mr. Win Griffiths: The future of these hospitals is a matter for the North Wales Health Authority. I am advised by the authority that no proposals have been made to change their function.

Environmental Health Officers

Mr. Barry Jones: To ask the Secretary of State for Wales how many environmental health officers were in post in Wales in *(a)* 1990 and *(b)* 1997; and if he will make a statement. [45886]

Mr. Win Griffiths: The information requested is not held centrally.

Waiting Lists

Mr. Barry Jones: To ask the Secretary of State for Wales how he proposes to reduce waiting lists in North East Wales. [45877]

Mr. Win Griffiths: An additional £20 million will be spent in 1998–99 on reducing inpatient and daycase waiting lists to below the level which the Government inherited. £4.124 million of this is available to North Wales Health Authority to reduce waiting lists in its area.

Mr. Barry Jones: To ask the Secretary of State for Wales what new financial resources have been devoted to tackling waiting lists in the district hospital trusts at Wrexham and Bodelwyddan. [45876]

Mr. Win Griffiths: An additional £20 million will be spent in 1998–99 on reducing inpatient and daycase waiting lists to below the level which the Government inherited. £4.124 million of this is available to North Wales Health Authority to reduce waiting lists in its area. It will be for the Health Authority to consider how to allocate the additional funding to individual programmes.

Ambulance Service

Mr. Öpik: To ask the Secretary of State for Wales how many calls there have been to the Welsh Ambulance Service NHS Trust since 1 April 1998 during standby time after midnight; and how many of these calls have resulted in an ambulance arriving at the scene of the emergency within performance standards. [46114]

Mr. Win Griffiths: The Department monitors the total number of emergency and other calls received by the ambulance service on a quarterly basis to ensure compliance with agreed performance standards. An hourly breakdown of all call responses may be obtained from the Welsh Ambulance Services NHS Trust.

SCOTLAND

Scottish Parliament

Mr. Ancram: To ask the Secretary of State for Scotland which members of the Scottish Parliament would be Crown servants for the purposes of the Official Secrets Act 1989. [34584]

Mr. McLeish *[holding answer 16 March 1998]:* The Government intend that Members of the Scottish Executive and junior Scottish Ministers will be Crown servants for the purposes of the Official Secrets Act 1989.

Fisheries

Mr. Gill: To ask the Secretary of State for Scotland on what dates Spanish Fishery Officers have been on board Scottish Fisheries Protection vessels; for what duration; and if he will list the vessels. [46037]

Mr. Macdonald: No Spanish fishery officers have been on board Scottish Fishery Protection Vessels. The Agency does not hold records which would show the nationality of EU fisheries inspectors who have embarked on Agency vessels.

Scottish Court Service

Mr. Browne: To ask the Secretary of State for Scotland what targets have been set for the performance of the Scottish Court Service in the Supreme and Sheriff courts for 1998–99. [47190]

Mr. Dewar: The targets I have set for the performance of the Scottish Court Service in the Supreme and Sheriff Courts for 1998–99 are set out.

Performance against these targets will be published in the Annual Report of the Scottish Court Service.

Performance of the Scottish Court Service in the Supreme and Sheriff Courts

Targets—1998–99	
Number of time-limited cases falling as a result of SCS action/inaction	0
Percentage of Court of Session diets allocated within waiting periods set by the Lord President	92
Percentage of solemn and summary appeals allocated to rolls within waiting periods set by the Lord Justice-General	70
Percentage of Sheriff Courts meeting summary criminal waiting periods agreed with Sheriffs Principal	85
Percentage of Sheriff courts meeting ordinary civil waiting periods agreed with Sheriffs Principal	95
Percentage of Sheriff Courts with 5 per cent. or less lack of time adjournments	80
Percentage achievement of administrative standards set by the Lord President/Lord Justice-General	95
Percentage of Sheriff Courts achieving administrative standards agreed with Sheriffs Principal	95
Percentage of Court Houses meeting "Coming to Court" standards	85
Staff, accommodation and administrative costs per court sitting day	£1,000

Voting Systems

Mr. Corbett: To ask the Secretary of State for Scotland what educational publicity campaign he plans at what estimated cost to inform electors of the proportional voting system to be used to elect UK members of the European Parliament. [46559]

Mr. McLeish: I refer to the answer given by my hon. Friend the Parliamentary Under-Secretary of State for the Home Department to my hon. Friend the Member for Birmingham, Erdington (Mr. Corbett) today, *Official Report*, column *340*.

National Lottery

Mr. Swinney: To ask the Secretary of State for Scotland what sums have been distributed by each of the five National Lottery distributors in Scotland in each year since the commencement of the National Lottery. [46531]

Mr. Galbraith: Information on Lottery grants made is given in the table.

£

Distributing Body	*1995*	*1996*	*1997*	*1998*[1]
Heritage Lottery Fund	23,237,686	37,797,416	49,705,807	12,070,000
Millennium Commission[2]	40,798,304	71,190,950	34,714,955	—
National Lottery Charities Board	16,590,110	32,735,272	19,753,872	13,943,289
Scottish Arts Council	13,259,373	33,999,520	18,300,549	21,512,351
Scottish Sports Council	18,120,625	20,927,026	13,354,785	9,964,387
Total	112,006,098	196,650,184	135,829,968	57,490,027

[1] Figures are correct to end of May
[2] Figures relate to capital projects only

HEALTH

Smoking

Mr. Flynn: To ask the Secretary of State for Health if he will estimate the *(a)* total number and *(b)* percentage of the population aged (i) under 15 years, (ii) under 20 years and (iii) under 25 years who are likely to become tobacco smokers in the next five years as a result of (1) peer pressure, (2) advertising and (3) other reasons. [29129]

Ms Jowell *[holding answer 12 February 1998]:* No such estimates have been made, as no data are currently collected centrally on when, at what age and for what reason individuals start smoking.

Available data on smoking behaviour in recent years are, however, provided in the tables.

Smoking amongst secondary schoolchildren, age 11 to 15—England, 1982 to 1996

Percentage

	Smoking behaviour			
	Boys		*Girls*	
Year	*Regular smoker*	*Occasional smoker*	*Regular smoker*	*Occasional smoker*
1982	11	7	11	9
1984	13	9	13	9
1986	7	5	12	5
1988	7	5	9	5
1990	9	6	11	6
1992	9	6	10	7
1993	8	7	11	9
1994	10	9	13	10
1996	11	8	15	10

Notes:
1. Regular smokers are pupils who reported that they smoked at least one cigarette a day
2. Percentages rounded to the nearest whole figure
Source:
ONS Smoking among secondary school children in 1996: England

Cigarette smoking amongst adults aged 16 to 19, and 20 to 24, by sex—England, 1986 to 1996

Percentage

	Age group			
	Men		*Women*	
Year	*16 to 19*	*20 to 24*	*16 to 19*	*20 to 24*
1986	30	41	31	38
1988	28	37	27	37
1990	28	39	33	39
1992	29	39	24	37
1994	28	42	28	38
1996	25	43	32	37

Note:
1. Percentages rounded to the nearest whole figure
Source:
ONS General Household Survey

Hospital Staff (Cumbria)

Mr. Maclean: To ask the Secretary of State for Health how many *(a)* nurses and *(b)* doctors were employed in hospitals in Cumbria in each year since 1979. [44842]

Mr. Milburn: Information from 1982 (the earliest year for which information is available) is shown in the table.

National Health Service hospital and community health services hospital medical staff[1] and nursing, midwifery and health visiting staff[2] in Cumbria[3] 1982 to 1997

whole-time equivalents

Year	*Hospital medical staff*	*Nursing, midwifery and health visiting staff*
1982	—	3,130
1983	—	3,150
1984	—	3,240
1985	—	3,290
1986	—	3,310
1987	—	3,290
1988	—	3,300
1989	—	3,360
1990	—	3,360

National Health Service hospital and community health services hospital medical staff and nursing, midwifery and health visiting staff in Cumbria 1982 to 1997

whole-time equivalents

Year	*Hospital medical staff*	*Nursing, midwifery and health visiting staff*
1991	[1]—	3,230
1992	[1]—	3,290
1993	[1]—	[1]—
1994	[1]—	3,210
1995	390	[3]3,340
1996	400	3,060
1997	[1]—	3,050

[1]Prior to 1995 contracts for consultants, senior registrars and registrars were held and reported by regional health authorities. These data cannot be disaggregated to sub-region level

[2]Figures exclude agency nurses, learners and staff directly employed by Colleges of Nursing and Midwifery

"Cumbria" has been defined as hospital and community health service units within the following health authority areas:

1982 to 1993: East, South and West Cumbria District Health Authorities

1994 to 1997: North Cumbria Health Authority and Morecambe Bay Health Authority (excluding Lancaster Acute Hospitals NHS Trust and Lancaster Priority Services NHS Trust)

[3]It is not possible to identify all staff employed in specific health authority areas in 1993 as some staff were returned centrally by the regional health authority

[4]Figures from 1995 are not directly comparable with those for earlier years because new occupation codes were used to classify staff from 1995, replacing the old payscale based system

[5]Not available

Note:

Figures are rounded to the nearest ten whole-time equivalents

Source:

Department of Health's annual medical and dental, and non-medical workforce censuses

Private Finance Initiative

Mr. Baldry: To ask the Secretary of State for Health how many PFI projects his Department has entered into in the last year; and what is their combined value. [45468]

Mr. Milburn: Five major Private Finance Initiative (PFI) schemes with a combined capital value of over £400 million have reached financial close since 1 May 1997. These form part of the biggest new hospital building programme the National Health Service has ever seen, with a total of 30 major hospital developments given the go ahead. Twenty five of these, worth almost £2.2 billion, will be delivered through the PFI scheme and are expected to reach financial close by the end of 2000–2001.

Details of individual schemes with a capital cost of less than £10 million are not held centrally.

Chronic Fatigue Syndrome

Mr. Bob Russell: To ask the Secretary of State for Health what action his Department has taken subsequent to the publication in October 1996 of the report on Chronic Fatigue Syndrome by a joint working group of the Royal Colleges of Physicians, Psychiatrists and General Practitioners; and if he will make a statement. [45472]

Ms Jowell: The Chief Medical Officer of the Department of Health wrote to all general practitioners in his quarterly newsletter in February of last year drawing their attention to chronic fatigue syndrome (CFS)/myalgic encephalomyelitis (ME), and specifically referring to the report published by the Medical Royal Colleges in 1996 and the report from the national task force on CFS, Post Viral Fatigue Syndrome and ME which was produced in 1994. It was intended that drawing attention to both reports in this way would provide a broad base of information to which GPs could refer for help in regard to the treatment and care of people who suffer from CFS/ME.

Free Sight Tests

Ms Perham: To ask the Secretary of State for Health if he will estimate the cost of providing free sight tests to men over 65 and women over 60. [46058]

Mr. Milburn: The cost of providing such tests is estimated to be between £25 million and £30 million per annum.

Warminster Hospital

Mr. Faber: To ask the Secretary of State for Health (1) how many letters he has received since 1 May from members of the public concerning the proposed closure of Ward 2 at Warminster Hospital; and how many are awaiting reply; [46653]

(2) what discussions he has had with the Wiltshire Health Authority concerning the provision of beds for the elderly mentally ill in West Wiltshire; [46671]

(3) when he intends to reply to the letter to him of 22 May from the hon. Member for Westbury concerning Warminster Hospital and beds for the elderly mentally ill in West Wiltshire; [46672]

(4) for what reasons he has declined to meet a delegation from Warminster Town Council, led by the hon. Member for Westbury, to discuss the proposed closure of Ward 2 at Warminster Hospital; [46670]

(5) what representations he has received from (i) general practitioners and (ii) representatives of health workers concerning the proposed closure of Ward 2 at Warminster Hospital and the provision of beds for the elderly mentally ill in West Wiltshire. [46654]

Mr. Milburn: We have received eight letters from members of the public concerning the proposed closure of ward 2 at Warminster Hospital. Officials in the South and West Regional Office of the National Health Service Executive have responded to them all.

No letters have been received from general practitioners. We have received one letter from a representative of health workers.

My right hon. Friend the Secretary of State will be replying to the hon. Member's letter of 22 May 1998 shortly and is giving consideration to the hon. Member's request for a meeting. He has had no discussions with Wiltshire Health Authority concerning the provision of beds for the elderly mentally ill.

Electromagnetic Fields

Mr. Faber: To ask the Secretary of State for Health what evidence his Department has submitted to the five year study currently being undertaken by the World Health Organisation into the possible adverse health effects of electromagnetic fields; and if he will publish it. [46661]

Ms Jowell: The Department has submitted to the World Health Organisation a brief description of several ongoing projects on possible health effects of electromagnetic fields (EMF), which the Department is funding under its radiation protection research programme. Although none of these EMF projects has yet reached publication stage, the individual research institutes are encouraged to publish their results in the open literature.

Mr. Faber: To ask the Secretary of State for Health when he last obtained advice from *(a)* the National Radiological Protection Board and *(b)* the Committee on Medical Aspects of Radiation in the Environment concerning public health effects of electromagnetic fields from telecommunications masts. [46662]

Ms Jowell: The National Radiological Protection Board (NRPB) published advice on electromagnetic fields (EMFs) and cancer in 1992 and in a supplementary report in 1994. The NRPB's advisory group on non-ionising radiation is currently reviewing recent scientific literature and is expected to publish its findings shortly. Guidance on exposure to electromagnetic fields, including the low power microwave signals emitted by mobile telephones and base station antennae, was published in 1993. Further information on EMFs from telecommunications masts has been published in the form of leaflets and web site information. The last advice from the Committee on Medical Aspects of Radiation in the Environment on EMFs was on 2 August 1996 concerning the results of an epidemiological study about high powered transmitter masts in the United Kingdom. Copies of all literature mentioned are available in the Library.

Mr. Faber: To ask the Secretary of State for Health what discussions he has had with the Department of the Environment, Transport and the Regions concerning proposals to limit the siting of telecommunications masts to a distance greater than 500 metres from hospitals and nursing homes. [46659]

Ms Jowell: Decisions about siting telecommunications masts are the responsibility of local authorities. There are no proposals to limit the siting of masts to a distance of greater than 500 metres from hospitals and nursing homes. The Department has not discussed this issue with the Department of the Environment, Transport and the Regions.

Mr. Faber: To ask the Secretary of State for Health what contribution his Department has made to the work of the European Commission Expert Group on mobile telephony and human health. [46658]

Ms Jowell: The Department has made no direct contribution to the European Commission Expert Group. The group consisted of internationally renowned European scientists. The chairman is, however, the head of the non-ionising radiation department at the National Radiological Protection Board which is funded by the Department. One other member is also from the United Kingdom. The recommendations of the group have yet to be formally advanced by the Commission.

Labour Briefing Document

Mr. Hammond: To ask the Secretary of State for Health where, and by whom, in his Department the document entitled, Briefing for Labour Members, circulated prior to the debate on NHS waiting lists on 16 June to Labour hon. Members was *(a)* written and *(b)* photocopied; and what estimate he has made of the cost to his Department's budget. [46669]

Mr. Dobson: The document was written, produced, photocopied and distributed by one of the Department's special advisers. Every aspect of this activity is entirely consistent with the long-established role of special advisers as set out in the Ministerial Code and the model contract of employment for special advisers. It is not possible to identify the total costs to the Department of this individual piece of work.

HOME DEPARTMENT

Arrested British Citizens (France)

Mr. Peter Ainsworth: To ask the Secretary of State for the Home Department how many of those British citizens arrested in France in the past month have previously been convicted *(a)* of a football-related offence and *(b)* of any criminal offence. [46450]

Mr. Michael *[holding answer 18 June 1998]:* The information is not available in precisely the form requested. Information from the National Criminal Intelligence Service is that, by 17 June, 32 of those people from England and Wales arrested in connection with incidents associated with the World Cup have a criminal record of some kind in Great Britain. Twenty of them have previous convictions for offences of violence or disorder.

Voting Systems

Mr. Corbett: To ask the Secretary of State for the Home Department what educational publicity campaign he plans, at what estimated cost, to inform electors of the proportional voting system to be used to elect United Kingdom members of the European Parliament. [46558]

Mr. George Howarth: The European Parliamentary Elections Bill has not yet completed its passage through Parliament and no public money has been spent on publicising the electoral system which it will introduce.

Decisions on future publicity have not yet been taken. But a number of outside organisations will be running campaigns and my right hon. Friend will next week help to launch "Get the Vote out! Europe 1999", organised by the Institute for Citizenship.

Drug Dealers

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women have been convicted of drug dealing in England and Wales in the last 12 months. [46974]

Mr. George Howarth: 1996 is the latest year for which figures are available. During that year, 5,769 men in England and Wales were found guilty of possession with intent to supply drugs unlawfully, and a further 3,668 of

the unlawful supply of drugs (these two offences are normally taken to equate to drug 'dealing'). The relevant numbers of women convicted were 807 and 532 respectively.

Police Service

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department what assessment he has made of the adequacy of the arrangements for the management of career breaks across the police service; and what representations he has received on this subject. [46674]

Mr. Michael: The management of career break schemes is a matter for individual police forces. However, I have recently become aware that, in the absence of a standard scheme in the Police Regulations 1995, there is inconsistency between forces in the terms and conditions under which applications for career breaks are considered and granted. Accordingly, I have requested the official side of the Police Negotiating Board to enter into discussions with the staff side with a view to recommending a satisfactory standard scheme which we would propose to incorporate as an amendment to the Police Regulations 1995.

Cannabis

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department when he expects cannabis grown for therapeutic purposes to be available for large-scale clinical trials. [46574]

Mr. George Howarth: I am aware of one holder of a Home Office licence to grow cannabis who intends to carry out large scale clinical trials. Although the timing of those trials is a matter for the licensee, I understand that the cannabis is currently expected to be available to them in about 18 months.

Drivers (Sentences)

Mr. Beith: To ask the Secretary of State for the Home Department how many persons are currently serving a term of imprisonment for *(a)* driving with excess alcohol and *(b)* driving whilst disqualified. [46235]

Ms Quin: The available information is for 30 April and is given in the table. Persons under sentence for driving whilst disqualified are not identifiable as this offence is not a separately coded item on the prisons central computer.

Population under sentence in prisons in England and Wales for driving under the influence on 30 April 1998[1]

Offence	*Number*
In charge of driving under the influence of drink or drugs	370

[1] Provisional figures

Electronic Monitoring

Mr. Beith: To ask the Secretary of State for the Home Department what was the cost to his Department in the last year for which figures are available of the provision of electronic monitoring services; and if he will list the expiry date of each existing contract. [46240]

Ms Quin: Because of considerations of commercial confidentiality, it would not be appropriate to publish details of the payments made to contractors which are the major part of the cost of curfew orders enforced by electronic monitoring.

Research into the trials has estimated that the average cost of a curfew order enforced by electronic monitoring would be around £1,900, if the scheme were available throughout England and Wales. However, this does not take account of the effect of providing electronic monitoring for curfew orders simultaneously with the proposed Home Detention Curfew scheme.

Both of the current contracts have been extended until 28 February 1999.

Prisoners (Sex Offenders Treatment Programme)

Mr. Cox: To ask the Secretary of State for the Home Department how many prison inmates in England and Wales convicted of sex offences took part in a sex offenders treatment programme course during 1997. [46006]

Ms Quin: During the financial year 1997–98, 671 convicted sex offenders completed accredited sex offender treatment programmes in prison.

Citizenship

Mr. Nigel Jones: To ask the Secretary of State for the Home Department what plans he has to amend the British Nationality Act 1981 as it affects children born to British citizen contract supplemented officers, with particular reference to those recruited by *(a)* the Overseas Development Administration and *(b)* quangos. [46046]

Mr. Mike O'Brien: We have no plans to change the current arrangements.

Immigration

Mr. Stinchcombe: To ask the Secretary of State for the Home Department, pursuant to his answer of 1 June 1998, *Official Report*, column *55*, on immigration, if the criteria applied by his Department would accept a level of earned income which would be eligible for income support in a case where there is no intention to claim any form of state assistance. [46010]

Mr. Mike O'Brien: Each case is considered on its own facts. In some cases it may be possible, in others it may not. A sponsor in the United Kingdom may continue to receive any public funds to which he is entitled in his own right. Whether a sponsor will be judged to have sufficient resources will turn on whether the sponsor is able to support and accommodate the applicant and any dependents without additional recourse to public funds, not on whether there is an intention to claim additional public funds.

TREASURY

Monetary Policy Committee

Mr. Mitchell: To ask the Chancellor of the Exchequer if he will require each future appointee to the Monetary Policy Committee to have had experience in running a business. [46364]

Mrs. Liddell: Appointments to the Monetary Policy Committee will continue to be made on the basis of people who have the relevant expertise.

Mr. Mitchell: To ask the Chancellor of the Exchequer if he will require each member of the Monetary Policy Committee to give a reasoned explanation for their views on any interest rate changes proposed by the Committee. [46366]

Mrs. Liddell: The reasons underlying interest rate decisions are given in detail in the minutes of the monthly Monetary Policy Committee meetings. They are also covered in the press notices following any change in interest rates and in the Bank of England's "Inflation Report".

Mr. Mitchell: To ask the Chancellor of the Exchequer (1) if he will require a published statement from each member of the Bank of England's Monetary Policy Committee of their loans, mortgages, overdrafts and interest bearing accounts; [46367]

(2) if he will require each member of the Monetary Policy Committee to publish after each interest rate change a statement of its effects on their personal finances. [46365]

Mrs. Liddell: No.

Royal Mint

Mr. Mitchell: To ask the Chancellor of the Exchequer, (1) pursuant to his answer of 10 June 1998, *Official Report*, column *585*, what profit the Royal Mint has derived from seigniorage on coins issued in each of the last 10 years; [46263]

(2) pursuant to his answer of 10 June 1998, *Official Report*, column *585*, on seigniorage what profit the Royal Mint has derived from seigniorage on coins issued in each of the last 10 years; and if this profit is retained by the Royal Mint. [46966]

Mrs. Liddell: Any profit "derived" from seigniorage on UK standard coins is not retained by the Royal Mint but instead paid to the Treasury. The figures for each of the last ten years are:

Year	*£000*
1988–89	51,129
1989–90	107,985
1990–91	69,410
1991–92	98,598
1992–93	−18,844
1993–94	47,769
1994–95	93,777
1995–96	88,859
1996–97	214,408
1997–98	86,691

These figures represent the difference between (i) the face value of issued coins and (ii) production costs and reimbursements for redeemed coins less the value of reclaimed metal from redeemed coins.

TRADE AND INDUSTRY

Arms Exhibitions

Ann Clwyd: To ask the President of the Board of Trade if she will list those officials from her Department who attended the Berlin Air Show from 18 to 24 May, indicating the costs of their attendance and the total amount of public funds extended by her Department to defence companies attending this event. [44510]

Mr. Battle: I attended an Airbus Intergovernmental meeting of Ministers to discuss Airbus civil programmes in Berlin on 19 May, and afterwards visited the Berlin Airshow on the morning of 20 May. I was accompanied by a Private Secretary and three officials from the Department's Engineering Industries Directorate. Two officials from the Department's Export Control organisation attended a meeting held in Berlin between 19 and 21 May, and went to the Airshow on the afternoon of 20 May as part of a group visit, at no cost to public funds.

The total cost of attendance of the officials who accompanied me to Berlin was approximately £1,800.

Dounreay

Mr. Llew Smith: To ask the President of the Board of Trade what assessments by external bodies of the reprocessing of *(a)* existing spent fuel and *(b)* unirradiated fast reactor fuel at Dounreay have been (i) commissioned and (ii) evaluated by her Department. [45452]

Mr. Battle: Dounreay is a licensed nuclear site. All processes are thoroughly evaluated by the independent regulators, the Health and Safety Executive, to ensure compliance with safety standards, and the Scottish Environment Protection Agency to comply with discharge authorisations, and they report to the Scottish Office. My Department has not commissioned additional assessments by external bodies.

EDUCATION AND EMPLOYMENT

EU Mobile Information Centre

Mr. Flight: To ask the Secretary of State for Education and Employment if he will list the *(a)* primary and *(b)* secondary schools visited by the European Union Mobile Information Centre in 1997. [45293]

Dr. Howells: My right hon. Friend the Secretary of State plays no part in the activities of the mobile information centre. These are matters for the European Commission.

Nunthorpe Comprehensive School

Dr. Kumar: To ask the Secretary of State for Education and Employment what representation she has received from Nunthorpe Secondary Comprehensive School on provision for 11 to 18 year old pupils. [45164]

Mr. Byers: Letters from 34 parents of children attending Nunthorpe Comprehensive School were received in the Department between October and November 1997 and 2 further letters have been received this month. The Headteacher of the school also wrote to me in October 1997.

Comprehensive School Education

Dr. Kumar: To ask the Secretary of State for Education and Employment if he will make a statement on the financial implications of extending secondary comprehensive school education to 16 to 18 year olds. [45165]

Mr. Byers: Extending secondary comprehensive school education to 16 to 18-year-olds may have capital as well as recurrent costs implications for schools, and may have an impact on other post-16 provision in the area.

Further Education Statistics

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment if he will list by socio-economic group *(a)* the numbers and *(b)* the percentages of (i) 16–17 year olds, (ii) 18–21 year olds and (iii) over 21 year olds in (1) full-time and (2) part-time further education for each of the last three years for which figures are available. [45750]

Dr. Howells: This information is not held by the Department or the Further Education Funding Council.

Science Teachers

Dr. Kumar: To ask the Secretary of State for Education and Employment what plans he has to increase the number of graduates going into science teaching in school. [46060]

Ms Estelle Morris: The recruitment of an adequate number of well-trained teachers is central to achieving our plans to raise standards in schools. Maintaining teacher supply is one of the key challenges facing this Government and the education system. We are working with our partners—the Teacher Training Authority, Higher Education Institutions, schools and others—to meet that challenge. Our response of 29 January to the Education and Employment Committee set out the measures we have taken to date.

We have already announced that all trainees studying to achieve a Post Graduate Certificate of Education (PGCE) will not have to make a means-tested contribution to tuition fees. In addition, the Teacher Training Agency will make some £10 million available in the coming year through the Secondary Shortage Subject Scheme further to support those in need who wish to train to teach in such subjects, including science.

Tuition Fees

Mr. Öpik: To ask the Secretary of State for Education and Employment what plans he has to allow endowment mortgages to be counted against income in the calculation of tuition fees payable at university; and if he will make a statement. [45786]

Dr. Howells: Under the Mandatory Awards Regulations, in assessing the income of a student who is independent of their parents, a local education authority has discretion to take account of payments made in pursuance of any obligation, such as a mortgage, incurred before the start of their course. Where a student's parents or spouse is expected to contribute towards the support of the student, the gross amounts of any interest paid on loans, including mortgages, which attract tax relief are deducted from their income in assessing the size of their contribution.

For new students in 1998–99, the contribution to the student's support from their own income or that of their parents or spouse is first set against their £1,000 contribution to their tuition fees and any remaining amount goes towards the student's maintenance support.

We are examining the case for reviewing certain aspects of the assessment of contributions by students, their parents and their spouses towards the student's maintenance support.

Female Medical Professors

Dr. Gibson: To ask the Secretary of State for Education and Employment how many professors in medical schools are female. [45804]

Dr. Howells: In the 1996–97 academic year, the latest year for which figures are available, there were 44 professors of medicine who were female, in higher education establishments in the UK. This represents 6 per cent. of all professors in medicine.

This figure covers those employed within the professor grade in institutions. There may be others who carry the title of professor but are employed in other grade structures and so are not included in this figure.

Further Education

Mr. Fitzpatrick: To ask the Secretary of State for Education and Employment what plans he has to implement the recommendations contained in the report from Helen Kennedy QC relating to further education; according to what timescale; and if he will make a statement. [46191]

Dr. Howells: We published "Further Education for the New Millennium" on 25 February 1998. This sets out our detailed response to those recommendations in Baroness Kennedy's report which were addressed to the Government.

Sex and Race Equality

Jackie Ballard: To ask the Secretary of State for Education and Employment what *(a)* resources and *(b)* programme money was provided for the Sex and Race Equality Division in (i) 1996–97, (ii) 1997–98 and (iii) 1998–99. [45797]

Mr. Alan Howarth: The information requested is shown in the following table. It reflects two significant changes in responsibilities during the period: establishment of a separate Childcare Unit in the Department for Education and Employment; and transfer

of staff working on some general women's issues to the Department of Social Security following establishment of the Women's Unit.

Sex and race equality division: resources and programmes

£

	(i) 1996–97	(ii) 1997–98	(iii) 1998–99
(a) Running costs[1]	1,922,545	[2]1,551,000	[3]1,373,698
(b) Programmes	—	—	—
Out of school childcare initiative development	250,000	250,000	[4]—
Equal opportunities commission grant in aid	5,821,000	5,792,000	5,792,000
Fair play	121,000	295,000	150,000

[1] Running costs—excludes a number of costs which are paid from central and specialist budgets (eg premises)
[2] Excludes running costs of £394,213 transferred in Department of Social Security after 1 May 1997 when certain work and the staff doing it transferred
[3] Excludes running costs of £497,727 transferred to newly formed Childcare Unit
[4] Programme part of the Childcare Unit

City Technology Colleges

Mr. McWilliam: To ask the Secretary of State for Education and Employment if he will list *(a)* the unit cost per pupil from public funds in the last financial year for each city technology college, *(b)* the projected unit cost per pupil from public funds in the current financial year, *(c)* the combined public and private sector unit cost per pupil projected for the current financial year for each city technology college and *(d)* the average unit cost per pupil in secondary schools for each local authority which has a city technology college within its area; and if he will make a statement on the numbers of Ofsted inspections of city technology colleges relative to LEA schools in areas where there are CTCs. [45894]

Ms Estelle Morris: The unit of funding for all CTCs is calculated on an academic year basis. It is based on a direct comparison with budgeted spending for secondary schools in the LEAs from which the CTCs collectively take their pupils. For the 1996–97 academic year this figure was £2,546 and for 1997–98 it was £2,590. In addition CTCs currently receive an extra £165 per pupil. This will reduce to £120 in 1998–99 and is designed to mirror the top-up grant for specialist schools plus a small amount to cover insurance costs. CTCs also, to varying degrees, receive funding for school meals costs and London weighting. There is no requirement for private sector contributions towards the unit of funding.

Unit costs of secondary pupils in areas used for CTC funding in financial years 1996–97 and 1997–98 are given in the following table.

CTCs are subject to exactly the same inspection requirements as maintained schools.

Unit costs of secondary pupils in areas used for CTC funding in financial years 1996–97 and 1997–98

£

LEAs[2] used in CTC funding	*Financial year costs* 1996–97	1997–98
Lambeth	2,952	3,047
Lewisham	2,485	2,556
Southwark	2,441	2,453
Wandsworth	2,547	2,493
Croydon	2,425	2,495
Birmingham	2,562	2,613
Solihull	2,361	2,368
Wolverhampton	2,572	2,561
Bradford	2,883	2,861
Gateshead	2,392	2,393
Bristol	2,858	2,731
South Gloucestershire	2,447	2,487
Middlesbrough	2,605	2,553
Derbyshire/Derby City[3]	2,302	2,490
Kent	2,434	2,424
Northamptonshire	2,480	2,459
Nottinghamshire	2,428	2,456
Shropshire	2,485	2,548

[1] The Unit Costs have been calculated using LEA Section 122 Part 1 Budget Statements and GM school equivalent data. However, certain expenditure lines have been disregarded as not relevant to the CTC unit of funding—the main ones being school meals and capital costs. The figures are therefore not the full average unit cost amounts expended on secondary education in these LEAs. The Unit Costs shown here are deflated, i.e. reduced to exclude London weighting factors. This is as they are used in calculating the "national" CTC unit of funding.
[2] The LEA areas used for CTC funding are those in which CTCs are located plus those from which CTCs draw a significant number of pupils.
[3] Derbyshire was subject to 1997 Local Government re-organisation, thus Derbyshire is included in the 1996–97 figures, but Derby City only in the 1997–98 figures.

Female Medical Students

Dr. Gibson: To ask the Secretary of State for Education and Employment how many current medical students in the United Kingdom are female. [45802]

Dr. Howells: In the 1997–98 academic year, the latest year for which figures are available, there were 18,474 medical students who were female in higher education establishments in the UK. This represents 51 per cent. of all medical students.

Telecommunications Masts

Mr. Faber: To ask the Secretary of State for Education and Employment what discussions he has had with the Department of the Environment, Transport and the Regions concerning proposals to limit the siting of telecommunications masts to a distance greater than 500m from schools. [46660]

Mr. Byers: Decisions about siting telecommunications masts are the responsibility of local authorities.

Written Answers to Questions

Monday 22 June 1998

LORD CHANCELLOR'S DEPARTMENT

Community Legal Services

Mr. Stinchcombe: To ask the Parliamentary Secretary, Lord Chancellor's Department when he plans to publish details of the proposed expansion of community legal services. [45973]

Mr. Hoon: The Lord Chancellor has announced that proposals for a Community Legal Service will be finalised by the beginning of next year, when a consultation paper will be issued.

Correspondence

Mr. Winnick: To ask the Parliamentary Secretary, Lord Chancellor's Department when he expects to reply to the letter from the hon. Member for Walsall, North of 11 May regarding evidence from professional witnesses in housing eviction cases; and for what reason no acknowledgment was sent at the time. [46090]

Mr. Hoon: My hon. Friend's letter was received by the Lord Chancellor's Department on 12 May and he should now be in receipt of my reply of 9 June. The Department's published target is to respond to all letters from hon. Members within 20 working days of receipt. The reply in this instance was provided within this target.

Fast-track Cases

Mr. Bruce George: To ask the Parliamentary Secretary, Lord Chancellor's Department when he will publish his consultation paper on a costs regime for fast-track cases. [47315]

Mr. Hoon: The Lord Chancellor has today published a consultation paper on a cost regime for the fast track entitled "Justice at the Right Price" and copies have been placed in the Libraries of both Houses.

PRIME MINISTER

Japanese Prisoners of War

Mr. Hoyle: To ask the Prime Minister if he will make a statement on his meeting with Japanese prisoners of war on 10 June. [45812]

The Prime Minister: On 10 June I met the Chairman of the Japanese Labour Camps Survivors Association and the Chairman of the Association of British Civilian Internees Far East Region.

I explained the efforts that the Government have made on behalf of the former prisoners. In response to our representations, the Japanese Prime Minister had made an official apology on behalf of his Government and announced a new package of measures to promote reconciliation.

I also agreed to consider a legal opinion the former prisoners had received on whether it is possible to re-open the 1951 Peace Treaty. I explained that I did not want to raise false hopes about this as the Government had already received legal advice in the opposite sense.

Interception of Communications

Mr. Baker: To ask the Prime Minister when he expects to publish the 1997 report of the Commissioner into the operation of the Interception of Communications Act 1985. [46255]

The Prime Minister *[holding answer 16 June 1998]:* Shortly.

Election Pledges

Mr. Malcolm Bruce: To ask the Prime Minister on what date he plans to publish the Government's report on progress on election pledges and other matters; and if he will make a statement. [46385]

The Prime Minister *[holding answer 18 June 1998]:* The Annual Report will be published shortly.

European Social Fund (Wales)

Mr. Wigley: To ask the Prime Minister if he will ensure that the powers of the Secretary of State for Wales in respect of the administration of the European Social Fund are comparable to, or greater than, those of the heads of Government regional offices in England; and if he will make a statement. [46703]

The Prime Minister: My right hon. Friend the Secretary of State for Wales already has responsibility for training policy in Wales, including the management of the European Social Fund.

Intelligence and Security Committee

Mr. Baker: To ask the Prime Minister if he will make it his policy that there be an annual debate on the annual report presented to him by the Intelligence and Security Committee. [46712]

The Prime Minister *[holding answer 19 June 1998]:* As my right hon. Friend the Leader of the House made clear on 4 June 1998, *Official Report,* column 507, in her reply to my hon. Friend the Member for Sunderland, South (Mr. Mullin) the Government intend to hold a regular debate on the intelligence and security services. The arrangements for any debate will be a matter for discussion and agreement through the usual channels and with the Intelligence and Security Committee.

Social Exclusion Unit

Ms Perham: To ask the Prime Minister what plans he has to include disability within the future work programme of the Social Exclusion Unit. [46812]

The Prime Minister: Decisions on the future work programme of the Social Exclusion Unit will be announced in due course.

Honours System

Mr. Winnick: To ask the Prime Minister if he will ensure that no recommendation for an honour is made for anyone who minimises their tax liability by forming a company only for this purpose; and if he will make a statement. [46665]

The Prime Minister *[holding answer 19 June 1998]:* I recommend people for honours on the basis of their achievement and service to others, in changing things and making a difference. Each case is considered on its merits, and all circumstances are taken into account. No recommendation would proceed if it brought the honours system into disrepute.

Animal Welfare

Mr. Baker: To ask the Prime Minister, pursuant to his answer of 2 February 1998, *Official Report*, column *476*, when he expects to make an announcement in respect of the coordination within Government of animal welfare policies. [46971]

The Prime Minister: An announcement will be made as soon as possible.

Lockerbie

Mr. Dalyell: To ask the Prime Minister what was the result of Her Majesty's Government's discussions with the Secretary-General of the Arab League on 18 June as to the feasibility of conducting a trial of the Libyan suspects for the Lockerbie bombing in a third country. [46959]

The Prime Minister: My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs met the Secretary-General of the Arab League on 18 June. They agreed on the need for urgent progress in resolving the Lockerbie issue. My right hon. Friend the Secretary of State stressed the need for early Libyan compliance with the requirements of the relevant United Nations Security Council resolutions.

CULTURE, MEDIA AND SPORT

National Lottery

Mr. Ennis: To ask the Secretary of State for Culture, Media and Sport what was the total interest which accrued on prize moneys not claimed for the National Lottery in the last year. [45824]

Mr. Banks: I have asked the Director General of the National Lottery, who is responsible for regulating the operation of the Lottery, to write to my hon. Friend, and copies of his response will be placed in the Library of the House.

Wembley Stadium

Mr. Sutcliffe: To ask the Secretary of State for Culture, Media and Sport (1) what plans are being assessed by his Department relating to the 2006 World Cup bid in respect of the redevelopment of Wembley Stadium; [46252]

(2) what discussions have taken place between his Department and the partners involved in the Wembley Stadium refurbishment plans. [46251]

Mr. Banks *[holding answer 17 June 1998]:* I am keeping a close watch on how the project is progressing. It is of importance not only to the long term domestic needs of sport in this country, but as an integral part of the bid to host the World Cup in 2006 and a future Olympic Games. Day to day dealings with the development partners are being carried out by the English Sports Council, which is providing £120 million of Lottery funding towards the project.

HOME DEPARTMENT

Prisons (Family Rooms)

Mr. Ben Chapman: To ask the Secretary of State for the Home Department how many prisons have *(a)* creche facilities and *(b)* family rooms for use by visitors to prisons. [44706]

Ms Quin *[holding answer 8 June 1998]:* There are currently 66 prisons that provide a creche facility on either a full or part-time basis.

Fifteen prisons provide family rooms for use by visitors, but most prisons will provide a room if a requirement is recognised. The Prison Service is about to embark on a review of visiting arrangements with a view to promulgating best practice.

Prisoner Escort Services

Mr. Beith: To ask the Secretary of State for the Home Department what was the cost to his Department in the last year for which figures are available of the provision of prisoner escort services; and if he will list the expiry date of each existing contract. [46239]

Ms Quin: The contracted out court escort service cost the Prison Service £89 million in 1997/98. This represents a full year's operation in seven of the eight contract areas and partial operation in the last (the North of England). The contract for that area commenced in April 1997 but was implemented in two phases, with the second not starting until July.

The contracts cover the transportation of prisoners, other than those in the highest security category (Category A), from prisons and police stations to court, their custody while there, and their return to prison. In addition, the contract for the North of England includes the option for the provision of hospital bedwatches, day attendance for medical treatment, compassionate home visits, etc. If an establishment exercises this option it meets the charges locally. These are not collated centrally and are not included in the above-mentioned costs.

The expiry date for each contract is shown in the table. Contracts were let initially for either five or seven year periods but are renewable up to a maximum of fourteen years.

Area	Location	Contractor	Full	Commenced 1st Phase	Expiry Date
1	South Wales & South West	Reliance	1 October 1996	1 April 1996	30 September 2003
2	South & South East	Premier	1 November 1996	6 May 1996	31 October 2003
3	London Metro Area	Securicor	26 June 1995	27 June 1994	30 June 1999
4	East Anglia	Group 4	1 January 1996	1 July 1995	31 December 2000
5	West Midlands & Central Wales	Premier	1 December 1996	3 June 1996	30 November 2003
6	Merseyside, Manchester & North Wales	Group 4	6 February 1996	7 August 1995	31 January 2001
7	East Midlands & Humberside	Group 4	1 April 1993	n/a	4 April 2001
8	North England	Group 4	7 July 1997	7 April 1997	6 July 2004

n/a—not applicable

Police Establishments

Mr. Maclean: To ask the Secretary of State for the Home Department if he will reintroduce the system of fixed Home Office establishments for police officer numbers. [45840]

Mr. Michael: We have no plans to re-introduce the system of Home Office approved police establishments, which was abolished by the previous Government as one of the changes introduced under the Police and Magistrates' Courts Act 1994 when the right hon. Member was Minister of State, Home Office. We are working with the police to ensure that the resources which the Government make available to them are used as effectively as possible, with a new emphasis on outputs and outcomes rather than on inputs.

Probation Services

Mr. Beith: To ask the Secretary of State for the Home Department what estimate he has made of the extra costs incurred by probation services for every 1,000 extra added to the daily prison population; and if he will make a statement. [46259]

Ms Quin *[holding answer 16 June 1998]:* Increases in the prison population produce additional pressures on probation staff, whether they are seconded to prisons and funded by the Prison Service or working in area services and funded by probation grant, but there are too many variables to permit a simple translation of prisoner numbers into costs. However, we are taking workload attributable to pre- and post-release supervision requirements into account in determining what resources should be provided for the probation service.

Closed Circuit Television

Mr. Colvin: To ask the Secretary of State for the Home Department what responsibility the Metropolitan police has for the installation of closed circuit television schemes. [46369]

Mr. Michael: The Metropolitan Police has no statutory duty for the installation of closed circuit television (CCTV) schemes in public places. However, the Commissioner tells me that, in supporting such CCTV systems, the Metropolitan Police provides secondary monitoring to local CCTV initiatives. The police division in the borough covered by CCTV will have a "slave monitoring system", comprising monitors with a control function, capable of accepting pictures from a public place surveillance system. These systems are normally monitored from a local authority or other external CCTV primary monitoring control room. Where a police response may be required, information is passed to the police division for a decision on police action. This is the case for all the systems, bar those in Oxford Street where the primary monitoring is by police officers. The Metropolitan Police is currently involved in 30 systems, with a further 15 in the planning/installation phase.

To reflect a positive lead for "Partnership in CCTV", the Metropolitan Police's Community Safety and Partnership Policy Unit has developed comprehensive guidance on Public Place CCTV schemes. The policy reflects the issue of privacy for the individual by promoting accountability and supervision while ensuring flexibility to fulfil the objectives of preventing and detecting crime.

In addition, the Metropolitan Police uses video technology in a wide range of applications ranging from:

assisting the police in fighting crime e.g. Operations Bumblebee and Eagle Eye;

supporting ceremonial and operational events, thus providing protection to the general public and dignitaries;

support for anti-terrorist activities;

protection of victims/potential victims of violent crime;

traffic cameras, roadside/motorway video systems;

protection of the Metropolitan Police's property and personnel.

Recidivism

Sir Peter Lloyd: To ask the Secretary of State for the Home Department what evidence he has evaluated on the relative re-offending rates of those convicted of sexual offences and those convicted of other categories of offence. [46492]

Mr. Michael: Information on known re-offending, as measured by reconvictions, is derived from regular samples drawn from the Offenders Index, a database of criminal careers maintained by the Home Office. The most recently published analysis of reconviction rates of those convicted of sexual and other offences appeared in Home Office Statistical Bulletins 5/97, "Reconvictions of prisoners discharged from prison in 1993", and Home Office Bulletin 6/97, "Reconvictions of those commencing community penalties in 1993".

A fuller analysis of convictions and reconvictions for sexual offending was published in 1997 as Home Office Research Findings Number 55, "The prevalence of convictions for sexual offending".

Copies of these publications are in the Library.

Criminal Appeals

Mr. Woolas: To ask the Secretary of State for the Home Department what plans he has to allow the disclosure of lost or spoiled evidence in criminal proceedings to be permitted as grounds for an appeal. [46293]

Mr. Michael: A defendant may appeal against conviction on indictment in England and Wales on grounds of law, fact or mixed fact and law. When considering such appeals, under section 23 of the Criminal Appeal Act 1968, as amended, the Court of Appeal has unfettered discretion to receive evidence connected with the proceedings, including evidence heard at the trial, evidence available at the time of the trial but not adduced and fresh evidence which has come to light since the trial.

Postal and Proxy Voting

Mr. Gapes: To ask the Secretary of State for the Home Department what plans he has to change the postal and proxy vote application forms to reduce the possibilities of fraud. [46793]

Mr. George Howarth: The Working Party on Electoral Procedures, which I chair, is examining both postal and proxy voting procedures, including the application forms which are used. We will pay particular attention to the need to achieve a balance between accessibility and the prevention of abuse.

Animal Experiments

Mr. Baker: To ask the Secretary of State for the Home Department (1) if he will list the species and numbers of animals ordered to be given euthanasia by the Home Office Inspectorate in *(a)* 1996, *(b)* 1997 and *(c)* 1998, owing to the level of suffering to which they were subjected; [46585]

(2) on how many occasions in *(a)* 1996, *(b)* 1997 and *(c)* 1998 the Home Office Inspectorate has ordered animals used in scientific procedures to be given euthanasia owing to the level of suffering the animals were subjected to. [46584]

Mr. George Howarth: This information is not collected centrally.

Under section 18(3) of the Animals (Scientific Procedures) Act 1986, should a member of the Inspectorate consider that a protected animal is undergoing excessive suffering he may order it to be immediately killed by an appropriate method. This power rarely needs to be exercised.

Section 10(1) of the Animals (Scientific Procedures) Act 1986 requires that all personal licences shall contain an inviolable termination condition: any animal which is being or has been subjected to a regulated procedure and which is in severe pain or severe distress which cannot be alleviated must be humanely killed. However, the overwhelming majority of procedures cause only mild or moderate suffering. It is extremely rare that animals experience, or are allowed by licensees to experience, anything approaching severe pain or distress.

Project licences also contain severity limits. If these are exceeded, an inspector must be notified. The inspector may ask for the animals to be humanely killed. Any such request is invariably complied with; it is extremely rare that an inspector will need to order animals to be killed.

Mr. Baker: To ask the Secretary of State for the Home Department how many current project licences are in operation relating to xenotransplantation experiments within the United Kingdom. [46583]

Mr. George Howarth: In view of the wide nature of the hon. Member's question, it will take some time to formulate a reply and I will write to him in due course.

Mr. Baker: To ask the Secretary of State for the Home Department if he will list the designated establishments authorised to conduct xenotransplantation experiments on animals within the United Kingdom. [46582]

Mr. George Howarth: I cannot provide this information: section 24 of the Animals (Scientific Procedures) Act 1986 prohibits the disclosure of information given, or believed to have been given, in confidence. This requirement arises from, inter alia, the need to protect the safety of the scientists and institutions.

Lewes Prison

Mr. Baker: To ask the Secretary of State for the Home Department when he expects the works to the windows at Lewes Prison, designed to contain noise, to be completed. [46561]

Ms Quin: Work to windows in F Wing of Lewes prison is due to be completed by the end of July.

Asylum Seekers

Mr. Corbyn: To ask the Secretary of State for the Home Department (1) what information his Department has obtained concerning the safety of Kurdish civilians in Northern Cyprus; and if he will make a statement on his policy towards asylum applications from them; [46780]

(2) from what sources his Department gains information on the human rights situation in Northern Cyprus in order to evaluate asylum claims. [46781]

Mr. Mike O'Brien: Every application for asylum is decided in accordance with the provisions of the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol. Anyone who demonstrates a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion would be recognised as a refugee. Any rejected applicant has the opportunity to appeal to the Immigration Appellate Authority.

The Home Office obtains information on the human rights situation in Northern Cyprus from a variety of sources, including the Foreign and Commonwealth Office, the United States Department of State, and international organisations such as the United Nations High Commissioner for Refugees and Amnesty International. A country assessment on Cyprus, prepared by the Council Information and Policy Unit of the Immigration and Nationality Directorate, has been produced and made publicly available. The assessment is one of 35 prepared to provide general background

information for decision makers. Each assessment is attributed to source material and contains a bibliography. Assessments will be revised and updated approximately every six months.

The Home office country assessment reports concerns about human rights abuses in Cyprus, including northern Cyprus. At this time, we have received no evidence to show that being of Kurdish ethnic origin alone would single a person out for persecution from either the "TRNC" ("Turkish Republic of Cyprus") authorities or the Turkish troops present in northern Cyprus.

Sex Offences

Dr. Harris: To ask the Secretary of State for the Home Department (1) how many men have been convicted under the provisions of the Sex Offenders Act 1997, solely in respect of homosexual acts *(a)* with men over the age of 16 and under the age of 18 years and *(b)* where more than two persons were present; [46591]

(2) how many men have been convicted of an offence under section 1 of the Sexual Offences Act 1967 under the provision stipulating that privacy does not pertain where more than two people are present. [46592]

Mr. Michael: The Sex Offenders Act 1997 requires sex offenders, in the categories covered by the Act, to register details of their name and address with the police. The only offences created by the Act relate to failure to register or the supply of false registration information. These offences began to be identified separately on the Home Office Court Proceedings database from 1 January 1998, although the information recorded does not identify whether the offender had previously committed either a heterosexual or homosexual offence. Data are not available centrally prior to this date and provisional data for the first quarter of 1998 will not be available until the autumn.

Section 1 of the Sexual Offences Act 1967 provides that a homosexual act which takes place in private between consenting parties of the age of consent shall not be an offence if it takes place in private. By virtue of section 1(2)(a), however, such an act is not regarded as taking place in private if more than two persons are present. The offence information held centrally on convictions under the Act does not identify the circumstances or location in which the offence was committed.

In 1996, 112 offenders aged 18 or over were convicted of a homosexual act of buggery or indecency between males where the second party was aged 18 or over. A further 14 offenders aged 16 or over were also convicted for the same offences, where the second party was aged 16 or over.

Helen Jones: To ask the Secretary of State for the Home Department (1) if he will list, for each of the past 10 years *(a)* the number of prosecutions under section 25 of the Sexual Offences Act 1956 and *(b)* the number of convictions obtained; [46541]

(2) if he will list, for each of the past 10 years *(a)* the number of prosecutions under section 1 of the Indecency with Children Act 1960 and *(b)* the number of convictions obtained. [46540]

Mr. Michael: Available information for 1986 to 1996 (latest available) is given in the table.

Number of persons prosecuted at magistrates' courts and convicted[1] at all courts for offences under Section 1 of the Indecency with Children Act 1960 and Sections 25 and 26 of the Sexual Offences Act 1956, England and Wales, 1986–96

Offence	*1986*	*1987*	*1988*	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*
Gross indecency with children—s1 of the Indecency with Children Act 1960											
Prosecutions	263	284	226	277	317	239	261	257	216	171	158
Convictions	243	248	246	219	276	219	228	203	189	155	162
Householder permitting girl under 13 years or under 16 years but 13 or over to use premises for intercourse—s25 and s26 of the Sexual Offences Act 1956[2]											
Prosecutions	4	7	10	6	7	3	9	8	—	4	4
Convictions	2	6	7	3	5	1	3	6	2	3	—

[1] Includes persons proceeded against in earlier years or for other offences

[2] Information collected centrally on the Home Office Court Proceedings database cannot identify the circumstances under s25 (relating to girls aged under 13) separately from those under s26 (relating to girls aged under 16 but 13 or over)

Mark Darren Day

Mr. Gerald Howarth: To ask the Secretary of State for the Home Department, pursuant to his answer of 6 April 1998, *Official Report*, columns *26–27*, if he will report on progress in the consideration by the Criminal Cases Review Commission of the case of Mark Darren Day, convicted of murder on 26 March 1993. [46079]

Mr. Michael: I understand that Mr. Day's application has reached the stage of a detailed review, but the Commission is unable to say when it will conclude its consideration.

Prostitution

Helen Jones: To ask the Secretary of State for the Home Department what plans he has to amend the Street Offences Act 1959 to distinguish between offences committed by adults and offences committed by children. [46539]

Mr. Michael: The Government believe that the criminal justice system should treat children who are involved in prostitution differently from women. The Government's primary concern is to protect and deter children, both boys and girls, from becoming caught up in prostitution and to recognise that they are frequently the victims of coercion and abuse.

The Government have recently announced their intention to conduct a review of sexual offences and penalties. In the light of this, we will want to consider very carefully the laws relating to soliciting, for women

and men and young boys and girls, but we do not believe that legalising child prostitution would help to protect children.

Although the Street Offences Act 1959 does not distinguish women prostitutes from girl prostitutes, the numbers of girls who have been prosecuted or cautioned for soliciting offences is small. The police, together with children's charities and others, have developed guidelines to ensure that children involved in prostitution are treated as victims in need of welfare rather than as offenders.

Helen Jones: To ask the Secretary of State for the Home Department what guidance he has issued to police forces in England and Wales on liaising with other agencies to make provision for young people to leave prostitution. [46543]

Mr. Michael: The general principles for inter-agency co-operation for the protection of children were set out in inter-departmental guidance issued under the Children Act 1989 to the police and other agencies in 1991. The Government are currently consulting on revised proposals for inter-agency co-operation to safeguard children.

The Association of Chief Police Officers has also adopted best practice guidelines for the police that emphasise that children caught up in prostitution should normally be treated as victims and in need of help, rather than criminals. These guidelines were drawn up in discussion with the Children's Society and other agencies, the Department of Health and the Home Office, and emphasise the need for multi-agency partnerships, particularly with local social services, in dealing with child prostitution.

These guidelines were piloted in Wolverhampton and Nottingham, where they are regarded as having been a success. The pilots are now being evaluated independently by the Home Office.

My noble Friend Lord Williams of Mostyn announced on 30 March 1998, *Official Report, House of Lords*, column 9, that new guidance on how best to deal with the problem of children involved in prostitution will be issued in the autumn. It will take account of the Association of Chief Police Officers' guidelines on dealing with children involved in prostitution, the Crime and Disorder Bill [*Lords*], and the response to the Government's current consultation exercise on proposals for inter-agency co-operation, together with prevention, care and rehabilitation of children involved in prostitution or those at risk of prostitution.

Helen Jones: To ask the Secretary of State for the Home Department what plans he has to change the law to increase sentences for those convicted of living off the immoral earnings of a child under 16. [46542]

Mr. Michael: The Government want to ensure that severe penalties are available for those involved in child prostitution. I have announced a review of all sexual offences and will be considering possible changes to such penalties in the context of that review.

Protection from Harassment Act

Mr. Beith: To ask the Secretary of State for the Home Department when sections 3, 4 and 5 of the Protection from Harassment Act 1997 will be implemented. [46230]

Mr. Hoon: I have been asked to reply.

Sections 4 and 5 of the Act are already in force. Subsections 1 and 2 of section 3 are also in force. Subsections 3–9 of section 3 will be brought into force when the work needed to finalise the relevant rules of court is complete. The final period of consultation closed on 12 June and the draft rules will very shortly be submitted to the appropriate rules committees. We expect both the rules and the commencement order for the outstanding provisions of the Act to come into force in September.

ENVIRONMENT, TRANSPORT AND THE REGIONS

MV Derbyshire

Maria Eagle: To ask the Secretary of State for the Environment, Transport and the Regions if he will place in the Library all Government documentation relating to the first formal inquiry into the loss of the MV 'Derbyshire' regardless of whether it is legally privileged, and in particular the document entitled "Derbyshire Statement of Facts Giving Rise to the Formal Investigation". [45264]

Ms Glenda Jackson: The government documentation relating to the Formal Investigation into the loss of the MV 'Derbyshire' is not for publication as it contains internal advice to Ministers and correspondence with legal counsel. The document entitled "Derbyshire Statement of Facts Giving Rise to the Formal Investigation" was circulated to the interested parties in the Master Bundle of documentation for the Formal Investigation which began in October 1987. A copy of the document has been placed in the Library.

Cleaner Fuel

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions what resources he has made available to promote research into green fuel technology. [45442]

Ms Glenda Jackson: A £60,000 "Life cycle" study of alternative road transport fuels, co-funded by the former Department of Transport and the Department of Trade and Industry, was published in March 1996. A further £1.2 million three year field trial of alternative fuels, funded by DETR, MAFF and DTI, aimed at quantifying their environmental benefits and viability in comparison with conventional fuels under UK conditions, has now been completed. Publication of the report is imminent.

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions what statistics he has collected on the numbers of *(a)* local authorities and *(b)* transport undertakings which have converted their fleets, in whole or part, to run on compressed natural gas, LPG and electricity. [46126]

Ms Glenda Jackson: We do not collect these statistics. However, we do collect statistics on the numbers of vehicle licensed by propulsion type. In 1997, 9,100 vehicles were registered as running on gas or petrol and gas, and 17,400 on electricity. Of the registered electric

vehicles, the majority fell into the special concessionary group, which consists largely of plant and agricultural vehicles, and exempt vehicles (emergency vehicles, vehicles registered to disabled drivers and vehicles over 25 years old). Of the gas vehicles, 6,700 are private and light goods vehicles. The Natural Gas Vehicles Association estimate that 50–55 local authorities have one or more compressed natural gas vehicles in their fleet. The LPG association believe that several local authorities are using LPG, along with a number of fleet operators such as bus operators and the police. The Electric Vehicles Association state that a number of local authorities have ordered electric vehicles.

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with companies operating depot-based vehicle fleets on the merits of converting vehicles to compressed natural gas. [46127]

Ms Glenda Jackson: Ministers have spoken about the merits of converting fleets to run on gas fuels on a number of occasions to audiences including large fleet operators and local authorities. In addition, the Government have provided £6 million of funding to the Energy Saving Trust for its three year Powershift programme which promotes the use of alternative fuels like compressed natural gas by providing grants of up to half the capital cost of converting a vehicle to run on alternative fuel, and put in place a number of fiscal incentives to encourage the use of gas fuels.

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions what measures his Department has undertaken since May 1997 to encourage local authorities to provide environmentally-friendly forms of public transport. [46044]

Ms Glenda Jackson: Under the National Air Quality Strategy, through the process of local air quality management, local authorities are responsible for ensuring that National Air Quality Strategy objectives are met in their areas. The Government have introduced a number of measures to encourage the use of more environmentally friendly public transport to help with this process. At the last Budget, 17 March 1998, *Official Report*, columns 1097–1112, the Chancellor announced that a graduated VED scheme for buses with an incentive of up to £500 for those vehicles meeting stringent emissions standards would begin on 1 January 1999. He also announced the creation of a greater duty differential between ordinary diesel and ultra low sulphur diesel, providing a greater incentive for operators to use this cleaner fuel, and that the Government will consult on how bus fuel rebate can better be targeted to help operators who run cleaner vehicles. The duty on road fuel gases was also frozen for the second successive budget.

Millennium Dome

Mr. Pickles: To ask the Secretary of State for the Environment, Transport and the Regions if coaches will be directed to Greenwich from Central London via the Dartford Tunnel in the event of the Jubilee Line extension not being fully operational by the time the Millennium Dome opens. [45746]

Ms Glenda Jackson: London Underground Ltd. currently estimate that the Jubilee Line Extension (JLE) will be fully operational by Spring 1999. In the extremely unlikely event that the JLE is not fully operational by the end of 1999, there would be several potential alternative routes and transport modes for journeys to and from the Millennium Experience in North Greenwich. London Transport is considering such options in the context of contingency planning for any operating difficulties that may occur after it is open. The use of a direct coach service from Central London to the Dome may be an option, but it would be unlikely to be necessary to send all coaches via the M25, A2 and A102(M), although that will be the recommended route for coaches going to the Millennium Experience from outside the M25.

London Underground

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 9 June 1998, *Official Report*, columns *515–16*, concerning London Underground, if the contracts drawn up with Price Waterhouse and Freshfields to provide, respectively, financial and legal advice are fixed price contracts; and what the value or estimated value is of these contracts. [46131]

Ms Glenda Jackson: The contracts which have been drawn up with Freshfields and Price Waterhouse to provide advice jointly to the Government and London Transport on implementing a Public/Private Partnership for London Underground are not fixed price contracts. For reasons of commercial confidentiality, it is not possible to give a figure for the estimated value of the contracts. We will, of course, report aggregate figures for the total cost of advice on implementing the Public/Private Partnership in due course.

Economic Development and Regeneration

Mr. Jenkins: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the Government's local economic development and regeneration policies. [45852]

Angela Eagle *[holding answer 18 June 1998]:* The Government are determined to join with local government, the voluntary and private sectors and local communities in a concerted attack against the multiple causes of social and economic decline—unemployment, bad housing, crime, poor health and a degraded environment.

Regeneration policies will play a key part in this. The Government are therefore undertaking a comprehensive review of regeneration policies. A discussion paper on the future of regeneration—"The Way Forward"—has been produced as a result of this review.

Regional Development Agencies (RDAs): The White Paper on Regional Development Agencies (RDAs), "Building Partnerships for Prosperity" (Cm 3814), published on 3 December 1997, set out the Government's proposals for the creation of a new Regional Development Agency in each of the English Regions. The Regional Development Agencies Bill, which had its Third Reading on 1 April 1998, *Official Report*, columns 1366–85, will put in place the legislative framework for RDAs' work.

RDAs will provide the means for ensuring effective, properly co-ordinated regional economic development. One of their first and most important tasks will be to draw up a regional economic strategy for their region. This will provide proper strategic direction to regional economic development work: regeneration, inward investment, business support, skills training and sustainable development.

RDAs will contribute towards the better coordination of regeneration programmes by bringing together English Partnerships, the Single Regeneration Budget Challenge Fund and the rural regeneration work of the Rural Development Commission. They will continue to work with local partnerships formed between local authorities, business and the voluntary sector.

Single Regeneration Budget (SRB): The Single Regeneration Budget (SRB) currently provides over £3.4 billion, in total, for the three years 1997–98 to 1999–2000.

Within the £3.4 billion SRB total, nearly £1.7 billion is currently allocated to some 550 partnership schemes under rounds 1 to 3 of the SRB Challenge Fund.

The balance of available SRB resources—over £1.7 billion over the 3-year period—is currently allocated to fund commitments under earlier programmes such as English Partnerships, UDCs, Housing Action Trusts, Estate Action, City Challenge etc. which all form part of the SRB.

The Government announced, on 30 March 1998, the names of the 121 successful Partnerships under Round 4 of the SRB Challenge Fund which stand to get over £300 million. Around £12 million will be available nationally for 1998–99.

Nearly all the 121 successful Round 4 schemes have multiple objectives, which include social exclusion, employment and training, education, community safety, prevention of drug misuse, health care and child care. Over half of the schemes include support for ethnic minorities as an explicit objective. This reflects local needs and priorities and the need to look across traditional boundaries in finding solutions.

The Round 4 schemes aim to attract private sector support of over £400 million and other public sector contributions, including European funding, of over £500 million over their lifetime of up to seven years. This investment will benefit over 600,000 school children, provide training for 86,000 people, provide jobs for over 50,000 target area residents and benefit over 3 million people from community safety initiatives.

During 1996–97 the SRB Challenge Fund supported schemes which attracted over £577 million of private sector leverage, created/preserved over 78,000 jobs and helped to start up over 16,000 businesses.

English Partnerships: NDPB delivering regeneration, economic development, job creation, environmental improvement and promoting inward investment through the reclamation and development of derelict, vacant and under-used land and buildings throughout England.

EP's Investment Fund provides a flexible means to tailor financial support for projects and enables EP to operate as a strategic partner and investor in regeneration. Their Community Investment Fund provides capital grants of up to £100,000 to community based projects and enables local communities to participate more effectively in the regeneration of their neighbourhoods.

Fifty-six British Coal non-operational sites, covering some 6,000 acres, have been transferred to EP who are taking forward their regeneration, reclamation and development. EP have prepared a detailed investment plan including a development strategy for each site. Paula Hay-Plumb, Managing Director (Operations) at EP has been appointed by the Deputy Prime Minister to chair a Coalfields Task Force whose purpose is to identify and develop a specific programme of action to assist coal closure areas by pooling the expertise of government departments and other partners in regeneration.

EP own the Greenwich Peninsula and are responsible for providing a serviced site for the Millennium Experience. EP have developed a master plan for the long term regeneration of the site which would provide 5,000 homes and 335,300 jobs as well as commercial, leisure, retail, community and education facilities. A competition for the first stage of the development—the Millennium Village—was launched by the Deputy Prime Minister on 10 July 1997. Four shortlisted consortiums submitted their bids on early January 1998 and the winner will be announced shortly.

Housing Action Trusts (HATs): There are 6 Housing Action Trusts regenerating severely run down housing estates, including refurbishment/redevelopment, creation of jobs and training opportunities, and other improvements. HATs are planning their programmes on the basis of a total public spend of £1,095 million on all HATs to the end of their 10 year lifetimes.

Estate Action: aims to help local authorities improve unpopular housing estates. Funding is currently for commitments only on continuing schemes approved in 1994–95 or before.

There are also several other programmes which can help in the regeneration of deprived areas. These include:

The Special Grants Programme: a small but long standing programme (1997–98 budget £1.3 million) under which grants are given to voluntary organisations undertaking national projects relevant to the Department's policy objectives in housing and regeneration. Grant is generally limited to 3 years and to about half of each project's costs, the remainder coming from private and voluntary sector sources.

Local Investment Fund (LIF): established in 1994 with £1 million grant and £2 million private sector contribution. LIF provides loans on conventional terms to voluntary organisations for economically viable projects for which conventional finance cannot be raised (e.g. owing to lack of asset base, track record, etc.).

Groundwork: established in 1985 to tackle a range of environmental problems through partnership with the community and the private sector. DETR provides funding to the Groundwork Foundation and its 41 Trusts in England, Wales and Northern Ireland (£6.675 million for 1997–98).

Environment Task Force: one of four options available under the New Deal for the young unemployed. It aims to enhance the long term employment prospects of

18–24 year olds, unemployed and claiming JSA for 6 months or more, through a combination of high quality work experience and training leading to an approved qualification. The ETF will consist of projects which deliver sustainable environmental benefits in line with DETR's policies and objectives.

Thames Gateway: a major growth opportunity with strong European connections, reinforced by stations on the Channel Tunnel Rail Link. Thames Gateway Planning Framework (RPG9a) aims to maximise the area's potential and improve its image through environmental enhancement and quality development.

Inner City Religious Council: chaired by Ministers, the ICRC provides the main faith communities with a means of working together to tackle the problems facing inner cities and deprived areas. Its members are drawn from Christian, Hindu, Jewish, Muslim and Sikh faiths. A review of the work of the ICRC has recently been carried out and its findings are being considered.

Local Authorities

Local authorities have a key role to play as catalysts for the economic development and regeneration of their areas. Under section 33 of the Local Government and Housing Act 1989 authorities have powers to promote the economic development of their area. We intend to strengthen their role further by placing a duty on local authorities to promote the economic, social and environmental well being of their area in partnership with other public, private and voluntary organisations, and with local people.

Air Traffic Control

Ms Osborne: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the role of the Private Finance Initiative in funding the new Scottish centre at Prestwick in relation to the proposed public/private partnership for funding air traffic control. [46440]

Ms Glenda Jackson *[holding answer 18 June 1998]:* The operational requirement of the New Scottish Centre at Prestwick remains unchanged, and the centre is an integral part of the Civil Aviation Authority's two centre strategy—which the Government have endorsed. National Air Traffic Services Ltd. are moving towards contracting with their preferred bidder for the provision of the new centre, and the Government hope that the announcement of the public/private partnership will not delay its development.

Ms Osborne: To ask the Secretary of State for the Environment, Transport and the Regions when National Air Traffic Services will sign the contract for the new Scottish centre at Prestwick. [46443]

Ms Glenda Jackson *[holding answer 18 June 1998]:* National Air Traffic Services and Sky Solutions, the preferred bidder, are now well advanced in negotiations. NATS will consult with the airlines before seeking CAA Board and Government approval to a contractual commitment.

Ms Osborne: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the number of occasions in the last *(a)* month and *(b)* six months when allegations have been made of overloads of the air traffic control system; and what has been the outcome of investigations. [46439]

Ms Glenda Jackson *[holding answer 18 June 1998]:* From 17 May to 17 June 1998, there have been three overloads reported at the London Area Terminal Control Centre at West Drayton. For the calendar year to 17 June, there have been 22 overloads reported at that centre. There have been none at the Manchester and Scottish and Oceanic Control Centres. The Safety Regulation Group of the Civil Aviation Authority investigates the incidents. To date, reports have been made to National Air Traffic Services Limited (NATS) on 13 of the incidents. NATS implements all relevant recommendations following such incidents.

Ms Osborne: To ask the Secretary of State for the Environment, Transport and the Regions in relation to the proposed public/private partnership for National Air Traffic Services, what proportion of the 51 per cent. of the shares held in the private sector will be reserved for employees. [46446]

Ms Glenda Jackson *[holding answer 18 June 1998]:* The Government are contemplating reserving up to 10 per cent. of the shares held in the private sector for National Air Traffic Services' employees.

Ms Osborne: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of alternative options for the future funding of air traffic control services; and if he will publish the arrangements for consultation on the Government's preferred option. [46442]

Ms Glenda Jackson *[holding answer 18 June 1998]:* The Government considered the following options:

Establishing National Air Traffic Services Ltd as a separate public sector body: this option was not feasible without significant relaxation of Government borrowing controls, and provided no real incentive to improve efficiency or drive the business forward;

Maintaining air traffic control provision as a subsidiary of the Civil Aviation Authority: this option provided no incentives for efficiency, would not separate regulation from service provision, and could not provide assurances as to the availability of funding for future investment to cater for demand;

Setting up a private sector trust along the lines of the Canadian model: this option would not generate real commercial incentives or disciplines, it would be difficult to ensure adequate accountability, and difficult to ensure against the emergence of dominant interests;

Establishing National Air Traffic Services Ltd as a private sector body providing air traffic control services under contract to the Civil Aviation Authority (the "privatised contractor"): this option did not effect any real separation between service provision and regulation, and there were additional concerns over a possible conflict of interest in the Civil Aviation Authority's being contract manager and regulator.

The Government intend to consult interested parties on the implementation of their decision in principle, and will publish a consultation paper shortly.

RAF Northolt

Mr. Wilkinson: To ask the Secretary of State for the Environment, Transport and the Regions what contacts, and when, his Department has had with *(a)* Stagecoach Aviation Ltd and *(b)* other commercial interests since 2 May 1997 about (i) turning RAF Northolt into a civil

airport and (ii) increasing the number of civil aircraft movements or the stipulated operating hours for civil aircraft at RAF Northolt. [45291]

Ms Glenda Jackson *[holding answer 18 June 1998]*: The Department of the Environment, Transport and the Regions has had only once contact with commercial interests regarding RAF Northolt, notably by letter dated 20 May 1998, from Virgin Executive Jets.

Sites of Special Scientific Interest

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions how many sites of special scientific interest there are; and what their approximate acreage is in the United Kingdom. [46694]

Angela Eagle: As at 17 June, there were 6,526 Sites of Special Scientific Interest in the United Kingdom covering approximately 2.17 million hectares (5.37 million acres).

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions if he will list, with their approximate acreage, the sites of special scientific interest in Gloucestershire. [46695]

Angela Eagle: As at 17 June there were 119 Sites of Special Scientific Interest in Gloucestershire covering nearly 23,500 hectares (57,900 acres). I will send the hon. Member a complete site list with respective acreages.

Nuclear Materials (Transportation)

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions how many consignments of low enriched uranium have been air freighted on *(a)* passenger and *(b)* cargo airlines from the United Kingdom airports in each of the last 10 years; what quantities of nuclear materials were involved in *(a)* and (b); what safety arrangements have applied; what advance notice has been given to Ministers; and what plans there are to airfreight uranium from the United Kingdom over the next year. [46817]

Ms Glenda Jackson: My Department does not collect such data as requested. All air shipments of radioactive material to, from and within the United Kingdom must be made in accordance with the requirements of the International Civil Aviation Organisation's Technical Instructions for the Safe Transport of Dangerous Goods by Air (Class 7) which are given legal force in the United Kingdom by the Air Navigation (Dangerous Goods) Regulations 1994 (SI No 3187) and Amendments 1996 (SI No 3100) and 1997 (SI No 2666). Prior notification of such shipments would be made only where so required by the Technical Instructions.

Eurostar

Dr. Starkey: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of commercial proposals to run direct regional Eurostar rail services from Scottish and English regional cities to Europe. [46741]

Ms Glenda Jackson: Regional Eurostar rail services are a matter for London and Continental Railways Ltd. (LCR). The Government have, however, asked the consortium chosen by LCR to operate Eurostar to report by the end of the year on the feasibility of such services.

Trunk Roads

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he plans to announce the list of trunk road schemes to be approved for construction simultaneously with the publication of the Integrated Transport Strategy White Paper. [46563]

Ms Glenda Jackson: No. The Roads Review will follow after the Integrated Transport White Paper.

Road Hauliers

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to introduce a United Kingdom vignette for road hauliers. [46551]

Ms Glenda Jackson: I have no plans at present to do so.

Transport Expenditure

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions what is his current estimate of his Department's expenditure on *(a)* national roads, *(b)* local roads and parking, *(c)* transport grants and *(d)* public transport in (i) the current financial year and (ii) the following two financial years. [46773]

Ms Glenda Jackson: The table gives my Department's expenditure plans for the current financial year in as close to the requested format as I am able to provide. The Government will publish their expenditure plans for the rest of the Parliament in the Summer, after the completion of the Comprehensive Spending Review.

A more detailed breakdown of my Department's planned transport expenditure for 1998–99 can be found in the 1998 Annual Report (Cm 3906).

Planned transport expenditure for 1998–99

	£ million
National roads	1,349
Local transport (local roads and public transport)	[1]623
Other public transport	2,220
o/w	
Support for national railways[2]	1,659
London Transport	523
Support for rural buses	38
Other transport grants[3]	42

[1] Of this total, £449m has been allocated solely for local roads and £63m for public transport. The remaining £111m can be used on either roads or public transport according to local discretion. (DETR figures)

[2] Includes Metropolitan Railway Passenger Services Grant, support for residual British Rail activities, Deeds of Assumption Ltd. and support paid by the Office of Passenger Rail Franchising

[3] To prevent double counting, only includes those transport grants not included in other sections of the table. Total comprises £40m rail freight grants and £2m grants to local authorities for pre-DVLC pensions

Note:

Unless otherwise indicated, the source of data is the DETR 1998 Annual Report

River Wye

Mr. Keetch: To ask the Secretary of State for the Environment, Transport and the Regions how much public money has been spent by the Environment Agency on *(a)* the River Wye Navigation Order application under the Transport and Works Act 1992 since the lodging of the application in April 1986 and *(b)* the River Wye Navigation Bye-Laws under the Water Resources Act 1991 application, since the lodging of the application in October 1994; and if he will make a statement. [46960]

Angela Eagle: The costs incurred by the Environment Agency and its predecessor body, the National Rivers Authority (NRA), in promoting an Order to become the navigation authority on the Rivers Wye and Lugg amount to approximately £450,000 since 1995 when the proposals were first put forward. The majority of these costs were incurred in preparing for and conducting the public inquiry following objections to the application submitted to the Secretaries of State for the Environment and for Wales in March 1996.

The costs incurred by the Agency and the NRA since the submission of the application for the confirmation of the River Wye Navigation Byelaws in September 1994 is approximately £114,000. The majority of these costs were incurred in preparing for and conducting a public inquiry into this application which ran immediately after the inquiry into the navigation authority application.

Mr. Keetch: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the Government's policy regarding the use of the River Wye for leisure activities. [46958]

Angela Eagle: Subject to its environment and recreational duties, it is for the Environment Agency to draw up policies for individual rivers for which it is the responsible authority. The Government do not prepare such policies.

Low Flying

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions how many successful prosecutions there have been for civilian low-flying offences in the United Kingdom in each of the last five years for which figures are available. [46549]

Ms Glenda Jackson: The Civil Aviation Authority's Aviation Regulation Enforcement Division has carried out the following enforcement action against low flying offences in the years 1993 to 1997. Full figures are not yet available for 1998.

Year	*Successful prosecutions*
1993	11
1994	5
1995	5
1996	6
1997	4
1998 (so far)	4

In addition, in the same period, the Enforcement Division issued 12 formal cautions and 37 warning letters in respect of low flying offences. One prosecution for low flying is currently pending, and four other cases of alleged low flying are currently under investigation.

London Regional Transport

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 15 June 1998, *Official Report*, column 59, on the chairmanship of London Regional Transport, if he will publish his proposals for the method of recruitment to the post as soon as they have been determined. [46546]

Ms Glenda Jackson: Yes.

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish the job specification of the Chief Executive of London Regional Transport; and when the Chief Executive's personal annual objectives will be published. [46535]

Ms Glenda Jackson: The job specification for the Chief Executive of London Transport, including the objectives he is to deliver, are as follows:

He has executive responsibility for all London Transport's activities, with the heads of each main executive arm reporting to him. His objectives for the next two years are:

1. To ensure that London Transport (Underground Operations, Underground Infrastructure, the Buses and other arms) delivers the Government's objectives;
2. Strategic planning, including the cascade of targets and funding limits to the constituent parts of LT, consistent with the Government's overall targets; and the monitoring of delivery;
3. To lead the design and implementation of the Underground PPP in accordance with the Government's policy and timetable;
4. To work with Government to pave the way for the establishment of Transport for London under the GLA;
5. To ensure high standards of safety throughout LT; and
6. To ensure that LT delivers its part in providing links to the Millennium Exhibition.

The Chief Executive is also to be directly responsible for managing London Underground until a new Managing Director is appointed, and will continue to manage the infrastructure element thereafter.

Bus Companies (Customer Service)

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 15 June 1998, *Official Report*, column 59, on bus companies' customer service standards, what advice he has given to London Transport on customer service standards. [46547]

Ms Glenda Jackson: The Government set London Transport quality of service targets, based on service performance and measures of customer satisfaction, for the London bus network.

Sapphire

Mr. Salmond: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 9 February 1998, *Official Report*, column *10*, if he will make a statement on the discussions he has

had with other Government departments concerning the consultation process he announced following the loss of the 'Sapphire'; when he expects the consultation process to be completed; and if he will make a statement. [46486]

Ms Glenda Jackson: Other Government departments have made valuable contributions to the Consultation Paper on Fishing Vessel Accidents and the Recovery of Those Lost at Sea. The Consultation Paper will be issued shortly and the results of the consultation process will be announced before the end of the year.

Houses in Multiple Occupation

Angela Smith: To ask the Secretary of State for the Environment, Transport and the Regions what action he proposes to take to improve standards in houses in multiple occupation. [47137]

Ms Armstrong: We are determined to ensure that houses in multiple occupation (HMOs) are safe, providing acceptable living conditions and fulfilling our commitment to introduce a national licensing scheme. Work on drawing up proposals for licensing will be given priority in our plans for reforming the existing controls over HMOs. We will consult interested parties later this summer on how a licensing system should work and the standards that it should achieve.

Our objective is to ensure that all HMOs meet the highest possible standards on fire and other health and safety risks. However, we need to set standards which are achievable and do not involve unnecessary or disproportionate burdens on HMO landlords, who might otherwise withdraw their properties from the market. We need also to ensure a consistent approach with other relevant legislation, including proposals by the Home Office for a universal fire safety duty.

We have decided against introducing an interim Approved Code of Practice. We consider that our existing powers under the Housing Act 1996 do not enable us to produce an effective and workable code that would deliver the standards we want HMOs to achieve in the longer term. We are also reluctant to introduce two major changes within a relatively short period of time.

Following consultation, we intend to publish the proposed standards for a licensing system and will issue guidance to local housing authorities on their application prior to the coming into force of the licensing requirements.

Authorities which have adopted HMO registration schemes containing control provisions are likely to have similar powers under the proposed licensing scheme. We are therefore encouraging all authorities to adopt registration schemes now to facilitate the transition to licensing.

We will be seeking views, as part of our consultation on licensing, on whether there should be a duty on landlords to maintain acceptable standards in addition to the licensing requirements. We will not be commencing section 73 of the Housing Act 1996 to place a duty on HMO landlords to keep their properties fit for the number of occupants, as we do not consider this duty to be workable in its present form.

DEFENCE

Defence Attachés

14. **Mr. Soames:** To ask the Secretary of State for Defence how many new defence attaché posts he plans to establish by 2000. [45235]

Mr. George Robertson: As with many other important issues affected by the Strategic Defence Review, we are undertaking a global review of our Defence Attaché coverage. We want to ensure that the number and location of our attachés meet our new security and defence requirements. It is too early to say at this stage what the conclusions might be.

Education and Training

15. **Mrs. Gilroy:** To ask the Secretary of State for Defence what plans his Department has to improve the quality of education and training in the armed forces. [45236]

Dr. Reid: The Armed Forces already spend substantial sums to ensure high-quality training for Service Personnel. As part of the Strategic Defence Review, we are considering the scope to improve further the education and training provided, and to ensure that the qualifications Service personnel receive are fully recognised and transferable when they return to civilian life.

Royal Naval College

16. **Mrs. Virginia Bottomley:** To ask the Secretary of State for Defence when he next plans to visit the Royal Naval College to discuss its participation in the Greenwich millennium celebration. [45237]

Mr. George Robertson: I hope to visit the Royal Naval College soon to sign the head lease which will transfer responsibility for the site to the Greenwich Foundation. The extent of involvement in the Millennium celebrations is rightly a matter for the Foundation.

Joint Organisations

17. **Dr. Iddon:** To ask the Secretary of State for Defence what steps his Department is taking to increase the use of joint organisations in the armed forces. [45238]

Dr. Reid: As my right hon. Friend the Secretary of State announced on 8 June 1998, *Official Report*, column *423*, the MOD has signed a contract to build a new Joint Services' Command and Staff College at Watchfield. This reflects our commitment to joint training and to joint organisations more generally, one of the main themes of the Strategic Defence Review.

Strategic Defence Review

18. **Mr. Keith Simpson:** To ask the Secretary of State for Defence if he will publish the strategic defence review before the end of July. [45239]

Mr. George Robertson: A package of proposals has been submitted to the Cabinet. Once decisions have been taken, the Review's conclusions will be published in a White Paper as quickly as possible thereafter.

Mr. Burns: To ask the Secretary of State for Defence if he will make a statement on the implications of the Defence Review for defence procurement. [45222]

Mr. George Robertson: I refer the hon. Member to the oral answer I gave earlier today to my hon. Friend the Member for Portsmouth, North (Mr. Rapson), *Official Report*, columns 683–84.

RAF Finningley

19. **Caroline Flint:** To ask the Secretary of State for Defence if he will make a statement on arrangements for the disposal of RAF Finningley. [45240]

Mr. Spellar: The RAF Finningley site has been marketed and two bids, both of which include proposals for civil aviation use, are currently under consideration. My Department continues to work closely with the Department of the Environment, Transport and the Regions and the Government Office for Yorkshire and Humberside so that a decision can be made as soon as possible which takes into account all the factors affecting this important regional site.

Inoculations

20. **Maria Eagle:** To ask the Secretary of State for Defence what assessment he has made of the circumstances under which inoculation of forces personnel should be compulsory. [45241]

Dr. Reid: Immunisation is vitally important for the protection of UK Service personnel against disease, in the context of public health threats as well as defence against biological warfare agents. At present, MoD policy is that immunisation for both purposes is voluntary, on the basis of informed consent. However, the means of protecting our personnel against such threats are continually reviewed and updated in the light of current circumstances.

Guardsmen Fisher and Wright

21. **Mr. Dalyell:** To ask the Secretary of State for Defence if he will make a statement on the prospects of future service in the Scots Guards of Guardsmen Fisher and Wright. [45242]

Dr. Reid: No decision has been taken on the future in the Army of Guardsmen Fisher and Wright.

Benefits

22. **Mr. Rendel:** To ask the Secretary of State for Defence how many service personnel are currently claiming benefits. [45243]

Dr. Reid: Except in a limited number of circumstances—for example, when personnel are serving overseas—entitlement to DSS benefits is normally a matter between individual Service personnel and the DSS, to which claims are made direct. Therefore, my Department has no overview of the extent of benefits being claimed by Service personnel.

Export Licences

24. **Mr. David Heath:** To ask the Secretary of State for Defence what discussions he has had with other departments concerning the process of considering arms export licence applications. [45245]

Mr. Spellar: Ministry of Defence officials are in daily contact with officials in other Departments, principally the Department of Trade and Industry, the Foreign and Commonwealth Office and the Department for International Development, as part of the process of considering export licence applications. Ministers occasionally discuss various export issues, including the process of considering such applications.

Territorial Army

25. **Mr. Swayne:** To ask the Secretary of State for Defence what plans he has to *(a)* reorganise and *(b)* alter the role of the Territorial Army. [45246]

Dr. Reid: I refer the hon. Member to the oral answer I gave to the hon. Member for Buckingham (Mr. Bercow) earlier today, *Official Report*, column 686.

Royal Yeomanry

26. **Mr. Brazier:** To ask the Secretary of State for Defence what is the annual cost of the Royal Yeomanry in its chemical defence role; and what would be the cost of giving the role to a similar-sized regular unit. [45247]

Dr. Reid: The annual cost of the Royal Yeomanry in the chemical defence role is £3.471m. Comparable costs for a similar sized regular chemical defence unit are not available. However, the costs of paying regular and TA soldiers to perform a particular role for a given period of time are broadly comparable.

Defence Diversification

27. **Ann Clwyd:** To ask the Secretary of State for Defence if he intends to publish a White Paper on defence diversification; and if he will make a statement. [45248]

29. **Mr. Sutcliffe:** To ask the Secretary of State for Defence if he will make a statement on the Government's plans for defence diversification. [45251]

Mr. Spellar: I refer my hon. Friends to the oral answer I gave earlier today to my hon. Friend the Member for Delyn (Mr. Hanson), *Official Report*, column 683.

Chamber of Shipping

28. **Mr. Bill O'Brien:** To ask the Secretary of State for Defence when he last met the Chamber of Shipping to discuss co-operation between his Department and the chamber on defence issues; and if he will make a statement. [45249]

Mr. Spellar: The Secretary of State for Defence has not yet met the Chamber of Shipping. However, the Ministry of Defence enjoys a close and productive relationship with the Chamber on defence issues, primarily through the auspices of the Shipping Defence Advisory Committee and its various working groups and sponsored discussions. The MOD looks forward to a continuing dialogue with the Chamber which will, I am sure, provide further opportunity to develop a better appreciation of our respective interests and concerns.

Army Operational Commitments

30. **Mr. Blunt:** To ask the Secretary of State for Defence if he will make a statement on the capacity of the Army to sustain further indefinite operational commitments. [45252]

Dr. Reid: The Army is currently heavily committed in Northern Ireland and Bosnia. Our capacity to sustain further indefinite operational commitments would be subject to the specific circumstances pertaining at the time and the scale of the force envisaged.

Commercial Exploitation Levy Receipts

Mr. Cousins: To ask the Secretary of State for Defence what sums have been generated by commercial exploitation levies since 1992. [46489]

Mr. Spellar: Commercial Exploitation Levy receipts for the years 1991–92 to 1997–98 are as follows:

	£ million ex VAT
1991–92	34.5
1992–93	15.0
1993–94	39.8
1994–95	33.0
1995–96	21.9
1996–97	90.5
1997–98	54.0

Defence Exports

Mr. Cousins: To ask the Secretary of State for Defence which countries have benefited from *(a)* the Defence Military Assistance Fund, *(b)* the Defence Policy Fund and *(c)* the Defence Sales Fund since 1988; and what criteria have been used for disbursements from (i) the Defence Policy Fund and (ii) the Defence Sales Fund. [46490]

Mr. Spellar: I refer my hon. Friend to the letter from my hon. Friend the Minister for the Armed Forces, sent to my hon. Friend the Member for Cynon Valley (Ann Clwyd) on 7 May 1998, a copy of which has been placed in the Library of the House. The letter sets out those countries which have received support from the Defence Policy Fund, the Defence Sales Fund, the Defence Military Assistance Fund and other centrally administered funds in the period since 1988.

The Defence Policy Fund was an MOD-administered scheme to provide military assistance at no or a reduced cost to selected countries, generally outside the NATO area, in support of defence policy objectives. The criteria used in considering requests against the Fund included the extent to which the UK's strategic interests and defence involvement might have caused us to respond positively to a request for assistance, whether the UK either enjoyed or expected to require valuable defence facilities, whether the UK retained formal defence commitments or links, and the general state of our relations with the country.

The Defence Sales Fund was designed to assist in the promotion of defence exports by reducing or waiving charges for training related to specific sales which had been secured or were in clear prospect.

Major Eric Joyce

Mr. Keith Simpson: To ask the Secretary of State for Defence what factors underlay the decision not to court-martial Major Eric Joyce, Adjutant-General's Corps. [46302]

Mr. George Robertson *[holding answer 18 June 1998]:* The decision on whether or not to prosecute a case referred to the Army Prosecuting Authority is made on the prospect of a realistic conviction based on the available evidence, and whether a prosecution is in the public and Service interest. These tests are essentially the same as those applied by the Crown Prosecution Service.

Mr. Keith Simpson: To ask the Secretary of State for Defence on which date the resignation from the British Army of Major Eric Joyce, Adjutant-General's Corps, became effective. [46301]

Mr. George Robertson *[holding answer 18 June 1998]:* No application has been received from Major Eric Joyce to retire from the British Army.

TRADE AND INDUSTRY

Reviews

Mr. Allan: To ask the President of the Board of Trade if she will list, for each of the last four years, the departmental inquiries and reviews instigated by Ministers which have been chaired by individuals outside her Department; and in each case if he will give the date of establishment and the name of the chairman. [44365]

Mrs. Beckett: The DTI has initiated the following Inquiries and Reviews since May 1994 which have been chaired by individuals outside the Department.

Review	*Chaired by*	*Date established*
Review of the Contribution of Scientists and Engineers to the Public Understanding of Science, Engineering and Technology	Sir Arnold Wolfendale FRS	January 1995
Prior Options Review of the Royal Observatories	Professor Ian Halliday, University of Wales, Swansea	July 1995
The Scientific Group on the Environmental Impact of Deep-Sea Disposal of Offshore Structures	Professor John Shepherd, Southampton Oceanography Centre	October 1995
Prior Options Review of the Central Laboratories of the Research Councils	Dr. David Fisk, Chief Scientist, Department of the Environment	November 1995
Prior Options Review of Public Sector Research Establishments: Agriculture and Plant Science Steering Group[1]	Professor Tom Blundell, then Chief Executive, Biotechnology and Biological Sciences Research Council	November 1995
Prior Options Review of Public Sector Research Establishments: Marine and non-Marine Environment Steering Group[2]	Dr. Ian Graham-Bryce, Principal, University of Dundee	January 1996

Review	Chaired by	Date established
Quinquennial Review of the Teaching Company Scheme	Sir Robin Nicholson FRS	March 1996
Prior Options Review of Public Sector Research Establishments: Food and Nutrition Steering Group[1]	Mr. Nick Winterton, Medical Research Council	July 1996
Prior Options Review of Public Sector Research Establishments: Health Steering Group[2]	Dr. Metters, Department of Health	July 1996
Review of the Electricity Trading Arrangements	Stephen Littlechild, Director-General of Electricity Supply	January 1998

[1] Included the Biotechnology and Biological Sciences Research Council's (BBSRC) Institute of Grassland and Environmental Research, Institute of Arable Crops Research, John Innes Centre and Silsoe Research Institute
[2] Included the Natural Environment Research Council's (NERC) British Geological Survey, Centre for Coastal and Marine Sciences and Centre for Ecology Hydrology
[3] Included the BBSRC's Institute of Food Research and the Medical Research Council's Dunn Nutrition Unit
[4] Included the Medical Research Council's Radiobiology Unit, Reproductive Biology Unit, Toxicology Unit and Virology Unit

British Employees (Overseas Working Conditions)

Ms Kelly: To ask the President of the Board of Trade how many British employees she estimates are currently working for British companies abroad under contracts signed in the United Kingdom; and how many complaints were received by her Department from such employees about working conditions in the last year for which figures are available. [45474]

Mr. Ian McCartney: My Department collects no information on this subject and receives few complaints from British workers overseas.

EU Structural Funds

Mr. Maclean: To ask the President of the Board of Trade what was the amount of *(a)* Objective 5b funding and *(b)* Objective 1 funding spent in the United Kingdom over the last five years, broken down by (i) counties and (ii) projects. [45670]

Mrs. Roche: Figures showing funding by counties and projects are not readily available and could be provided only at disproportionate cost.

The table gives allocations for each of the United Kingdom's Objective 1 and 5b regions.

UK structural funds allocations (including community initiatives)

million ecu, 1996 prices

	1989–1993				*1994–99*				
	ERDF	*ESF*	*EAGGF*	*Total*	*ERDF*	*ESF*	*EAGGF*	*FIFG*	*Total*
Objective 1									
Northern Ireland	522	405	174	1,101	896	468	247	20	1,631
Highlands and Islands	0	0	0	0	193	59	60	21	334
Merseyside	0	0	0	0	503	358	3	0	864
Total objective 1	522	405	174	1,101	1,621	909	299	0	2,829
Objective 5b									
South West England	94	21	0	115	168	38	47	0	253
The Marches	0	0	0	0	26	10	8	0	43
Midlands Uplands	0	0	0	0	9	2	2	0	13
Northern Uplands	0	0	0	0	71	22	25	0	118
Lincolnshire	0	0	0	0	39	9	10	0	57
East Anglia	0	0	0	0	50	11	13	0	74
Rural Wales	137	21	1	159	131	38	41	0	210
Highlands and Islands	128	22	34	184	—	—	—	—	—
Dumfries and Galloway	15	2	0	17	41	8	7	0	57
Borders of Scotland	0	0	0	0	21	6	4	0	31
Central Scotland/Tayside	0	0	0	0	18	5	3	0	26
Grampian	0	0	0	0	29	6	5	0	40
Total objective 5b	375	65	35	475	602	155	165	0	922

Note:
The current £/ecu exchange rate is £1 = 1.48 ecu. Over the period 1989 to June 1998 the £/ecu exchange rate has averaged £1 = 1.36 ecu.

Special Advisers

Mr. Sayeed: To ask the President of the Board of Trade how many special advisers, political advisers and other political appointees are working in her Department; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43316]

Mrs. Beckett: For details of the numbers of Special Advisers and the annual cost of employing them, I refer the hon. Member to the answer given by my right hon. Friend the Prime Minister to the hon. Member for Woodspring (Dr. Fox) on 11 June 1998, *Official Report*, column *664*.

National Insurance contributions are excluded from this figure but are paid under the same rules and at the same

time as for other civil servants. Information on the paybill costs for Special advisers within individual departments is not provided in order to protect the privacy of the individuals concerned.

Information on the cost of employing Special Advisers in previous years was given by my right hon. Friend the Chancellor of the Duchy of Lancaster to the hon. Member for Gordon (Mr. Bruce) on 25 November 1997, *Official Report*, columns *472–73*.

Mid Kent Holdings

Mr. Green: To ask the President of the Board of Trade when she expects to receive undertakings from General Utilities plc about its material influence over Mid Kent Holdings plc. [46552]

Mr. Nigel Griffiths: On 15 May I announced my decision to accept undertakings offered by General Utilities PLC and SAUR Water Services plc following the adverse report by the Monopolies and Mergers Commission (MMC) on their proposed bid for Mid Kent Holdings plc, published in 1997.

Under the terms of the undertakings both companies have agreed not to be party, or give effect, to any joint arrangements in respect of Mid Kent which would give rise to a compulsory reference to the MMC unless the consent of the Secretary of State has been obtained.

Postal Services

Sir Teddy Taylor: To ask the President of the Board of Trade if she will make a statement on the future of the Post Office, with particular reference to the ownership of the Royal Mail. [46471]

Mr. Ian McCartney: As announced by my right hon. Friend, the President of the Board of Trade on 6 April 1998, *Official Report*, column *63*, the Government are committed to the Post Office (including Royal Mail) remaining in the public sector and continuing to provide a universal postal service under a uniform tariff structure, with a nationwide network of post offices. Against that background, the Government are reviewing the Post Office's organisation, structure and financing with a view to ensuring that the Post Office can be given greater commercial freedom to enable it to compete effectively in the UK and overseas. We plan to present our proposals in the Autumn.

Sir Teddy Taylor: To ask the President of the Board of Trade if she will make a statement on the progress made in the consideration of liberalisation of postal services within the European Union; when a new directive is expected; and if it will be subject to unanimity or majority vote. [46466]

Mr. Ian McCartney: The Postal Services Directive (97/67/EC) was adopted on 15 December 1997, for Member States to implement by February 1999. The Directive sets a maximum monopoly area for the provider of the universal service and a programme for further liberalisation. The Commission must table a proposal before the end of 1998 and the European Parliament and the Council must decide by 1 January 2000 on the further liberalisation to take effect from 1 January 2003. We would expect the basis of any Directive to be Article 100a which is subject to qualified majority voting.

HOUSE OF COMMONS

Private Members' Time

35. **Mr. Mackinlay:** To ask the President of the Council what representations she has received on increasing the time available for private Members' *(a)* debates and *(b)* legislation. [45257]

Mrs. Ann Taylor: I have received a number of representation asking for more time on both private Members' debates and legislation.

36. **Mr. Bob Russell:** To ask the President of the Council if she will increase the number of days provided for the consideration of private Members' Bills. [45258]

Mrs. Ann Taylor: I have no plans to do so in the current session. The procedure for private Members' bills will be considered by the Modernisation Committee.

Members' Allowances (Office Technology)

37. **Mr. Sheerman:** To ask the President of the Council if she will make a statement on the adequacy of Members' allowances in respect of office technology. [45259]

Mrs. Ann Taylor: In its 1996 Report, the Senior Salaries Review Body concluded that the element of the Office Costs Allowance intended for the provision of office equipment was set at an appropriate level. The Report also welcomed the trend towards greater central provision of office equipment. The SSRB is working with the House authorities to consider what further equipment might be provided centrally for MPs' Westminster offices.

FOREIGN AND COMMONWEALTH AFFAIRS

Defence Exhibitions

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list those officials from his Department who attended *(a)* the Berlin Air Show in May, *(b)* the Eurosatory arms fair in Paris in June and *(c)* the COPEX exhibition in Jordan in April, indicating the costs of their attendance and breaking down the other costs incurred by his Department in connection with these events. [44508]

Mr. Doug Henderson: The following FCO officials attended:

(a) The Berlin Air Show

Minister at the British Embassy, Bonn

First Secretary (Commercial), British Embassy Office, Berlin

Counsellor (Defence Supply), Bonn—MOD Secondee

Commercial Officer, British Embassy Office, Berlin

(b) The Eurosatory Arms Fair in Paris

HM Ambassador, Paris

First Secretary (Procurement)—MOD Secondee

Counsellor (Defence Supply), Bonn—MOD Secondee

Commercial Officer

(c) The COPEX Exhibition in Jordan

HM Ambassador, Amman

Commercial Secretary, DTI Secondee.

Officials visited the events for different lengths of time and to calculate the cost of their attendance and other costs incurred would involve disproportionate cost. The costs involved were minimal. The Minister at the British Embassy, Bonn, was a guest of the German Foreign Ministry.

EU Funds

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer to the hon. Member for South-West Devon (Mr. Streeter) of 7 April 1998, *Official Report*, column *203*, on the European Communities Budget, if he will estimate the United Kingdom share of the funding for the European Women's lobby for 1997; and if he will make a statement on his Department's policy towards the funding by the Commission of lobby groups. [45314]

Mr. Doug Henderson: The UK contributes to the EU budget as a whole, rather than to individual budget lines. Our share of total contributions to the budget in 1997 was 11.61% (after the abatement). The Government recognise that the Commission uses a proportion of its administrative budget to fund certain NGOs involved in the implementation of Community policies. Our policy on all EU spending is that it should be subject to the same principles of rigour and cost-effectiveness as we apply to the UK budget.

Foreign Policy Centre

Dr. Julian Lewis: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the role of the Foreign Policy Centre in developing the *(a)* ethical foreign policy and *(b)* European Union policy, of Her Majesty's Government. [46067]

Mr. Tony Lloyd: The Foreign Policy Centre is an independent policy institute. It is established practice for Foreign Office Officials and Ministers to have contact with policy institutes and NGOs and to consider their views when developing policy. The Foreign Office welcomes ideas from outside organisations on all areas of its work, including the role of human rights in foreign policy and European Union policy.

Special Advisers

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will publish the names of the special advisers attached to his Department; and if he will indicate whether each of them has been positively vetted. [46063]

Mr. Robin Cook *[holding answer 16 June 1998]:* My Special Advisers are Mr. David Clark and Mr. Andrew Hood. Both have been security cleared to the level of "developed vetting". This term replaced the term "positive vetting" in 1994.

British Prisoners (Overseas Gaols)

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the number of *(a)* male and *(b)* female United Kingdom nationals imprisoned in each country overseas for which his Department collates records; and how many are at present under the death sentence. [46517]

Mr. Fatchett: Our records show that there are currently 2,366 British nationals in prison overseas. Of these, 4 detainees are under sentence of death.

The breakdown of those detained is as follows:

Overseas prisons	*Men*	*Women*
Algeria	1	—
Amman	1	—
Andorra	3	—
Antigua	2	—
Argentina	3	3
Australia	91	8
Austria	16	1
Bahamas	2	1
Bahrain	4	1
Bangladesh	2	—
Barbados	2	2
Belgium	48	7
Bolivia	1	1
Bosnia	1	—
Brazil	14	9
Bulgaria	6	—
Burma	1	—
Cambodia	1	—
Cameroon	1	—
Canada	15	3
China	17	1
CIS	4	—
Colombia	5	—
Croatia	2	—
Cuba	1	—
Cyprus	22	2
Czech Republic	6	1
Democratic Republic of Congo	2	—
Denmark	30	—
Djibouti	2	—
Dominican Republic	3	1
Ecuador	4	—
Egypt	5	1
Eritrea	1	—
Estonia	2	—
Ethiopia	3	—
Finland	1	—
France	287	13
Gambia	3	—
Germany	113	4
Ghana	2	—
Gibraltar	1	—
Greece	19	1
Grenada	2	1
Guatemala	1	—
Guinea	1	1
Guyana	2	—
Hong Kong	83	3
Hungary	5	1
Iceland	1	—
India	21	3
Indonesia	6	—
Iran	4	—
Ireland	24	—
Israel	8	—
Italy	18	3
Jamaica	20	15
Japan	24	2
Kazakhstan	2	—
Kenya	3	1
Korea	8	—
Kuwait	2	—
Luxembourg	2	—
Macao	1	—
Malaysia	1	—
Mexico	4	—
Morocco	39	5

Overseas prisons	*Men*	*Women*
Mozambique	1	—
Namibia	1	—
Nepal	3	—
Netherlands	67	4
Netherlands Antilles	1	—
New Zealand	9	—
Nigeria	11	—
Norway	25	—
Oman	3	—
Pakistan	27	5
Peru	5	—
Philippines	19	—
Poland	9	—
Portugal	23	2
Qatar	8	—
Romania	9	—
Rwanda	1	—
Sao Tome	1	—
Saudi Arabia	—	1
Sierra Leone	4	—
Singapore	9	—
Slovenia	5	—
South Africa	49	4
Spain	315	28
Sri Lanka	7	—
St. Lucia	4	1
Sweden	19	2
Switzerland	31	5
Syria	3	—
Taiwan	9	1
Tanzania	2	—
Thailand	105	13
Trinidad	2	—
Tunisia	3	1
Turkey	28	7
UAE	20	2
Uganda	1	—
USA	264	28
Venezuela	8	2
Vietnam	6	—
Zambia	3	2
Zimbabwe	10	1
Total	2,162	204

Dependent Territories

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the dependent territories which *(a)* carry out the death penalty and *(b)* allow corporal punishment. [46518]

Mr. Tony Lloyd: The information is as follows:

(a) Bermuda is the only Overseas Territory which has retained the death penalty for murder, though it has not been carried out there since 1977.

(b) Three Overseas Territories still have provision for judicial corporal punishment on their statute books: Anguilla, the Cayman Islands, and the British Virgin Islands. Judicial Corporal Punishment has actually been used in recent years only in the British Virgin Islands (the last occasion was in 1996).

Cambodia

Mr. Stunell: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answers to the hon. and learned Member for North-East Fife (Mr. Campbell) of 20 March 1998, *Official Report*, columns *769–70*, what reports from what sources he will take into account when determining the United Kingdom response to future UN resolutions on Cambodia. [46716]

Mr. Fatchett: We participate in drafting UN resolutions to press the Cambodian government to improve their human rights record. We gather our information from our Ambassador in Phnom Penh, from our other diplomatic missions, and from respected international organisations and NGOs.

Mr. Stunell: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he proposes to take to ensure an agreed timetable is established for the start of work by United Nations experts into human rights abuses in Cambodia; and if he will make a statement. [46652]

Mr. Fatchett: I pressed Hun Sen last month on the need for a thorough investigation into human rights abuses, following the recent visit to Cambodia by UN experts. The Cambodian Government have since appointed a committee to lead the inquiries. We will continue to press for those responsible for abuses to be brought to justice.

St. Helena

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 15 June 1998, *Official Report*, column *17*, on the Governor of St. Helena and the Government's budget proposals, if he will list the members of the Executive Council who were present at the meeting advising him on the issue, indicating in each case the basis for their membership of the Council. [46548]

Mr. Tony Lloyd: Executive Councillors present at the meeting with the Governor on 30 March, and the basis for their membership of the Council (as provided by the Schedule to the St. Helena Constitution Order 1988) were:

Hon. Michael Clancy, Chief Secretary

Hon. Matthew Young, Financial Secretary

Hon. Kurt De Freitas, Attorney General

Hon. Eric George, Chairman—Public Health Committee

Hon. Stedson George, Chairman—Public Works and Services Committee

Hon. Terrence Richards, Chairman—Agricultural and Natural Resources Committee

Hon. Robert Robertson, Chairman—Education Committee.

NORTHERN IRELAND

Mediation Network

Mr. Maginnis: To ask the Secretary of State for Northern Ireland, pursuant to her answer of 23 March 1998, *Official Report*, column *27*, if she will define the involvement of Mediation Network in matters pertaining to policing in Northern Ireland; and if she will publish the names, qualifications and affiliations, including the current and former political allegiances, of those who constitute the board of that organisation. [37821]

Mr. Ingram: The Mediation Network has worked with the Royal Ulster Constabulary Training Branch on the RUC's Community awareness programme, and is

currently working with the RUC and others to develop ideas for the evolution of policing and community relations in Northern Ireland.

The Mediation Network is an independent voluntary association with charitable status formed to develop alternative, non-violent approaches to conflicts and disputes in Northern Ireland. A list of those on the Executive Committee and much of the other information sought by the hon. Member is to be found in the Annual Reports published by the Mediation Network, a copy of the most recent of which—that for 1996–97—has been placed in the Library.

I have no knowledge of the current or former political allegiances of any members of Mediation Network.

Parades Commission

Mr. McNamara: To ask the Secretary of State for Northern Ireland if she will instruct the Parades Commission, in reaching its decisions, to publish its decisions relating to each individual criterion contained in the legislation and to indicate what weighting is given to each criterion in each decision. [46997]

Mr. Ingram: The Parades Commission is an independent body and as such it would not be appropriate for the Secretary of State to instruct it in the way suggested. It is entirely a matter for the Parades Commission to decide the format in which it should publish its decisions under the Public Processions (Northern Ireland) Act 1998. In any case, the determinations published by the Parades Commission to date have, in the Government's view, set out very comprehensively the way in which the Commission has approached the particular parade in question and, in particular, have in each case clearly stated how the Commission has addressed each of the statutory factors which it is required to take into account.

Police Firearms (US Purchases)

Mr. William Ross: To ask the Secretary of State for Northern Ireland if she will list the numbers of firearms, indicating type, make and model, purchased by the Police Authority for Northern Ireland from United States of America sources in each of the last 10 years for which figures are available. [46088]

Mr. Ingram: During the last 10 years no firearms have been purchased by the Police Authority for Northern Ireland from United States of America sources.

Scheduled Offences

Mr. Donaldson: To ask the Secretary of State for Northern Ireland how many people have been charged with scheduled offences in Northern Ireland since 31 August 1994 in respect of *(a)* offences committed prior to 31 August 1994 and *(b)* offences committed since 31 August 1994. [46111]

Mr. Ingram: The table shows the number of persons charged with terrorist/serious Public Order type offences during the years 1991–1997. The statistical information system in place does not collate the linking of charges with the date of the offence. To obtain this information in the form requested would incur disproportionate cost.

Persons charged with terrorist/serious public order offences 1991–1997

Year	*Number*
1991	404
1992	418
1993	372
1994 to 31 August	291
1994 from 1 September	58
1995	440
1996	595
1997	405

INTERNATIONAL DEVELOPMENT

Agricultural Land

Mr. Gordon Prentice: To ask the Secretary of State for International Development what estimate she has made of the loss of agricultural land since 1980. [45895]

Mr. Foulkes: The Department has made no such estimate.

We are advised that the Food and Agriculture Organisation—FAO—does not gather such data.

The United Nations Environment Programme—UNEP—has estimated that 70 per cent. of the world's drylands are suffering some degree of desertification with an estimated 900 million people worldwide at risk from problems of degradation. The 1997 United Nations Development Programme—UNDP—Human Development Report estimated that half of the world's poorest live in marginal lands.

My Department supports projects bilaterally and multilaterally to combat land degradation, desertification and drought and the implementation of the Convention to Combat Desertification.

WALES

Food Poisoning

Mr. Barry Jones: To ask the Secretary of State for Wales how many cases of food poisoning were registered in each of the last five years; and if he will make a statement. [45885]

Mr. Win Griffiths: The information is given in the table.

Reported cases of food poisoning in Wales[1]

Year	*Number*
1993	5,078
1994	6,163
1995	6,540
1996	5,662
1997	6,161

[1] All isolations of Campylobacter are counted as food poisoning incidents

Source:

Communicable Disease Surveillance Centre

Cycling

Mr. Barry Jones: To ask the Secretary of State for Wales what measures he proposes to encourage *(a)* cycling and *(b)* greater use of public transport in North East Wales. [45890]

Mr. Hain: The government's proposals on cycling and the use of public transport will be dealt with in the Integrated Transport Policy White Paper which will be published shortly. At around the same time, a Welsh Transport Policy Statement will be published drawing out those issues of particular importance to Wales.

Wrexham and Deeside have recently benefited from Transport Grant funding for packages which include measures to promote cycling and to encourage greater use of public transport.

Alltami Bypass

Mr. Barry Jones: To ask the Secretary of State for Wales what representations he has received on the proposed Alltami (Mold-Ewloe) Bypass; and if he will make a statement. [46290]

Mr. Hain: A number of organisations and individuals submitted representations about the A494 Trunk Road in general and the proposed Alltami Bypass (which forms part of the A494 Mold to Ewloe Improvement) in particular during the recent consultation exercise on the review of the Welsh trunk road programme. The results of the review will be published later this year.

Road Safety (Flintshire)

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on road safety in Flintshire. [46291]

Mr. Hain: The latest figures for road accident casualties in Flintshire are as follows:

	1996	*1997*[1]	*Percentage change*
Killed and serious	110	94	−15
Slight	867	862	−1
Total	977	956	−2

[1] Provisional

The Government are in the process of consulting on a new national road safety strategy. When this has been settled, specific targets for Wales (post 2000) can be considered.

A55

Mr. Hanson: To ask the Secretary of State for Wales if he will ensure that his officials undertake a full evaluation of residents' alternative proposals with regard to the proposed closure of the A55 gaps at Coed y Cra, Halkyn, Flintshire prior to any final decision. [46651]

Mr. Hain: Yes, I can assure the hon. Gentleman that Welsh Office officials will undertake a full evaluation of residents' alternative proposals with regard to the proposed closure of the A55 gaps at Coed y Cra, Halkyn, Flintshire, prior to any final decision.

Child Care Strategy

Mr. Edwards: To ask the Secretary of State for Wales when he will launch the consultation on the national child care strategy in Wales. [47191]

Mr. Win Griffiths: I am today launching our Green Paper, *The National Childcare Strategy in Wales*. The principles of the National Childcare Strategy covers the whole of the UK. Our Green Paper sets out the Government's aim to ensure good quality, affordable childcare for children aged 0 to 14 in every neighbourhood, including both formal childcare and support for informal arrangements. It describes how we propose to make that aim a reality for Wales.

The Green Paper has today been laid before Parliament and copies are available in the Library and the Vote Office.

HEALTH

Theresa Braybrooke-Tucker

Mr. Mullin: To ask the Secretary of State for Health on what date and where the inquest into the death of Theresa Braybrooke-Tucker will be held. [45358]

Mr. Boateng: I understand that the inquest into the death of Theresa Braybrooke-Tucker was opened and adjourned on 3 March 1998 and was held at the Town Hall, Waterloo, Bootle. We do not know when it will be reopened.

Smoking

Mr. Flynn: To ask the Secretary of State for Health what was the expenditure on anti-tobacco advertising in each of the past 18 years; and what is his estimate of the total *(a)* numbers and *(b)* percentages of smokers in each of those years among (i) adults and (ii) children. [36255]

Ms Jowell *[holding answer 26 March 1998]:* Available information on expenditure by the Health Education Authority directly on anti-smoking advertising, on behalf of the Department, in each of the past 18 years is:

	£
1980	270,000
1981	1,202,000
1982	2,052,000
1983	1,239,000
1984	1,931,000
1985	995,000
1986	747,000
1987	1,868,000
1988	480,000
1989	661,000
1990	1,459,000
1991	757,000
1992	1,122,000
1993	1,741,000
1994	3,401,000
1995	3,430,000
1996	2,783,000
1997	2,756,000

The information available on the number and percentage of smokers is given in the table:

England

Year	*Prevalence of smoking among adults aged 16 and over*		*Prevalence of regular smoking among children aged 11–15*	
	Percentage	*Number (000)*	*Percentage*	*Number (000)*
1980	39	14,000	—	—
1982	35	12,700	11	400
1984	33	12,400	13	450
1986	32	12,200	10	320
1988	31	11,800	8	230
1990	29	11,300	10	280
1992	28	10,700	10	290
1993	—	—	10	290
1994	26	10,200	12	360
1996	28	10,800	13	390

Notes:

1. In this analysis, adult prevalence is based on those aged 16 years and over; child prevalence is based on young people aged 11–15 years

2. The percentage and number of children who are regular smokers are given (regular smokers are classified as those who smoke at least one cigarette a week)

3. Numbers of adult smokers are rounded to the nearest 100,000. Numbers of children aged 11–15 smoking regularly are rounded to the nearest 10,000

Sources:

Adult prevalence is taken from the General Household Surveys, 1976–1996, conducted by the Office for National Statistics (ONS); questions on smoking have been included biennially. Child prevalence is taken from the Smoking Among Secondary School Children Surveys, 1982–1996, conducted by the ONS on behalf of the Department of Health, these surveys have been biennial, except for the additional survey in 1993. Numbers of smokers have been obtained by combining prevalence with population estimates, supplied by ONS

Ambulance Service

Mr. Maclean: To ask the Secretary of State for Health how many 999 calls were made to the Ambulance Service in the last year for which figures are available. [45698]

Mr. Boateng: 3.33 million emergency calls were made in England in 1996–97. Full details are contained in "Statistical Bulletin Ambulance Services, England: 1996–97", copies of which are available in the Library.

Child Mental Health Services

Mrs. Golding: To ask the Secretary of State for Health, pursuant to his answer of 8 May 1998, *Official Report*, columns *536–37*, concerning child mental health services, what reviews of child and adolescent mental health services have been undertaken; and if his Department has obtained copies of these and related local action plans. [46130]

Mr. Boateng: Reviews have been completed in the South and West, Anglia and Oxford and North West regions of the National Health Service Executive and their reports have been discussed in meetings of the Department's implementation group on child and adolescent mental health services (representing all NHS and social care regions). Reviews in the remaining five regions are being undertaken and are at various stages of progress. The Department does not expect to receive copies of local action plans stemming from the reviews which are for consideration at regional level.

Mrs. Golding: To ask the Secretary of State for Health, pursuant to his answer of 8 May 1998, *Official Report*, columns *536–37*, concerning child mental health services, to what extent the non-statutory sector is involved in the commissioning and provision of comprehensive mental health services for children and adolescents. [46129]

Mr. Boateng: We are aware that the independent sector makes a significant and valuable contribution to the provision of child and adolescent mental health services. A 1994 National Review of Services for the Mental Health of Children and Young People in England (Kurtz, Thornes and Wolkind), reported in relation to the non-statutory sector that 15 per cent. of the child and adolescent psychiatry services included in the survey had made use of inpatient services at twelve private hospitals, mainly for treatment of eating disorders such as anorexia nervosa.

The same review reported that in planning, including health needs assessment, 42 per cent. of National Health Service purchasing authorities said that they had included voluntary organisations in their discussions. Several had involved particular organisations in a substantial way.

The Department currently provides grant aid worth some £472,000 per annum to 11 national voluntary bodies in the field of child and adolescent mental health, mainly to support projects having significance for the development of national services.

Skin Cancer

Mr. Kemp: To ask the Secretary of State for Health what steps his Department is taking to increase public awareness of the dangers of skin cancer. [45800]

Mr. Boateng: Skin cancer is largely preventable and we are working closely with a wide range of public bodies, including the Health Education Authority, the Health and Safety Executive, the National Radiological Protection Board and the Meteorological Office to raise awareness of the sun's harmful effects. Other agencies such as the fashion and leisure industries are also involved in addressing issues of sun awareness, including making clothing that protects from the sun more easily available through high street retailers. Events which took place during Sun Awareness Week, from 1–7 June 1998, helped to raise the profile of these issues more widely in the media.

Mr. Kemp: To ask the Secretary of State for Health how many people *(a)* were treated for and *(b)* died of skin cancer in 1997–98. [45801]

Mr. Boateng: The information for in-patient treatment (including "day cases") for the latest financial year available, 1995–96, in England, is shown in Table 1 and is based on finished consultant episodes of treatment (FCEs), which represent the number of episodes of care under individual consultants. The same person may be

counted more than once if they have more than one episode of care. Some skin cancers are excised by a general practitioner or in hospital outpatients and will not be counted.

The information for the number of people who died of skin cancer, for the latest calendar year available, 1996, in England is shown in Table 2.

Table 1:
1995–96 financial year—latest available figures for England

ICD-10 codes	*Primary diagnosis*	*FCEs*
C43	Malignant melanoma of the skin	7,684
C44	Other malignant neoplasms of the skin	38,960
Total		46,644

Note:
Data in this table are grossed for both coverage and unknown/invalid clinical data
Source:
Department of Health, Hospital Episode Statistics (HES)

Table 2:
1996 calendar year—latest available figures for England

ICD-9 codes	*Primary diagnosis*	*Number of deaths*
172	Malignant melanoma of skin	1,291
173	Other malignant neoplasms of skin	351
Total		1,642

Source:
Office for National Statistics

NHS (Thefts)

Mr. Maclean: To ask the Secretary of State for Health what is his estimate of losses in the NHS due to internal theft for each of the last 10 years. [45833]

Mr. Boateng: The most recent information about losses due to theft, arson, sabotage, neglect of duty or gross carelessness is in the table. Losses due to internal theft are not separately identifiable. Comparable information is not available for earlier years.

Losses of cash and equipment in the National Health service (England)—1992–93 to 1996–97

£

	1992–93	*1993–94*	*1994–95*	*1995–96*	*1996–97*
Losses of cash due to theft, fraud, arson, sabotage, neglect of duty or gross carelessness	181,710	109,585	28,558	813,145	487,741
Loss of equipment and property in store and in use, due to culpable causes eg. theft, fraud, arson or sabotage, neglect of duty or gross carelessness	2,110,781	1,447,846	985,387	[1]n/a	[1]n/a

[1] n/a—not available
Notes:
1. Losses of cash due to theft etc. are not separately identified by NHS trusts for the period 1992–93 to 1994–95
2. Loss of equipment and property in store was not separately identified for the period 1995–96 and 1996–97
Source:
1. Annual accounts of health authorities (1992–93 to 1996–97)
2. Annual accounts of Family Health Services Authorities (1992–93 to 1995–96)
3. Annual summarisation schedules of NHS trusts (1995–96 to 1996–97)

Social Services White Paper

Dr. Cable: To ask the Secretary of State for Health if he expects to publish the Social Services White Paper before the summer adjournment. [46424]

Mr. Boateng: We expect to publish the Social Services White paper in the summer. We do not yet know whether it will be possible to publish it before the summer adjournment.

Community Health Councils

Mr. Etherington: To ask the Secretary of State for Health when his departmental officials last met representatives of the Association of Community Health Councils; and what matters were discussed. [46523]

Mr. Milburn: Departmental officials last met with representatives of the Association of Community Health Councils for England and Wales (ACHCEW) on 18 February 1998 and discussed consultation processes. On a more regular basis, there is an ongoing arrangement for the National Health Service Executive Community Health Council Policy and Liaison Group to meet the ACHCEW and the Society of Community Health Council staff twice yearly. All items discussed at these meetings are raised by the ACHCEW and the Society on a confidential basis and are not for public disclosure. The next meeting is scheduled for 23 June 1998.

Chiropody and Podiatric Services

Mr. Burstow: To ask the Secretary of State for Health if he will list the statistics that are held centrally concerning chiropody and podiatric services. [46310]

Mr. Boateng: The Department collects three categories of statistics.

Information is collected from National Health Service trusts about patient contacts with their chiropody services on Department of Health annual return KT23. Information is published each year and the most recent summary is "Chiropody services, summary information for 1996–97, England".

The Department collects annual statistics about the number of chiropody staff employed by the hospital and community health services (HCHS) and in the general medical services. Information about the age, sex and ethnic origin of chiropody staff employed by the HCHS is also collected. Information is published annually, the latest is included in the Department's Statistical Bulletins: "NHS Hospital and Community Health Services non-medical

staff in England 1987–1997" and "Statistics for General Medical Practitioners in England: 1987–1997" and reference volume "NHS Hospital and Community Health Services non-medical workforce census: England 1996, detailed results".

National Health Service trusts provide figures for total expenditure on community chiropody services in the annual financial returns. Analysis of these data by individual trusts in England for the years 1994–95 to 1996–97 is available, as is the other information detailed, in the Library.

Lee Bosley

Mr. Hammond: To ask the Secretary of State for Health, pursuant to his oral statement of 16 June 1998, *Official Report*, columns 149–50, if the rescheduling of the operation on Lee Bosley to 17 June resulted in an operation planned for another person on that day being cancelled or postponed. [46782]

Mr. Milburn: No operation was cancelled or postponed as a direct result of Lee Bosley's operation at St. Thomas' Hospital on 17 June 1998.

Complaints Procedures

Helen Jones: To ask the Secretary of State for Health what plans he has to review the guidance given to NHS trusts on communicating the results of an independent professional review to a complainant. [46536]

Mr. Milburn: Independent professional review was the third stage of the hospital clinical complaints procedure which was in place prior to April 1996. From 1 April 1996 new National Health Service complaints procedures were introduced which do not feature the same process of independent professional review.

Helen Jones: To ask the Secretary of State for Health if he will instruct NHS trusts, following an independent professional review, to communicate all of the assessors' findings to the complainant. [46537]

Mr. Milburn: Independent professional review was the final stage of the hospital clinical complaints procedures which were replaced in April 1996. Assessors' reports were prepared in confidence for the regional director of public health, who subsequently advised the National Health Service hospital trust or health authority on any comment which would be appropriate on the clinical aspects of its reply to the complainant. This system has now been replaced.

Under the new procedures, clinical assessors are appointed to independent review panels to advise the panel on those aspects of the complaint involving clinical judgment. Assessors' reports are attached to the final panel report and distribution is the responsibility of the panel chairman within guidelines. The chairman has the right to withhold any part of the panel's report, and any or all of the assessors' reports to ensure confidentiality of clinical information. The procedures will be subject to a formal evaluation beginning this autumn.

Suicide Prevention

Helen Jones: To ask the Secretary of State for Health what guidance he has given to NHS trusts on the surveillance policies they should operate for patients deemed to be a suicide risk. [46538]

Mr. Boateng: The Department has not given specific guidance to trusts on this issue but has published advice in the following documents: 'The Prevention of Suicide' and the Health Advisory Service manual 'Suicide Prevention—The Challenge Confronted', commissioned by the Department.

Birth Weights

Mr. Rooney: To ask the Secretary of State for Health what statistics his Department holds on the causes of low birth weight. [46990]

Mr. Boateng: There are a number of factors that may be associated with low birth weight. These include prematurity, foetal abnormality, multiple pregnancy, maternal health and nutritional status, maternal smoking or alcohol/drug misuse, geographical and social class associations. Additionally some ethnic groups have smaller babies irrespective of any other factors.

The Department's statistical bulletin "NHS Maternity Statistics, England: 1989–90 to 1994–95", has statistics on birth weight in relation to gestational age.

The Office for National Statistics publication "Mortality statistics—Childhood, infant and perinatal (1995 Series DH3/28)", has statistics on birth weight in relation to mother's country of birth, parity, marital status and father's social class.

The Office for National Statistics publication "Infant and Perinatal Mortality 1997 (Monitor 98/1)", has statistics on birth weight by health authority.

Copies of these publications are in the Library.

Mr. Rooney: To ask the Secretary of State for Health what research he has commissioned into the causes of low birth weight. [46989]

Mr. Boateng: The National Health Service Executive South Thames Regional Office is funding a project examining the relationship between maternal chronic periodontal disease and birth weight.

The main agency through which the Government support bio-medical and clinical research is the Medical Research Council (MRC) which is the responsibility of my right hon. Friend the President of the Board of Trade. The MRC has a portfolio of research into the causes of low birth weight.

We are considering what further research into low birth weight may be required.

TREASURY

Millennium Compliance

Mr. David Atkinson: To ask the Chancellor of the Exchequer what research has been undertaken to determine the consequences of the need for those

computer systems that are required to be euro compliant also to be millennium compliant; and if he will make a statement on the outcome. [43940]

Mrs. Liddell: Any systems that are date sensitive are required to be millennium compliant regardless of whether or not adaptations might be required for that system to deal with the introduction of the euro. The Chancellor of the Duchy of Lancaster carries out quarterly reviews across Government on the state of preparedness for the century date change. Copies of the returns from departments have been placed in the Library.

Mr. Evans: To ask the Chancellor of the Exchequer what research the Government have carried out on the adequacy of the resources available within Government to tackle the millennium bug at the same time as reprogramming computers to deal with the introduction of the euro. [45454]

Mrs. Liddell: The United Kingdom will not be joining the single currency on 1 January 1999. The Millennium and the euro therefore have very different implications with regard to resources and timing. The Chancellor of the Duchy of Lancaster carries out quarterly reviews across Government on the state of preparedness for the century date change. Copies of the returns from departments have been placed in the Library.

Charity Taxation Review

Mr. Reed: To ask the Chancellor of the Exchequer when he expects to make an announcement about the Charity Taxation Review; and if he will make a statement. [44969]

Dawn Primarolo: We expect to publish a consultation document shortly.

Small Businesses (VAT Arrears)

Mrs. Lait: To ask the Chancellor of the Exchequer what is his policy towards small businesses which are in arrears with VAT; and on what grounds he is prepared to accept a schedule of repayments. [45406]

Dawn Primarolo: Whenever businesses experience genuine short-term difficulties with their VAT, it is normal practice for Customs to encourage them to contact their local office with a view to agreeing settlements. Customs review each time-to-pay proposal on its merits but give careful consideration to any reasonable proposal for settlement. However, agreement to payment of a debt by instalments cannot be regarded in any way as a normal business expectation: Customs expect a business to explore alternative sources of finance first and to put forward realistic proposals for meeting their legal requirements.

Diesel Duties

Ms Lawrence: To ask the Chancellor of the Exchequer what representations he has received from oil companies concerning duties on ultra-low sulphur diesel since his Budget on 17 March. [45299]

Dawn Primarolo: Representations were received from three oil companies and one oil industry association concerning the changes to the ultra-low sulphur diesel (ULSD) definition in the Finance Bill. These representations concerned both the new definition of ULSD and the new restrictions on mixing of ULSD with conventional diesel after the duty point.

The Government changed the definition of ULSD because the previous sole criteria of 50 ppm sulphur content did not produce sufficient emissions benefits to justify the duty incentive. The new definition produces more significant emissions benefits, mainly of particulates and nitrogen oxide, and the duty incentive of 2 pence per litre recognises that the new specification is more difficult to produce. The duty incentive is to increase to 3 pence per litre in the next Budget.

The new mixing restrictions were introduced to prevent ULSD, which has had the benefit of the duty incentive, being mixed with conventional diesel after the duty point and then being sold as conventional diesel. These mixtures do not generate much by way of emissions gains in return for the duty incentive and they do not encourage motorists to switch to the cleaner fuel. Similar provisions already existed to prevent mixing of different qualities of petrol.

Working Families Tax Credit

Ms Stuart: To ask the Chancellor of the Exchequer (1) what plans are in place to enable the self-employed to claim working families tax credit; [46265]

(2) what arrangements have been made to enable the Inland Revenue to deal with the anticipated increased caseload in the wake of the introduction of working families tax credit. [46264]

Dawn Primarolo: The Inland Revenue is leading a joint project team with Benefits Agency which is developing the detailed administrative arrangements for the WFTC. It is envisaged that the self employed will claim the WFTC in broadly the same way that they claim Family Credit currently.

Mr. Maude: To ask the Chancellor of the Exchequer what estimate he has made of take-up rates for *(a)* the working families tax credit and *(b)* the childcare tax credit. [46460]

Dawn Primarolo: By 2001, about 1½ million working families will be receiving the Working Families Tax Credit, around 400,000 more than would have received Family Credit. The Government believe that, as a tax credit rather than a benefit, the WFTC will have a higher take-up rate than Family Credit.

Income Tax

Mr. Amess: To ask the Chancellor of the Exchequer what proportion of income is paid in income tax and national insurance, net of child benefit and family credit, in the current tax year by *(a)* a single person with no children, *(b)* a sole earner in a married two parent, two child family,

in each case on earnings of (i) half of average earnings, (ii) three quarters of average earnings, (iii) average earnings and (iv) twice average earnings. [46007]

Dawn Primarolo: The data requested are given in the table.

Percentage of income paid in income tax and employee national insurance less child benefit and family credit at multiples of median full-time earnings of £337 per week (1998–99)

	Single person	*Married, sole earner 2 children*
50%	17.4	–21.1
75%	22.7	20.5
100%	25.2	23.6
200%	28.1	27.3

Notes:

1. Income tax payments are calculated on the basis that the households receive no tax reliefs other than the standard allowances and only have income from employment. National insurance contributions are assumed to be Class 1 at the contracted-in rate
2. A family with 2 children is assumed to have both children aged under 11

Heavily Indebted Poor Countries

Mr. Corbyn: To ask the Chancellor of the Exchequer what is his estimate for each heavily indebted poor country of debt write off *(a)* in 1997–98 and *(b)* expected in the current year from (i) public and (ii) private sources; and if he will publish all the conditions attached to agreements to which the Government are party. [45382]

Mrs. Liddell *[holding answer 15 June 1998]: (a)* The table shows the value (in millions of pounds) of the principal of export credit loans to Heavily Indebted Poor Countries (HIPCs) which has been written off by the UK government in 1997–98. The Government do not have figures for the debt write off granted by other governments.

£ million

HIPC	*Debt relief granted by UK in 1997–8*
Ethiopia	2.32
Guyana	72.25
Mozambique	0.79
Niger	0.13
Tanzania	0.76
Togo	0.49
Zambia	0.28
Total	77.02

(b) (i) The value of debt relief to be granted to HIPCs in the current year depends on which countries successfully agree IMF programmes and the level of debt relief that is required to finance those programmes. It is likely that debt relief will be granted to at least Rwanda, Guinea-Bissau, Mali and Bolivia in the current year.

(ii) The Government cannot estimate the debt relief likely to be granted to HIPCs by private sources. However, official creditors grant debt relief at the Paris Club on the assumption that private creditors will provide at least equivalent terms of debt relief.

Public Records

Mr. Nigel Jones: To ask the Chancellor of the Exchequer what plans he has to amend the Public Records Act 1958 to allow free public access to the records of births, deaths and marriages. [46693]

Mrs. Liddell: None.

Economic and Monetary Union

Mr. Denzil Davies: To ask the Chancellor of the Exchequer what is his estimate over the latest available period of the broad money growth *(a)* on average in the eleven countries which will join EMU and *(b)* in the United Kingdom. [46647]

Mrs. Liddell: Most recent data show that UK M4 grew by 9.1 per cent. in the year to May. The European Central Bank will be producing statistics for euro area monetary aggregates in due course.

Budgets (Environmental Assessments)

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what plans he has to publish, in future Budgets, accounts including environmental factors; and if he will make a statement. [46398]

Dawn Primarolo *[holding answer 18 June 1998]:* I refer to the answer I gave to the hon. Member for Lewes (Mr. Baker) on 22 April 1998, *Official Report*, column *624*.

Financial Supervision

Mr. Cousins: To ask the Chancellor of the Exchequer if he will make a statement on the regulatory framework for the supervision of financial institutions in each of the Crown dependencies. [46493]

Mr. Mike O'Brien: I have been asked to reply.

A review of the financial legislation and regulatory systems in the Channel Islands and the Isle of Man is currently taking place. The review is being conducted by Mr. Andrew Edwards, formerly of Her Majesty's Treasury. His report is expected later this year.

Indonesia

Ann Clwyd: To ask the Chancellor of the Exchequer, pursuant to his answer to the right hon. Member for Hitchin and Harpenden (Mr. Lilley) on 9 June 1998, *Official Report*, columns *494–95*, on the value of aid loans written off since 1979, if he will list the loans written off for Indonesia, in each case stating *(a)* the nature of the project, *(b)* the date on which the loan was written off and *(c)* the reason for the write-off. [46128]

Clare Short: I have been asked to reply. The balances of all existing Indonesian loans were written off on 11 July 1979, and were waived in accordance with the statement on Retrospective Terms Adjustment (RTA)

made in the House of Commons on 31 July 1978, *Official Report*, column 25. Details of the individual loans are not available without incurring disproportionate costs.

SCOTLAND

Further and Higher Education

Mrs. Fyfe: To ask the Secretary of State for Scotland what factors underlay the requirements that *(a)* further education institutions should make efficiency savings of five per cent. and *(b)* higher education institutions should make efficiency savings of one per cent. [46138]

Mr. Wilson: Targets for efficiency savings have not been set centrally for the further education institutions separately or for the sector as a whole.

Mrs. Fyfe: To ask the Secretary of State for Scotland if he will conduct an investigation of the successes and failures of the Private Finance Initiative in further education; and what plans he has for the capital funding of further education over the next three years. [46137]

Mr. Wilson: A national review of the Private Finance Initiative was conducted a year ago and was followed by the introduction of a range of improvements in its operation. The progress of the Private Finance Initiative continues to be kept under general review, but my right hon. Friend has no plans at this stage to initiate another investigation, either of the Private Finance Initiative per se or focused specifically on Further Education, where experience of the Private Finance Initiative so far is limited.

Capital funding of Further Education in future years is being considered as part of the Comprehensive Spending Review.

Mr. Gorrie: To ask the Secretary of State for Scotland what net change the introduction of fees will make in the funding of Scottish higher and further education institutions in total and individually in *(a)* 1998–99, *(b)* 1999–2000, *(c)* 2000–1, and *(d)* 2001–2. [46244]

Mr. Wilson: Overall funding for higher education institutions, including tuition fees and grant allocations from the Scottish Higher Education Funding Council, is the same in 1998–99 as it was in 1997–98. Tuition fees received by higher and further education institutions in 1998–99 are not directly comparable with previous years because of the abolition of banded fees for full-time education undergraduate courses. The level of funding allocated to higher education institutions in 1998–99, individually and in total, is contained in the Scottish Higher Education Funding Council's grant letters, copies of which I have placed in the House of Commons Library. The estimated net change in respect of further education colleges for 1998–99 is a £5 million increase in available funds, falling to individual colleges according to their share of full-time higher education courses.

Funding for higher and further education institutions for years 1999–2000 and beyond has not yet been determined and is a matter for the Comprehensive Spending Review.

Primary Schools

Mr. Gorrie: To ask the Secretary of State for Scotland how many and what percentage of primary school children were in classes of 31 or more in 1997 *(a)* in each authority and *(b)* in Scotland as a whole. [45971]

Mr. Wilson: The information requested is as follows:

Education authority primary schools in Scotland, September 1997—number and percentage of pupils in mainstream classes of 31 or over[1]

	Number of pupils in classes of 31 pupils or over	*Number of pupils in classes of 31 pupils or over as a percentage of all primary pupils*
Scotland	85,793	19.5
Aberdeen City	3,767	23.8
Aberdeenshire	2,222	10.4
Angus	1,429	15.3
Argyll and Bute	1,215	15.6
Clackmannanshire	780	17.2
Dumfries and Galloway	2,381	18.5
Dundee City	3,583	29.2
East Ayrshire	1,926	16.9
East Dunbartonshire	2,873	27.0
East Lothian	1,026	12.9
East Renfrewshire	3,444	40.1
Edinburgh, City of	8,713	28.5
Eilean Siar	0	0.0
Falkirk	3,432	27.9
Fife	4,050	13.2
Glasgow City	9,551	19.5
Highland	1,818	9.5
Inverclyde	1,331	17.0
Midlothian	1,462	19.7
Moray	1,363	16.9
North Ayrshire	2,563	20.3
North Lanarkshire	5,330	17.9
Orkney Islands	32	1.7
Perth and Kinross	1,856	17.2
Renfrewshire	4,786	30.3
Scottish Borders	889	10.0
Shetland Islands	0	0.0
South Ayrshire	2,771	29.2
South Lanarkshire	4,329	16.1
Stirling	630	9.2
West Dunbartonshire	1,589	17.9
West Lothian	4,652	31.4

[1] Provisional

Source:

School Census

Mr. Gorrie: To ask the Secretary of State for Scotland what *(a)* number and *(b)* percentage of children in primary one and two were in classes of 31 or more in 1997 (i) in each authority and (ii) in Scotland as a whole. [45968]

Mr. Wilson: The information requested is as follows:

Education authority primary schools in Scotland, September 1997—number and percentage of P1 and P2 pupils in mainstream single stage classes of 31 or more pupils by Education Authority[1]

	Number of P1 and P2 pupils in single stage classes of 31 or more pupils	*P1 and P2 pupils in single stage classes of 31 pupils or more as percentage of the total number of pupils in P1 and P2 single stage classes*
Scotland	21,276	20.7
Aberdeen City	673	15.8
Aberdeenshire	286	7.1
Angus	317	15.6
Argyll and Bute	189	14.8
Clackmannanshire	97	7.9
Dumfries and Galloway	549	27.9
Dundee City	1,129	34.2
East Ayrshire	351	12.6
East Dunbartonshire	766	28.0
East Lothian	319	15.5
East Renfrewshire	1,016	43.5
Edinburgh, City of	2,889	34.3
Eilean Siar	0	0.0
Falkirk	1,123	36.4
Fife	473	7.1
Glasgow City	2,544	20.4
Highland	391	11.7
Inverclyde	352	17.0
Midlothian	258	14.0
Moray	255	13.5
North Ayrshire	603	19.0
North Lanarkshire	1,295	18.5
Orkney Islands	0	0.0
Perth and Kinross	574	25.7
Renfrewshire	1,339	33.4
Scottish Borders	287	17.0
Shetland Islands	0	0.0
South Ayrshire	515	22.4
South Lanarkshire	766	12.2
Stirling	188	12.0
West Dunbartonshire	507	23.8
West Lothian	1,225	32.2

[1] Provisional

Source:
School Census

Autistic Children

Mr. Gorrie: To ask the Secretary of State for Scotland what arrangements are in place to assist autistic children in Scotland; and what further proposals he has for autistic children. [46242]

Mr. Wilson: Local authorities have a statutory duty to safeguard and promote the welfare of children in need by providing a range and level of services appropriate to the children's needs. They are also under a statutory duty to assess the needs of individual children with a disability when requested to do so by a child's parent and any services provided should be designed to give such children the opportunity to lead lives which are as normal as possible.

Local authorities also have a statutory duty to secure the adequate and efficient provision of education for the children in their respective areas. The means by which any particular authority choose to provide for their area and the nature of educational provision deemed suitable for any particular child, including a child with autism, is a matter for them to decide in the first instance.

Teacher Training

Mr. Gorrie: To ask the Secretary of State for Scotland how many people applied for B.Ed. teacher training courses in Scotland in each year from 1993 to 1997, broken down by country of origin of application. [45970]

Mr. Wilson: Information on domicile of applicants to BEd teacher training courses is not held centrally. The information which is available is given in the table:

Applications to BEd teacher education courses in Scotland, 1993–1997 by sector of teaching

Year	*Primary*	*Secondary*	*Total*
1993–94	3,234	1,035	4,269
1994–95	3,417	1,108	4,525
1995–96[1]	7,581	1,682	9,263
1996–97[1]	6,007	1,423	7,430
1997–98[1]	5,801	1,284	7,085

[1] From 1995–96, BEd applications come through UCAS. Under these new arrangements, all applications are counted in the figures, rather than just an applicants first choice

Mr. Gorrie: To ask the Secretary of State for Scotland how many people applied for post-graduate teacher training in Scotland in each year from 1993 to 1997 broken down *(a)* by sector of application, primary and secondary, and *(b)* by country of origin of application. [45969]

Mr. Wilson: Information on domicile of applicants to postgraduate teacher training is not held centrally. Information on applicants by sector of application is given in the table:

Applications to postgraduate teacher education courses in Scotland, 1993–1997 by sector of teaching

Year	*Primary*	*Secondary*	*Total*
1993–94	1,627	3,325	4,952
1994–95	1,730	3,472	5,202
1995–96	1,800	3,201	5,001
1996–97	1,748	2,716	4,464
1997–98	1,586	2,659	4,245

Cardonald College

Mr. Gorrie: To ask the Secretary of State for Scotland what percentage increase or decrease the allocation of grants to Cardonald College for the current financial year represents *(a)* in cash terms and *(b)* in real terms allowing for inflation and pay awards. [46243]

Mr. Wilson: Total Government grant-in-aid to Cardonald College in 1998–99 amounts to £6,787,000, compared with £6,505,300 in 1997–98. This represents an increase of 4.33 per cent. in cash terms or 1.39 per cent. in real terms, allowing for inflation.

Decisions on pay awards to college staff are a matter for the college's Board of Management.

Voluntary Organisations

Mr. Moore: To ask the Secretary of State for Scotland if he will list by district council the percentage of each district council budget in Scotland allocated to voluntary organisations for each financial year since 1992–93. [46228]

Mr. Macdonald *[holding answer 18 June 1998]:* The table shows net grants and payments to voluntary bodies, as reported by each district council expressed as a percentage of total net expenditure.

Net grants and payments to voluntary organisations as a percentage of total net expenditure [3,4]

District council	*Percentage of net grants and payments to voluntary organisations of total net expenditure within financial Year* [1] *1992–93*	*1993–94*	[2] *1994–95*	*1995–96*
Berwickshire	2.4	0.0	0.0	0.0
Ettrick and Lauderdale	0.2	1.6	2.1	1.9
Roxburgh	1.5	1.5	1.5	1.7
Tweeddale	1.4	1.4	2.3	2.0
Clackmannan	1.3	1.3	1.4	1.2
Falkirk	0.6	2.0	2.8	0.8
Stirling	0.3	5.6	3.7	3.6
Annandale and Eskdale	1.1	1.6	1.5	0.6
Nithsdale	1.9	3.0	1.6	1.6
Stewartry	0.8	5.0	9.6	13.5
Wigtown	2.2	1.4	3.2	2.9
Dunfermline	1.2	0.0	2.7	2.3
Kirkcaldy	0.0	1.9	2.2	2.1
North East Fife	0.4	2.3	2.9	4.8
Aberdeen	3.9	4.9	0.1	0.1
Banff and Buchan	0.5	1.7	0.0	5.0
Gordon	1.1	1.2	8.5	0.4
Kincardine and Deeside	1.6	1.4	1.2	3.4
Moray	1.7	0.0	1.3	1.0
Badenoch and Strathspey	0.9	2.3	16.2	13.0
Caithness	0.4	0.4	0.6	0.4
Inverness	0.8	1.3	1.0	0.8
Lochaber	0.6	4.2	2.8	5.1
Nairn	0.0	1.5	0.0	1.9
Ross and Cromarty	7.6	4.7	4.7	3.2
Skye and Lochalsh	1.9	3.6	4.2	3.4
Sutherland	2.7	3.8	3.2	3.0
East Lothian	3.4	2.0	7.0	5.5
Edinburgh	4.2	4.4	6.1	8.9
Midlothian	1.8	1.5	1.8	1.5
West Lothian	0.0	1.5	1.9	2.4
Argyll and Bute	0.7	1.3	1.8	2.8
Bearsden and Milngavie	0.9	0.0	0.0	0.0
Clydebank	1.5	0.0	1.1	0.5
Clydesdale	0.5	0.5	0.6	0.6
Cumbernauld and Kilsyth	2.2	2.1	0.0	1.8
Cumnock and Doon Valley	0.6	1.8	3.2	3.2
Cunninghame	0.6	1.0	1.7	1.7
Dumbarton	1.0	1.6	2.0	2.1
East Kilbride	1.2	1.0	1.2	0.8
Eastwood	0.0	0.1	0.1	0.0
Glasgow	0.7	1.1	0.0	5.8
Hamilton	0.1	0.1	0.2	0.2
Inverclyde	0.7	0.0	0.8	0.9
Kilmarnock and Loudoun	0.0	0.0	0.7	0.6
Kyle and Carrick	0.4	0.7	0.6	0.3
Monklands	0.0	1.4	1.4	1.9
Motherwell	0.4	0.4	0.7	0.7
Renfrew	0.6	0.7	0.0	0.9
Strathkelvin	1.0	1.2	0.0	1.0
Angus	0.7	0.7	0.8	0.7
Dundee	0.7	0.0	1.9	1.5
Perth and Kinross	16.1	0.0	10.4	13.8

[1] Excludes Kirkcaldy
[2] Excludes Cumbernauld and Kilsyth and Glasgow
[3] In providing information on grants and payments to voluntary bodies, authorities were asked to include only financial assistance and to exclude estimates of the worth of payments in kind
[4] Net expenditure excludes any expenditure offset by grants or payments received by authorities from any other source
Source:
Local Financial Returns (LFR 10) and Final Outturn Return (FO) 1992–93 to 1995–96

SOCIAL SECURITY

State Pension

Mr. Rendel: To ask the Secretary of State for Social Security what was the cost of the administration of contribution records in order to determine basic state pension entitlement in the last year for which figures are available. [46962]

Mr. Denham: There are 47 million active National Insurance Accounts that are maintained to enable determination of future benefit entitlement, including the State Retirement Pension. It is not possible to breakdown the overall cost of records maintenance in relation to a specific benefit.

The overall cost of record maintenance for 1997/98 was £48,659,344 (a unit cost of £1.04).

Mr. Hammond: To ask the Secretary of State for Social Security what discussions she has had since 1 May 1997 regarding means-testing of the basic state pension. [46004]

Mr. Denham: All discussions on the basic State pension have taken as their starting point our manifesto commitment to maintain the basic State pension as the foundation of pension provision and to uprate it at least in line with prices. We will honour that commitment.

Housing Benefit

Mr. Webb: To ask the Secretary of State for Social Security what is *(a)* the total cost to the Exchequer and *(b)* the cost per recipient of administering housing benefit. [46953]

Mr. Keith Bradley: The amount of Central Government subsidy paid to local authorities for administering Housing benefit in 1996/97 was £185 million. Administration costs quoted by local authorities in the same year were £312 million, giving an average weekly cost per beneficiary of £1.25. Related Department of Social Security administration costs are not available separately since they form part of the cost of administering Income Support.

Source:
Government Expenditure Plans 1998/99.

Mr. Roy: To ask the Secretary of State for Social Security if she will publish for each Scottish local authority for each of the last two years, the number of housing benefit overpayments and the number and percentage of those which were fraudulent errors. [45267]

Mr. Field: Information for 1996/97, the first year of Scottish local government reorganisation, is set out in the table. Information for 1997/98 is not yet available.

Housing Benefit overpayments and number and percentage which were fraudulent—Scottish Local Authorities 1996/97

		Fraudulent overpayments	
Local authority	*Total overpayments*	*Number*	*Percentage*
Aberdeen	12,916	122	0.9
Aberdeenshire	2,736	49	1.8
Angus	848	67	7.9
Argyll-Bute	2,292	1,271	55.4
Clackmannanshire	1,991	24	1.2
Dumfries and Galloway	4,552	276	6.1
Dundee	10,061	821	8.2
East Ayrshire	3,213	116	3.6
East Dunbartonshire	721	4	0.5
East Lothian	2,063	82	4.0
East Renfrewshire	326	39	12.0
Edinburgh	42,129	790	1.9
Falkirk	15,604	198	1.3
Fife	15,550	317	2.0
Glasgow	49,489	335	0.7
Highland	7,440	234	3.1
Inverclyde	1,612	34	2.1
Midlothian	3,464	77	2.2
Moray	4,901	297	6.1
North Ayrshire	2,893	0	0.0
North Lanarkshire	15,525	28	0.2
Orkney	1,036	45	4.3
Perth and Kinross	2,372	344	14.5
Renfrewshire	3,092	241	7.8
Scottish Borders	3,899	22	0.6
Shetland	1,732	90	5.2
South Ayrshire	2,120	300	14.1
South Lanarkshire[1]	8,675	33	0.4
Stirling	4,179	101	2.4
West Dunbartonshire	3,508	137	4.0
West Lothian	4,242	77	1.8
Western Isles	980	0	0.0

[1] Pre audit data only available for South Lanarkshire

Note:

Percentages rounded to nearest 0.1 per cent

Source:

1996/97 audited Housing Benefit and Council Tax Benefit Subsidy claim

Vaccine Damage (Compensation)

Dr. Tony Wright: To ask the Secretary of State for Social Security how many vaccine-damaged children have received a payment of £10,000 in compensation. [45131]

Mr. Denham: 795 payments of £10,000 have been made since the scheme began. The amount increased to £20,000 for new claims on or after 16 August 1985, and 51 payments have been made at this rate. The current rate of £30,000 was introduced for new claims made on or after 15 April 1991, and so far 44 payments have been made at this rate. On 19 May 1998 it was announced that as soon as the necessary Parliamentary approval has been obtained the intention is to increase new awards to £40,000.

The payment is not compensation but is designed to ease the present and future burdens of those suffering from vaccine damage, and their families.

Special Advisers

Mr. Sayeed: To ask the Secretary of State for Social Security how many special advisers, political advisers and other political appointees are working in her Department; at what annual cost to the public purse including recruitment costs, salaries, pensions and National Insurance contributions; and what was the position in the last full year of the last Government. [43317]

Mr. Field: For details of the numbers of Special Advisers and the annual cost of employing them, I refer the hon. Member to the Written Answer my right hon. Friend the Prime Minister gave to the hon. Member for Woodspring (Dr. Fox) on 11 June 1998, *Official Report*, column *664*.

National Insurance contributions are excluded from the figure but are paid under the same rules and at the same rates as for other civil servants. Information on the paybill costs for Special Advisers within individual Departments is not provided in order to protect the privacy of the individuals concerned.

Information on the costs of employing Special Advisers in previous years was given by my right hon. Friend the Chancellor of the Duchy of Lancaster to the hon. Member for Gordon (Mr. Bruce) on 25 November 1997, *Official Report*, columns *472–73*.

Attendance Allowance

Dr. Tonge: To ask the Secretary of State for Social Security what plans she has to amend the Social Security Attendance Allowance Regulations 1991, to allow attendance allowance to be paid to people paying the full cost of their care in local authority homes; and if she will make a statement. [45276]

Mr. Denham: There are currently no plans to change the rules relating to the payment of Attendance Allowance to people being cared for in local authority homes.

Benefit Expenditure

Mr. Tyrie: To ask the Secretary of State for Social Security what was the amount in billions of pounds at 1997–98 prices, of social security benefit spending from 1979–80 to 1997–98, broken down into the client groups *(a)* elderly people, including pensions, *(b)* the sick and disabled, not including pensioners, *(c)* family support, *(d)* unemployment and *(e)* widows. [45424]

Mr. Denham: The information is not available in the format requested. Such information as is available is set out in the table.

Social Security spending 1997–98 prices

£ billion

	Elderly people	*Sick and disabled*	*Family*	*Unemployed people*	*Widows and others*	*Total*
1979–80	27.5	7.5	9.9	3.9	2.1	50.9
1980–81	27.8	7.3	9.3	5.6	2.0	51.9
1981–82	30.0	7.8	10.2	7.9	2.0	57.9
1982–83	31.4	8.1	10.9	9.3	2.0	61.7
1983–84	32.5	9.2	11.7	10.4	2.0	65.9
1984–85	32.9	9.8	12.1	11.0	2.0	67.8
1985–86	34.0	10.3	12.4	11.4	2.0	70.2
1986–87	35.4	11.5	12.7	11.7	2.0	73.4
1987–88	35.5	12.1	12.6	10.2	2.0	72.4
1988–89	34.4	12.5	12.3	7.8	1.8	68.8
1989–90	34.9	13.3	12.1	6.1	1.8	68.2
1990–91	35.8	14.1	12.5	6.7	2.0	71.1
1991–92	37.6	16.0	13.7	9.0	2.2	78.5
1992–93	38.7	18.3	15.8	10.6	2.1	85.5
1993–94	40.3	21.1	16.7	10.8	2.0	90.9
1994–95	40.6	22.1	17.5	9.9	2.0	92.2
1995–96	41.0	23.3	18.2	9.1	2.2	93.8
1996–97	42.1	24.2	18.7	7.8	2.1	94.8
1997–98	42.8	24.4	18.7	6.1	2.1	94.1

Note:
The client group names are general descriptions of broad areas of benefit expenditure. Expenditure is broadly classified according to the main reason a benefit is paid. For example, Attendance Allowance paid to an elderly person is allocated to the sick and disabled group rather than to the elderly group.
Source:
The 1998 Departmental Report and earlier equivalents.

Disallowed Benefits

Mr. Levitt: To ask the Secretary of State for Social Security what proportion of claims for *(a)* extended council tax benefit and *(b)* child maintenance bonus have been disallowed for being submitted out of time in the current year. [45477]

Mr. Keith Bradley: The information on extended payments is not available in the format requested. Such information as is available is in the table. The information for 1997–98 will not be available until July 1998.

Regular payments of maintenance can transform the lives of lone mothers and their children, providing a stable income that can help them off Income Support and into work. In the current financial year to date, 9.8 per cent. of Child Maintenance Bonus claims have been disallowed for being submitted out of time.

Council tax benefit extended payments—Great Britain 1996–97

Extended payments	
Total extended payments applications	102,000
Total successful applications	85,000
Percentage of successful applications	83 per cent.

Notes:
1. Figures have been rounded to the nearest thousand
2. Figures refer to a benefit unit which may be a single person or a couple
3. Extended Payment figures are given as a total of 1996–97

Source:
Local Authority Benefit and Council Tax Benefit quarterly Administration data returns April 1996 to March 1997

Child Maintenance Bonus

Source:
Monthly Income Support and Jobseeker's Allowance Management Information Statistics Reports. Figures quoted are for April and May 1998.

ATTORNEY-GENERAL

Legal Aid

Mr. Pickthall: To ask the Attorney-General, pursuant to the answer of 28 April 1998, *Official Report*, column *65–67*, if he will list the cost to public funds of each of the top 20 barristers' earnings from prosecution work. [46588]

The Attorney-General: The information requested is not held centrally and could be obtained only at disproportionate cost.

Roger Levitt Case (Costs)

Mr. Pickthall: To ask the Attorney-General, pursuant to the answer given by Parliamentary Secretary, Lord Chancellor's Department on 19 May 1998, *Official Report*, column *342*, on the Roger Levitt case costs, how many prosecution preparation hours were claimed; and how they were assessed. [46590]

The Attorney-General: Fees paid to the three prosecuting counsel briefed by the Serious Fraud Office in the case of Roger Levitt were assessed by a combination of hourly and daily rates. The records necessary to ascertain the exact number of hours claimed in preparation cannot be accessed save at disproportionate cost, but I refer my hon. Friend to the answer of 28 June 1995, *Official Report*, columns *702–03*, given by the then Attorney-General to my hon. Friend the Member for Warwickshire, North (Mr. O'Brien) which shows the fees paid to counsel and sets out the hourly and daily rates.

Prosecution Counsel

Mr. Pickthall: To ask the Attorney-General what records his Department collates on the amounts prosecution counsel are paid from public funds. [46589]

The Attorney-General: The two relevant Departments for which hold ministerial responsibility are the Crown Prosecution Service and the Serious Fraud Office.

The CPS holds management information centrally which analyses the payments made to external advocates, whether barristers or solicitors, by class of case, type of proceedings, classification of counsel, and other similar categorisations. In addition, the CPS accounting system records payments made to individuals. No collation of CPS payments with those made by other prosecuting agencies from public funds is performed.

The SFO records payments to counsel on individual case files. This information is not collated.

EDUCATION AND EMPLOYMENT

Scottish Universities (Students from Cumbria)

Mr. Maclean: To ask the Secretary of State for Education and Employment how many students from Cumbria currently attend Scottish universities. [45678]

Dr. Howells: Data from the Higher Education Statistics Agency for the academic year 1997–98 showed that there were 607 students from Cumbria studying in higher education institutions in Scotland, of whom 496 were on full-time undergraduate courses.

Further and Higher Education Statistics

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment if he will list by socio-economic group *(a)* the numbers and *(b)* the percentages of (i) under 21 and (ii) over 21 year olds who were accepted into full-time or sandwich undergraduate study in (1) 1995 and (2) the most recent year for which figures are available. [45749]

Dr. Howells: The available data on students accepted into full-time and sandwich undergraduate courses by socio-economic group are provided in the table. It shows the number of accepted applicants to full-time and sandwich courses in 1995 and 1997 who applied through the Universities and Colleges Admissions Service (UCAS). However, not all full-time and sandwich undergraduate students enter higher education through UCAS. Information on the socio-economic groups of students who did not apply through UCAS is currently unavailable.

Accepted home applicants through UCAS to undergraduate degree courses; by age and socio-economic group, Autumn 1995 and 1997

	1995				1997			
	Under 21 years		Over 21 years		Under 21 years		Over 21 years	
Socio-economic group by age group	Number	Per cent.	Number	Per cent.	Number	Per cent.	Number	Per cent.
A Professional	31,287	17	5,326	10	35,026	16	2,732	5
B Intermediate	78,131	42	17,298	31	92,944	43	16,076	27
C1 Skilled non-manual	20,287	11	6,605	12	23,839	11	10,249	17
C2 Skilled manual	28,071	15	9,521	17	32,714	15	6,982	12
D Partly skilled	12,622	7	4,775	9	14,862	7	5,989	10
E Unskilled	2,950	2	1,396	3	3,767	2	1,128	2
Not known	11,377	6	10,524	19	14,565	7	15,630	27
Total	185,265	100	55,445	100	217,717	100	58,786	100

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment, pursuant to his answer of 27 March 1998, *Official Report*, column *342*, when he expects the Higher Education Statistics Agency to analyse the information it collects on the home postcode of higher education students; and what form the analysis will take. [45782]

Dr. Howells: The Higher Education Statistics Agency is an independent body. It has in the past used postcode information to analyse student numbers at region and county/unitary authority level but it has no current plans to carry out any analysis based on parliamentary constituency. The Higher Education Funding Council for England is, however, carrying out an analysis of entrants to higher education using postcode information and will report in due course.

School Inspections

Mr. Efford: To ask the Secretary of State for Education and Employment (1) if he will make a statement on the procedure for dealing with complaints from schools regarding *(a)* Ofsted inspections, and *(b)* individual Ofsted inspectors; [45704]

(2) how many Ofsted inspections were carried out during the last period for which figures are available; and how many complaints were received from schools or governing bodies regarding Ofsted inspections or inspectors in that period; [45705]

(3) what procedures exist for monitoring the performance of *(a)* Ofsted inspection terms and *(b)* individual inspectors. [45706]

Mr. Byers: HM Chief Inspector of Schools is responsible for monitoring the performance of school inspectors and handling complaints arising from school inspections. We announced on 10 March that Ofsted's complaints procedures are being strengthened, including the introduction of an independent element through the appointment of an external complaints adjudicator. I have asked the Chief Inspector to write to my hon. Friend and to place a copy of his letter in the Library.

Special Educational Needs

Mrs. May: To ask the Secretary of State for Education and Employment what is the average length of time taken to statement a child, and how many statements are currently outstanding in each local education authority. [46438]

Ms Estelle Morris: Information is not available in the form requested. Figures published by the Audit Commission this year showed that in 1996–97 48 per cent. of draft statements were served on parents by LEAs within the statutory 18 week time-limit. This level of performance is unacceptable, and the Department has asked LEAs with poor records what action they propose to take to improve.

Mrs. May: To ask the Secretary of State for Education and Employment when the National Advisory Group on Special Educational Needs first met to consider the results of the consultation on the Green Paper, "Excellence for All Children". [46668]

Ms Estelle Morris *[holding answer 19 June 1998]:* Consultation on the Green Paper closed formally on 9 January 1998, although responses continued to be received until March. The National Advisory Group considered a preliminary analysis of the responses on 11 February, and met again to consider a full assessment on 29 April.

Mrs. May: To ask the Secretary of State for Education and Employment what guidance his Department has issued to local education authorities on the needs of children with ADD/ADHD. [46428]

Ms Estelle Morris: The Department has not issued guidance on attention deficit disorder/attention deficit hyperactivity disorder (ADD/ADHD). Identifying and meeting children's special educational needs, including needs which arise from ADD/ADHD, is a matter for local education authorities and schools, having regard to the Department's *Code of Practice on the Identification and Assessment of Special Educational Needs*. Together with the Department of Health, we are considering how best to disseminate factual information on ADD/ADHD and to make available information on good practice in meeting the educational needs of children with this disorder.

Disabled Access Symbols

Mr. Levitt: To ask the Secretary of State for Education and Employment if he will take steps to promote the *(a)* standardisation and *(b)* greater use of readily understandable iconic symbols denoting accessible facilities for people with different disabilities. [46506]

Mr. Alan Howarth: The British Standards Institution's sub-committee on disabled people (B/209/8) is, at present, developing proposals for a new British Standard covering access for disabled people. I understand that, as part of its remit, the sub-committee will be considering guidance on the provision of the international symbol for access and signs for help for hearing impaired people and partially sighted people. This Department, along with several others, is represented on the sub-committee.

Remploy

Mr. Pike: To ask the Secretary of State for Education and Employment if he proposes to appoint a disabled person to the Board of the Remploy Group; and if he will make a statement. [46751]

Mr. Rooney: To ask the Secretary of State for Education and Employment what plans he has to appoint to the board of Remploy people with disabilities. [46995]

Mr. Alan Howarth: An advertisement was recently placed in *Disability Times* seeking a non-executive director for Remploy who has personal experience of disability and can contribute to the commercial development and overall good governance of the company. It made clear that applications from people with disabilities would be particularly welcome.

Mr. Rooney: To ask the Secretary of State for Education and Employment what has been the Government subsidy to Remploy for each of the past 10 years expressed *(a)* in cash terms and *(b)* at April 1998 prices. [46993]

Mr. Alan Howarth: The table shows Remploy's grant over the last 10 years in *(a)* cash prices and *(b)* April 1998 prices.

£ million

Year	*(a) cash prices*	*(b) April 1998 prices*
1997–98	94.2	96.5
1996–97	94.2	99.7
1995–96	94.2	102.0
1994–95	92.1	102.3
1993–94	89.2	100.9
1992–93	84.0	97.7
1991–92	75.3	91.2
1990–91	72.0	92.8
1989–90	67.0	93.1
1988–89	62.7	93.3

Mr. Rooney: To ask the Secretary of State for Education and Employment what has been the ratio of able bodied to disabled workers at Remploy for each of the last five years. [46992]

Mr. Alan Howarth: The table shows both the number of disabled employees at Remploy and that the proportion of the total workforce who are disabled has increased over the past five years:

Year	*Total workers (disabled and non-disabled)*	*Number of disabled workers*	*Number of non-disabled workers*	*Ratio of non-disabled to disabled*
1993–94	10,229	8,654	1,575	1 to 5.5
1994–95	10,538	8,906	1,632	1 to 5.5
1995–96	10,893	9,334	1,559	1 to 6
1996–97	11,224	9,662	1,562	1 to 6.2
1997–98	11,351	10,021	1,330	1 to 7.5

Education Action Zones

Mr. Gerrard: To ask the Secretary of State for Education and Employment when he will announce the 25 successful applications for education action zones. [47335]

Mr. Byers: Tomorrow. My right hon. Friend the Secretary of State will place the relevant details in the Library.

Further Education (East Sussex)

Mr. Baker: To ask the Secretary of State for Education and Employment if he will make a statement on his Department's plans for the further education sector in East Sussex. [43781]

Dr. Howells *[Pursuant to his reply, 11 June 1998, Official Report, c. 694]*: The reply should have been as follows:

I have no specific plans for the further education sector in East Sussex.

AGRICULTURE, FISHERIES AND FOOD

Bees

Dr. Cable: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 9 June 1998, *Official Report*, column *530*, what has been the cost to his Department of research into bee disease in each year since 1990. [46093]

Mr. Rooker: The information requested is set out in the table. The figure for 1990–91 is not readily available.

Year	*£000*
1991–92	20
1992–93	61
1993–94	140
1994–95	314
1995–96	259
1996–97	203
1997–98	215
1998–99	215

Seed Listings

Mr. Alan Simpson: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 21 May 1998, *Official Report*, column *483*, if he will indicate whether any tests and trials are being or have been conducted in respect of each of the national seed list applications under Regulation 11(1) of the Seeds (National Lists of Varieties) Regulations 1982, indicating the names of the persons conducting the tests and the dates thereof. [46209]

Mr. Rooker: National List tests to establish distinctness, uniformity and stability (DUS) and trials for value, cultivation and use (VCU) have been or are being carried out as shown. For reasons of personal confidentiality, only the corporate identities of trialling agents is released into the public domain.

AFP No.	*Species*	*Earliest sowing dates of DUS tests and VCU trials*	*Current status of tests and trials*	*Responsible organisation for tests and trials*
45/798	Sugar beet	17 March 1998	Ongoing	NIAB—DUS NIAB and BSBSPA—VCU
45/822	Sugar beet	17 March 1998	Ongoing	NIAB—DUS NIAB and BSBSPA—VCU
45/813	Sugar beet	17 March 1998	Ongoing	NIAB—DUS NIAB and BSBSPA—VCU
45/774	Sugar beet	17 March 1997	Ongoing	NIAB—DUS NIAB and BSBSPA—VCU
45/749	Sugar beet	17 March 1997	Ongoing	NIAB—DUS NIAB and BSBSPA—VCU
51/833	Maize	3 May 1998	Ongoing	DUS tested by French authorities NIAB and BSPB—VCU
35/959	Spring oilseed rape	27 March 1996	Completed January 1998	NIAB—DUS NIAB and SAC—VCU
35/960	Spring oilseed rape	27 March 1996	Completed January 1998	NIAB—DUS NIAB and SAC—VCU
35/1016	Winter oilseed rape	26 August 1996	Ongoing	NIAB—DUS NIAB and BSPB—VCU
35/1062	Winter oilseed rape	26 August 1996	Ongoing	NIAB—DUS NIAB and BSPB—VCU
35/1174	Winter oilseed rape	29 August 1997	Ongoing	NIAB—DUS NIAB and BSPB—VCU
35/1175	Winter oilseed rape	29 August 1997	Ongoing	NIAB—DUS NIAB and BSPB—VCU
35/1176	Winter oilseed rape	29 August 1997	Ongoing	NIAB—DUS NIAB and BSPB—VCU
35/1184	Winter oilseed rape	29 August 1997	Ongoing	NIAB—DUS NIAB and BSPB—VCU
35/1185	Winter oilseed rape	29 August 1997	Ongoing	NIAB—DUS NIAB and BSPB—VCU
35/1205	Spring oilseed rape	24 March 1998	Ongoing	NIAB—DUS NIAB and SAC—VCU
35/1206	Spring oilseed rape	24 March 1998	Ongoing	NIAB—DUS NIAB and SAC—VCU
35/1210	Spring oilseed rape	24 March 1998	Ongoing	NIAB—DUS NIAB and SAC—VCU

AFP No.	Species	Earliest sowing dates of DUS tests and VCU trials	Current status of tests and trials	Responsible organisation for tests and trials
35/1211	Spring oilseed rape	24 March 1998	Ongoing	NIAB—DUS NIAB and SAC—VCU
35/1222	Spring oilseed rape	8 April 1998	Ongoing	NIAB—DUS; not sown[1] NIAB and SAC—VCU

[1] DUS test plots were not sown for this variety as a Deliberate Release Consent was not granted until 1 April 1998. The variety has been sown in 1998 VCU trials only

[2] A proposed decision on whether these varieties should be added to the UK National List will not be taken until the necessary marketing consent has been promulgated by the French Competent Authority to whom the marketing application under Council Directive 90/220/EEC was submitted

Notes:
DUS: Tests to establish Distinctness, Uniformity and Stability
VCU: Trials to establish Value for Cultivation and Use in the UK
NIAB: National Institute of Agricultural Botany, Cambridge
SAC: Scottish Agricultural College, Aberdeen
BSBSPA: British Sugar Beet Seed Producers Association
BSPB: British Society of Plant Breeders

Mr. Alan Simpson: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 14 May 1998, *Official Report*, column *200*, for what reasons he will not make available to the public the results which are held by him of seed tests and trials to establish value for cultivation and use until a proposed decision on whether the seeds should be added to the national list has been published in the "Plant Varieties and Seeds Gazette". [46205]

Mr. Rooker: Proposed decisions about addition to the national list are published after careful consideration of the data resulting from tests and trials, and subject to the necessary marketing consent being in place under directive 90/220/EEC. Addition to the national list is a statutory pre-requisite to marketing, and it is only when proposed decisions are published that the formal representations procedures at sections 21 and 22 of the Seeds (National Lists of Varieties) Regulations 1982 (as amended) apply. Any person with a sufficient interest can obtain the results of tests and trials when considering whether to make representations against proposed decisions.

Mr. Alan Simpson: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 14 May 1998, *Official Report*, column *198*, if he will list the agricultural species which are not trialled or tested for national list purposes to establish whether they have value for cultivation and use. [46204]

Mr. Rooker: Schedule 1, Part 1 of the Seeds (National Lists of Varieties) Regulations 1982 (as amended) lists the agricultural species that are subject to national list tests and trials, and the common names of these species are given in the following schedule for information. Schedule 2, Section 5, of the same regulations exempts varieties of grasses not intended for fodder production, and any variety intended for ultimate sale in a Member State which has already accepted it for value for cultivation and use (VCU) purposes, from the VCU requirements that are specified at Schedule 2. Tests and trials and addition to the UK National List are not a requirement for varieties of species that are not subject to the National List regulations. But any genetically modified varieties falling into these latter categories would still require a marketing consent under the Environmental Protection Act 1990 which implements Directive 90/220/EEC.

The Seeds (National Lists of Varieties) Regulations 1982 (as amended)
Schedule 1—Common names of agricultural plant species

Species	Common name
Cereals	Oat; barley; rye; triticale; wheat; durum wheat; spelt wheat; maize (except for sweetcorn)
Potatoes	Potato
Beet	Sugar beet; fodder beet; mangels
Fodder plants *(a)* grasses	Velvet bent; red top; creeping bent; brown top; tall oatgrass; rescue grass; alaska brome grass; cocksfoot; tall fescue; sheeps/hard/fine leaved sheeps fescue; meadow fescue; red fescue/chewings fescue; festulolium; westerwold ryegrass; Italian ryegrass; timothy; annual meadowgrass; wood meadowgrass; smooth stalked meadowgrass; roughstalked meadowgrass
(b) legumes	Birdsfoot trefoil; white lupin; blue lupin; yellow lupin; black medick; trefoil; lucerne; sainfoin; field pea; alsike clover; red clover; white clover; field bean; hungarian vetch; common vetch; hairy vetch
(c) other fodder plants	Swede; fodder kale; fodder radish
Oil and fibre plants	Turnip rape; brown mustard; swede rape (including oilseed rape); black mustard; sunflower; linseed/flax; white mustard; soya bean

Mr. Alan Simpson: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 21 May 1998, *Official Report*, column *483*, if he will list the dates of each of the applications for national seed testing and the approximate dates by which he expects to make a proposed decision. [46210]

Mr. Rooker: The information requested is as follows:

AFP number	*Species*	*National List (NL) applicant*	*Date of NL application*[1]	*Approximate date of proposed NL decision*[2]
45/798	Sugar Beet	Kleinwanzlebener Saatzucht A.G., Germany	31 December 1997	April 2000
45/822	Sugar Beet	Norvartis Seeds A.B., Sweden	14 January 1998	April 2000
45/813	Sugar Beet	Danisco Seeds, UK	14 January 1998	April 2000
45/774	Sugar Beet	Hilleshog A.B.,	15 January 1997	April 1999
45/749	Sugar Beet	Kleinwanzlebener Saatzucht A.G., Germany	7 January 1997	April 1999
51/833	Maize	Van Der Have, Netherlands	16 January 1998	February 2000
35/959	Oilseed Rape	Plant Genetic Systems, Belgium	14 December 1995	November 1998
35/960	Oilseed Rape	Plant Genetic Systems, Belgium	14 December 1995	November 1998
35/1016	Oilseed Rape	Deutsche Saatveredelung GmbH., Germany	13 August 1996	November 1998
35/1062	Oilseed Rape	Monsanto Crop Protection, UK	8 August 1996	November 1998
35/1174	Oilseed Rape	Plant Genetic Systems, Belgium	28 August 1997	November 1999
35/1175	Oilseed Rape	Plant Genetic Systems, Belgium	28 August 1997	November 1999
35/1176	Oilseed Rape	Plant Genetic Systems, Belgium	28 August 1997	November 1999
35/1184	Oilseed Rape	Monsanto Crop Protection, UK	11 August 1997	November 1999
35/1185	Oilseed Rape	Monsanto Crop Protection, UK	11 August 1997	November 1999
35/1205	Oilseed Rape	Calgene Inc., USA	12 December 1997	November 1999
35/1206	Oilseed Rape	Calgene Inc., USA	12 December 1997	November 1999
35/1210	Oilseed Rape	Plant Genetic Systems, Belgium	12 January 1998	November 1999
35/1211	Oilseed Rape	Plant Genetic Systems, Belgium	12 January 1998	November 1999
35/1222	Oilseed Rape	Pioneer Hi-Bred International Inc., USA	16 December 1997	November 1999

[1] Date of receipt of a valid application
[2] Subject to promulgation of marketing consents under Directive 90/220/EEC and satisfactory completion of tests and trials

Mr. Alan Simpson: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 21 May 1998, *Official Report*, column *483*, if he will provide the corresponding genetically modified release consents in respect of each of the national seed list applications, indicating the application and consent numbers and dates and, if different from the national list applicants, the applicants' names. [46208]

Mr. Rooker: In respect of the consents covering National List trials, the information requested is set out in the table. Further details relating to the release consents are available on a statutory public register which is maintained by the Department of the Environment, Transport and the Regions.

Application number	*Species*	*National list applicant*	*Release consent number; Date consent granted; Applicant for Consent*
45/798	Sugar Beet	Kleinwanzlebener Saatzucht AG., Germany	97/R19/13—17 March 1997 Agrevo UK Crop Protection Ltd.
45/822	Sugar Beet	Novartis Seeds AB., Sweden	96/R21/4—25 February 1997 Novartis Seeds Ltd.
45/813	Sugar Beet	Danisco Seeds, UK	96/R21/4—25 February 1997 Novartis Seeds Ltd.
45/774	Sugar Beet	Hilleshog AB., Sweden	96/R21/4—25 February 1997 Novartis Seeds Ltd.
45/749	Sugar Beet	Kleinwanzlebener Saatzucht AG., Germany	97/R19/13—17 March 1997 Agrevo UK Crop Protection Ltd.
51/833	Maize	Van der Have, Netherlands	96/R13/6—2 April 1996 Sharpes International Seeds Ltd.
35/959	Oilseed Rape	Plant Genetic Systems N.V., Belgium	95/R15/15—3 January 1996 Plant Genetic Systems N.V., Belgium
35/960	Oilseed Rape	Plant Genetic Systems N.V., Belgium	95/R15/15—3 January 1996 Plant Genetic Systems N.V., Belgium
35/1016	Oilseed Rape	Deutsche Saatveredelung GmbH, Germany	96/R27/1—6 August 1996 Perryfields Holdings Ltd.
35/1062	Oilseed Rape	Monsanto Crop Protection UK	96/R22/6—6 August 1996 Monsanto Europe, Belgium
35/1174	Oilseed Rape	Plant Genetic Systems N.V., Belgium	97/R15/20—1 August 1997 Plant Genetic Systems N.V., Belgium
35/1175	Oilseed Rape	Plant Genetic Systems N.V., Belgium	97/R15/20—1 August 1997 Plant Genetic Systems N.V., Belgium
35/1176	Oilseed Rape	Plant Genetic Systems N.V., Belgium	97/R15/20—1 August 1997 Plant Genetic Systems N.V., Belgium

Application number	Species	National list applicant	Release consent number; Date consent granted; Applicant for Consent
35/1184	Oilseed Rape	Monsanto Crop Protection, UK	96/R22/6—6 August 1996 Monsanto Europe, Belgium
35/1185	Oilseed Rape	Monsanto Crop Protection, UK	96/R22/6—6 August 1996 Monsanto Europe, Belgium
35/1205	Oilseed Rape	Calgene Inc., USA	97/R28/3—17 March 1998 John K. King & Sons Ltd.
35/1206	Oilseed Rape	Calgene Inc., USA	97/R28/3—17 March 1998 John K. King & Sons Ltd.
35/1210	Oilseed Rape	Plant Genetic Systems N.V., Belgium	97/R15/23—19 March 1998 Plant Genetic Systems N.V., Belgium
35/1211	Oilseed Rape	Plant Genetic Systems N.V., Belgium	97/R15/23—19 March 1998 Plant Genetic Systems N.V., Belgium
35/1222	Oilseed Rape	Pioneer Hi-Bred International Inc., USA	97/R24/2—1 April 1998 Pioneer Genetique S.A.R.L., France

Note:
DETR application and consent numbers are the same

Biotechnology

Mr. Alan Simpson: To ask the Minister of Agriculture, Fisheries and Food if he will list the meetings his Department has held with *(a)* Monsanto, *(b)* AgrEvo, *(c)* Novartis, *(d)* Zeneca and *(e)* other representatives of the biotechnology industry relating to biotechnology. [46211]

Mr. Rooker: Neither my colleagues nor I have held any meeting with companies from the biotechnology industry since 1 May 1997. In addition to the meetings detailed in my reply to the hon. Member for Lewes (Mr. Baker) on 31 March 1998, *Official Report*, columns *505–08*, officials have met representatives of biotechnology companies on the occasions listed.

Date	Company
1997	
21 May	Pioneer Hi-Bred International Inc. USA
28 May	Novartis
4 June	CPB Twyford
30 June	Sharpes/KWS
11 July	Plant Breeding Institute
18 July	AgrEvo
8 October	Nickerson BIOCEM
21 October	Plant Breeding Institute, Zeneca, Nickerson BIOCEM and Advanced Technologies (Cambridge) Ltd.
31 October	Monsanto
1998	
5 January	Plant Genetic Systems
14 January	AgrEvo, Cynamid, Monsanto and Novartis
15 January	CPB Twyford
11 February	Advanta
16 February	Zeneca
11 March	AgrEvo, Cynamid, Monsanto and Novartis
24 March	Monsanto
6 May	Zeneca
15 May	Monsanto, AgrEvo and other biotechnology companies
20 May	Plant Genetic Systems
22 May	Monsanto, AgrEvo and other biotechnology companies
9 June	AgrEvo, Cynamid and Monsanto
17 June	Monsanto, AgrEvo and other biotechnology companies

In addition, the Veterinary Medicines Directorate meets regularly with representatives of pharmaceutical companies as part of its responsibilities for the authorisation of veterinary medicines in the UK.

Meat Retailing

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food if he will list all legislation applicable to retailers of fresh meat. [46120]

Mr. Rooker: The list of food safety legislation applies, or may apply in certain circumstances, to retailers of fresh meat.

The Arsenic in Food Regulations 1959 (SI 1959/831) (as amended)

The Diseases of Animals (Waste Food) Order 1973 (SI 1973/1936) (as amended)

The Lead in Food Regulations 1979 (SI 1979/1254) (as amended)

The Food Safety Act 1990

The Tin in Food Regulations 1992 (SI 1992/496)

The Animal By-Products Order 1992 (SI 1992/3303) (as amended)

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations 1994 (SI 1994/1985) (as amended)

The Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763)

The Food Safety (Temperature Control) Regulations 1995 (SI 1995/2200)

The Fresh Meat (Beef Controls) (No 2) Regulations 1996 (SI 1996/2097) (as amended)

The Animals and Animal Products (Examinations for Residues and Maximum Residue Limits) Regulations 1997 (SI 1997/1729)

The Beef Bones Regulations 1997 (SI 1997/2959)

The Specified Risk Material Order 1997 (SI 1997/2964)

The Specified Risk Material Regulations 1997 (SI 1997/2965) (as amended).

Abattoirs

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food if he will list all legislation applicable to abattoirs. [46122]

Mr. Rooker: The list of food safety legislation applies, or may apply in certain circumstances, to abattoirs. The list does not include legislation which applies only to establishments wishing to export.

The Arsenic in Food Regulations 1959 (SI 1959/831) (as amended)

The Diseases of Animals (Waste Food) Order 1973 (SI 1973/1936) (as amended)

The Lead in Food Regulations 1979 (SI 1979/1254) (as amended)

The Food Safety Act 1990

The Animal By-Products Order 1992 (SI 1992/3303) (as amended)

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations 1994 (SI 1994/1985) (as amended)

The Meat (Hygiene, Inspection and Examination for Residues)(Charges) Regulations 1995 (SI 1995/361)

The Fresh Meat (Hygiene and Inspection) Regulations 1995 (SI 1995/539) (as amended)

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (SI 1995/540)

The Animal By-Products (Identification) Regulations 1995 (SI 1995/614) (as amended)

The Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763)

The Wild Game Meat (Hygiene and Inspection) Regulations 1995 (SI 1995/2148)

The Colours in Food Regulations 1995 (SI 1995/3124)

The Fresh Meat (Beef Controls) (No 2) Regulations 1996 (SI 1996/2097) (as amended)

The Animals and Animal Products (Examinations for Residues and Maximum Residue Limits) Regulations 1997 (SI 1997/1729)

The Charges for Inspections and Controls Regulations 1997 (SI 1997/2893)

The Beef Bones Regulations 1997 (SI 1997/2959)

The Specified Risk Material Order 1997 (SI 1997/2964)

The Specified Risk Material Regulations 1997 (SI 1997/2965) (as amended)

The Cattle Identification Regulations 1998 (SI 1998/871).

Meat-cutting Plants

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food if he will list all legislation affecting meat-cutting plants. [46121]

Mr. Rooker: The list of food safety legislation applies, or may apply in certain circumstances, to meat-cutting plants. The list does not include legislation which applies only to establishments wishing to export.

The Arsenic in Food Regulations 1959 (SI 1959/831) (as amended)

The Diseases of Animals (Waste Food) Order 1973 (SI 1973/1936) (as amended)

The Lead in Food Regulations 1979 (SI 1979/1254) (as amended)

The Food Safety Act 1990

The Animal By-Products Order 1992 (SI 1992/3303) (as amended)

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations 1994 (SI 1994/1985) (as amended)

The Meat Products (Hygiene) Regulations 1994 (SI 1994/3082)

The Meat (Hygiene, Inspection and Examination for Residues) (Charges) Regulations 1995 (SI 1995/361)

The Fresh Meat (Hygiene and Inspection) Regulations 1995 (SI 1995/539) (as amended)

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (SI 1995/540)

The Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763)

The Wild Game Meat (Hygiene and Inspection) Regulations 1995 (SI 1995/2148)

The Colours in Food Regulations 1995 (SI 1995/3124)

The Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205)

The Fresh Meat (Beef Controls) (No 2) Regulations 1996 (SI 1996/2097) (as amended)

The Animals and Animal Products (Examinations for Residues and Maximum Residue Limits) Regulations 1997 (SI 1997/1729)

The Beef Bones Regulations 1997 (SI 1997/2959)

The specified Risk Material Order 1997 (SI 1997/2964)

The Specified Risk Material Regulations 1997 (SI 1997/2965) (as amended).

Poultry

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food how many head of poultry have been compulsorily slaughtered under the Zoonoses orders; and at what cost to public funds. [46033]

Mr. Rooker: Between 1 March 1989 when the Zoonoses Order 1989 came into force and 31 March this year, 3,751,707 birds have been sent for compulsory slaughter in Great Britain following confirmed infection with Salmonella enteritidis or Salmonella typhimurium. The total amount paid in compensation is £8,660,931.

BSE

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food how many cattle have been compulsorily slaughtered under BSE regulations; and at what cost to public funds. [46061]

Mr. Rooker: Between 1988, when BSE became a notifiable disease, and 12 June 1998, 203,283 cattle had been compulsorily slaughtered in Great Britain as BSE suspects. Total BSE payments in respect of these slaughterings for the period from 1988 to the end of 1997/98 amount to over £191 million. This figure comprises BSE compensation payments, ex gratia payments and miscellaneous expenditure.

In addition, certain cattle have been slaughtered under the selective cull. This covers cattle born 1 July 1989–30 June 1993 which are believed to have shared the same infected feed as BSE cases. Cattle born before 15 October 1990 are slaughtered only if the owner offers them voluntarily, as there was no legal requirement to keep birth records before that date. Such animals represent around 50 per cent. of the total slaughtered under the cull.

The selective cull commenced on 21 March 1997. Total expenditure on the cull for the 1997/98 financial year was £114 million, including compensation for 65,540 animals,

and disposal and valuation costs. By 12 June 1998, 70,428 animals had been slaughtered under the selective cull.

Bats (Rabies)

Mr. Lepper: To ask the Minister of Agriculture, Fisheries and Food what steps are taken to ensure that all dead and grounded bats are examined for rabies. [46199]

Mr. Rooker: Members of the public and volunteer bat enthusiast groups in the UK are encouraged to submit dead bats to Veterinary Investigation Centres to be tested for the presence of rabies and rabies-related viruses.

Mr. Lepper: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the status of rabies in bats as a notifiable disease. [46197]

Mr. Rooker: Rabies, whether in a bat or in any other mammal, is a notifiable disease in accordance with the Rabies (Control) Order 1974.

Mr. Lepper: To ask the Minister of Agriculture, Fisheries and Food how many bats have been examined for rabies since June 1996. [46198]

Mr. Rooker: Between June 1996 and May 1998, 507 bats were examined for rabies.

Live Animal Exports

Mr. Etherington: To ask the Minister of Agriculture, Fisheries and Food when he plans to amend the law to require all live sheep and goats exported from the United Kingdom to be ear-tagged or tattooed to show the holding of birth; and if he will make a statement. [46118]

Mr. Rooker: Work on a draft Order which would require sheep and goats in Great Britain to be identified with the holding of birth is currently in hand. The Government hope it will be possible to consult on this draft in late summer. In Northern Ireland, legislation is in place which requires all sheep and goats moving off the holding of birth to be identified with an eartag or tattoo, making it possible to identify the holding of birth.

Mr. Etherington: To ask the Minister of Agriculture, Fisheries and Food (1) when he plans to introduce the new arrangements for live animal exports whereby certifying veterinarians will be nominated by the Government; and if he will make a statement; [46116]

(2) when he plans to announce the results of the review which he initiated in May 1997 of the arrangements for enforcing the rules on the welfare of farm animals exported live to the Continent; and if he will make a statement. [46117]

Mr. Morley: The results of the review, including the principles of the proposed changes, were announced last Autumn. We are currently working up the final details for public consultation. When the consultation document is issued, which I hope will be next month, I will arrange to have a copy placed in the Library of the House.

Mr. Etherington: To ask the Minister of Agriculture, Fisheries and Food what was the result of the inquiry by the French Government into the failure of a number of live British calves exported to France in 1995 to reach the destinations declared in the route plans submitted to his Department; and if he will make a statement. [46119]

Mr. Morley: A judicial investigation by the French Government is still under way and the Department continues to assist the French authorities in this matter.

Whales

Mr. Andrew George: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the current pressures on the stock of each species of whale. [46192]

Mr. Morley: The Government contribute to assessments of whale stocks through their membership of the International Whaling Commission. The IWC's Scientific Committee is continuing its programme of intensive assessments of great whale stocks, and is also developing long term research programmes to assess the effects of pollution and climate change on cetaceans.

Mr. Andrew George: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the likely impact of a lifting of the moratorium on commercial whaling. [46196]

Mr. Morley: The Government remain strongly opposed to lifting the existing moratorium on commercial whaling, since we believe that such an action would harm whale conservation.

Coastal Fishing Limits

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what is his Department's definition of coastal fisheries limits. [46032]

Mr. Morley: British fishery limits generally extend, by virtue of the Fishery Limits Act 1976, to 200 nautical miles from baselines. As laid down in the Territorial Sea Act 1987, the UK's territorial sea generally extends to 12 nautical miles from baselines. Sea Fisheries Committee districts for the management of inshore fisheries extend to 6 nautical miles from baselines.

Coastal Zone Management

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what discussions on the question of coastal zone management were held at the Council of Ministers on 8 June; and what were the opinions expressed by the other ministers. [46040]

Mr. Morley: This subject was not discussed at the Fisheries Council on 8 June.

Spanish Distant Water Fleet

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what the tonnage of the Spanish distant water fleet has been in each year since 1985. [46035]

Mr. Morley: Information about the fishing fleets of other Member States is contained in the EU Commission's annual reports on progress under the Multi-Annual Guidance Programme (MAGP), which sets

national objectives for the capacity of different fleet segments. The Report in July 1997 provided the following information for Spain covering the period 1991 to 1996.

The Spanish fishing fleet: Segments comprising vessels fishing in third country and in international waters: gross registered tonnage

Year	*Trawlers and polyvalent*	*Pelagic seiners, netters*	*Tuna fleet*
1991	264,695	31,859	58,648
1992	239,699	36,018	59,612
1993	214,682	36,349	56,136
1994	198,780	34,775	56,136
1995	173,745	27,824	55,286
1996	148,759	28,283	54,907

Fishing Vessels

Mr. Ainger: To ask the Minister of Agriculture, Fisheries and Food how much grant aid from the Fishing Vessels (Safety Improvements) (Grants) Scheme 1995 and the Fisheries and Aquaculture Structures (Grants) Regulations 1995 has been paid to fishing vessels over 12 metres in length in each year since 1995. [46476]

Mr. Morley: Total grant paid to fishing vessels in the UK under these schemes is:

1995–96: £2.861 million

1996–97: £1.958 million

1997–98: £1.796 million.

These figures include grant awarded under similar vessel grant schemes in operation prior to the introduction of the Fishing Vessels (Safety Improvements) (Grants) Scheme 1995 and the Fisheries and Aquaculture Structures (Grants) Regulations 1995, but paid during the relevant financial years. Under the safety grant, scheme aid is available only to fishing vessels of 12 metres or more in length. In Objective 1 areas some payments are made under the Fisheries and Aquaculture Structures (Grants) Regulations to smaller vessels. These amounts are also included in the above figures as separate information is not readily available.

Mr. Ainger: To ask the Minister of Agriculture, Fisheries and Food what was the total amount of levies collected in each of the last five years by the Sea Fish Industry Authority from landings from fishing vessels *(a)* over 12 metres and *(b)* under 12 metres in length. [46475]

Mr. Morley: This information is not available in the form requested. Levies collected by the Sea Fish Industry Authority are based on the value of fish landed and records do not distinguish between vessels over or under 12 metres in length. The total amount collected in each of the last five years from landings from all fishing vessels is as follows:

Year	*£ million*
1993–94	3.015
1994–95	3.118
1995–96	3.156
1996–97	3.407
1997–98	3.114

Bakery Training (Russia)

Mr. Wigley: To ask the Minister of Agriculture, Fisheries and Food how much has been spent by his Department through ADAS or similar organisations in establishing bakery training facilities in Russia; how many Russians have so far been trained as a result of this initiative; and what plans he has for further spending on such projects. [46713]

Mr. Morley *[holding answer 19 June 1998]:* The Department has had no involvement in projects of this nature and has spent no money on them either through ADAS or any other commercial organisation.

Organic Farming

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer to the hon. Member for Montgomeryshire (Mr. Öpik) of 2 April 1998, *Official Report*, columns *655–56*, in respect of the research into the implications for organic forms of cross contamination with pollen from genetically modified crops *(a)* who is undertaking the research, *(b)* when he expects the research to be completed and *(c)* if the results will be published in full. [46560]

Mr. Rooker: The contract for the research has not yet been awarded. Once work has started, it is expected that the research will take between 3 to 6 months to complete. The results of this research will be disseminated widely.

DUCHY OF LANCASTER

Departmental Vehicles (Fuel Consumption)

Mr. Baker: To ask the Chancellor of the Duchy of Lancaster, pursuant to the answer to the hon. Member for Scarborough and Whitby (Mr. Quinn) on 16 June 1998, *Official Report*, column *152*, what percentage of *(a)* all vehicles currently held and *(b)* vehicles used by Ministers have on average fuel consumption of less than 26 miles per gallon; what steps he is taking to replace them; and if he will make a statement. [46970]

Mr. Kilfoyle: Responsibility for this matter has been delegated under the terms of its Framework Document to the Government Car and Despatch Agency. I have asked its Chief Executive, Mr. Nick Matheson, to write to the hon. Member.

Letter from Nick Matheson to Mr. Norman Baker, dated 22 June 1998:

The Parliamentary Secretary, Office of Public Service, has asked me in my capacity as Chief Executive of the Government Car and Despatch Agency to reply to your Parliamentary Question about the fuel consumption of vehicles used by the Agency.

We are not in a position to extract fuel consumption figures for individual vehicles within the GCDA fleet at the present time. However, based on official published combined urban cycle fuel consumption figures for the cars involved:-

a) 14.1% of the total GCDA fleet has an estimated fuel consumption below 26.0 mpg.

b) 11.5% of cars allocated to Ministers have a fuel consumption below 26.0 mpg. All of these are scheduled for replacement or conversion to use alternative gas fuels within the next 18 months.

I am not satisfied with the current method of measuring fuel consumption and as part of my management reforms for the Agency I have recently changed the method of recording fuel consumption so that I can begin to make performance comparisons between individual vehicles under normal operating conditions. This work will be completed in the next week or so and if the results indicate a material change in the figures I have given above, I will write again to provide that information.

Freedom of Information

Mr. Baker: To ask the Chancellor of the Duchy of Lancaster if it remains his policy to publish a freedom of information bill; and if he will make a statement. [46846]

Dr. David Clark: It does remain my policy to publish a freedom of information Bill.

Written Answers to Questions

Tuesday 23 June 1998

INTERNATIONAL DEVELOPMENT

Sierra Leone

Mr. Streeter: To ask the Secretary of State for International Development how much was spent on aid to Sierra Leone by her Department in 1997–98; and if she will make a statement. [46733]

Clare Short: My Department provided £3.439 million to Sierra Leone in the 1997–98 financial year.

Of this, £250,000 was spent on Sierra Leone refugees in neighbouring countries and £250,000 for Government and civil society outside Sierra Leone.

Departmental Cash Limits

Ms Oona King: To ask the Secretary of State for International Development what changes have been made to the 1998–99 cash and running costs limits for expenditure by her Department. [47538]

Clare Short: Subject to Parliamentary approval of the necessary Supplementary Estimate, the cash limit for Class III, Vote 1 will be increased by £2,261,000 from £1,618,439,000 to £1,620,700,000 and the Department for International Development running cost limit by £2,261,000 from £59,874,000 to £62,135,000.

The increase is in respect of a running cost transfer of £2,261,000 from the Foreign and Commonwealth Office (Class II, Vote) for the costs of development staff in London and abroad.

The increase will be offset by a reduction in the FCO's Vote and will not therefore add to the planned total of public expenditure.

Departmental Reviews

Mr. Allan: To ask the Secretary of State for International Development if she will list, for each of the last four years, all departmental inquiries and reviews instigated by ministers which have been chaired by individuals outside her Department; and in each case if she will give the date of establishment and the name of the chairman. [46835]

Clare Short: My Department has not undertaken any departmental inquiries or reviews instigated by ministers which have been chaired by individuals outside the department in the last four years.

Jubilee 2000

Mr. Streeter: To ask the Secretary of State for International Development what is her Department's policy in relation to the Jubilee 2000 coalition campaign to cancel debt. [46734]

Clare Short: Both the Government and the Jubilee 2000 Coalition recognise the important part debt relief can play in the eradication of poverty. We seek the same overall objective—the remission of the unpayable debts of the world's poorest countries. Her Majesty's Government welcome the work that Jubilee 2000 and its associates have been doing to raise public awareness of these issues, and thus keep debt relief firmly on the international political agenda. This has helped us to get agreement at last month's G8 Summit in Birmingham to one of the main aims of the Government's Mauritius Mandate—to ensure that by the year 2000 all eligible highly indebted poor countries will have at least begun the process which will lead to debt relief.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Audit Commission

Mr. Vaz: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish the terms upon which media and public affairs consultants have been appointed by the Audit Commission over the last five years, and the total amounts spent each year with each consultant. [46109]

Mr. Raynsford: The Audit Commission's press and public affairs functions have been provided externally for more than nine years. These services are market tested every three years in accordance with relevant EC Directives and, following the last market test, two companies—Citigate Westminster and Lawson, Lucas and Mendelsohn—were appointed. Whilst details of the contractual terms are commercially confidential between the Audit Commission and individual contractors, the Commission has incurred the following expenditure on these services in each of the last five years:

£174,145: 1 April 1997 to 31 October 1997 (new financial period)

£311,998: year to 31 March 1997

£315,255: year to 31 March 1996

£236,747: year to 31 March 1995

£172,107: year to 31 March 1994.

Businesses (Environmental Practice)

Mr. Jim Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions what proposals he has to encourage businesses to improve their environmental practices. [46226]

Angela Eagle *[holding answer 16 June 1998]:* This Government's long term goal is sustainable development. Under the legally binding targets agreed at Kyoto, the European Union agreed to reduce emissions of greenhouse gases, on average, by 8 per cent. Under the UK Presidency, we have secured agreement with other Member States on how to meet this European Union target. The UK contribution is to reduce emissions by 12.5 per cent. This, together with the Government's own manifesto commitment to reduce carbon dioxide emissions by 20 per cent., has to be planned for. These are challenging targets and all sectors—business, domestic and transport—need to play their part in meeting them.

The Government currently have a wide range of existing programmes and initiatives to encourage business to improve its environment practices beyond the minimum standards set by regulation. These include: the Best Practice Programmes for Energy Efficiency and Environmental Technology; the promotion of environmental management within business; energy and environmental labelling schemes; codes of practice covering environmental claims on products and services; producer responsibility for the recovery and recycling of waste; promoting waste minimisation; voluntary agreements with industry sectors; and promoting the wider take up of environmental reporting.

As part of the wide ranging *Opportunities for Change* consultation on a revised UK Sustainable Development Strategy, we have just launched a *Sustainable Business* consultation paper. This sets out and seeks views on the particular challenges posed by sustainable development for business. A further element of the strategy, the Government's recently issued consultation paper on the waste strategy for England and Wales, *Less Waste: More Value*, stresses the importance of industry action to reduce the environmental impact of their waste, and seeks views on what further action is needed to encourage this.

Business is taking these matters seriously. In their Climate Change report, the Advisory Committee on Business and the Environment suggested that some form of tax on industrial energy may be necessary. In response the Government have set up a task force, chaired by the President of the CBI, Lord Marshall, to examine the role of economic instruments, such as an energy tax.

In the light of these various developments the Government will be looking across the array of measures they can deploy—regulation, voluntary agreements and economic instruments—to see what else they can do to encourage better environmental performance from business.

Air Quality

Mr. Jim Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions what proposals he has to improve air quality. [46225]

Angela Eagle *[holding answer 16 June 1998]:* The UK National Air Quality Strategy sets out national air quality objectives for eight key air pollutants to be achieved by 2005. These objectives have been set with reference to air quality standards which represent no or minimal risk of health effects to the public. The Strategy also describes a range of policy options for achieving the objectives and the contribution to be made at international, national and local levels. We announced last year that we would review the Strategy urgently to look at the options for delivering improved air quality more quickly. The review is due to be completed by the end of this year.

The Government are also taking action on a number of other fronts to improve air quality. At the European level we reached agreement at the Environment Council earlier this month on tough new air quality limit values under the Air Quality Daughter Directive and improved fuel quality standards under the Sulphur Content of Liquid Fuels Directive. We have also made significant progress in negotiating tighter fuel quality and emission standards under the Auto-Oil programme. At the national level we are implementing the Industrial Pollution Prevention and Control Directive and taking forward fiscal incentives for low emission buses/lorries, alternative fuels and legislation on vehicle emissions. At the local level we have introduced a system of local air quality management and are piloting a scheme for local transport emissions enforcement.

Environment Agency

Mr. Martlew: To ask the Secretary of State for the Environment, Transport and the Regions what conditions the Highways Agency required to be placed on the planning application for the new Environment Agency offices in Cumbria; what was the cost of complying with them; and which organisation paid. [46371]

Mr. Raynsford: Conditions were attached to the planning permission granted by Eden District Council requiring the provision of new traffic signals at the junction of the M6 and A66, together with additional road markings. With regard to the cost of complying with the conditions and which organisation paid, the information is not readily available but I will provide a written response with details as and when they become available.

US-UK Air Services Agreement

Ms Osborne: To ask the Secretary of State for the Environment, Transport and the Regions when talks will resume on the United States of America-United Kingdom Air Services agreement. [46429]

Ms Glenda Jackson: No UK/US air services talks are currently planned. We would expect to resume talks when the outcome of the examination of the British Airways/American Airlines alliance by the competition authorities is known.

Channel Tunnel Rail Link

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions when LCR expects to complete the Channel Tunnel Rail Link if Railtrack fails to exercise its option relating to the second phase of construction of the Channel Tunnel Rail Link. [46470]

Ms Glenda Jackson: Any such assessment would depend on when Railtrack chose not to exercise its option in respect of the second phase of construction. Railtrack, however, has made clear its expectation to commit to the second phase and LCR expects work to be completed in 2007.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions within what timescale LCR will have to find a third party or complete phase two itself if Railtrack does not exercise its option relating to the second phase of construction of the Channel Tunnel Rail Link. [46469]

Ms Glenda Jackson: Railtrack has an option until July 2003 to construct and purchase Phase 2, but should it decide not to exercise that option, LCR remains, in any event, contractually obliged to complete the second phase to St. Pancras. LCR's current expectation is that the second phase of construction should be completed by 2007.

National Air Traffic Services

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 11 June 1998, *Official Report*, column *637*, relating to the future of NATS, if he will make a statement on the powers attaching to the golden share. [46474]

Ms Glenda Jackson: The precise details of the golden share are for consideration as the proposal is developed, but it will provide additional rights to the Government to maintain the public interest while allowing the private sector freedom to run the business.

Mr. Luff: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the future of the Scottish and Oceanic Air Traffic Control Centre at Prestwick. [45592]

Ms Glenda Jackson: Contract negotiations for a new air traffic control centre at Prestwick to replace the existing Scottish and Oceanic Air Traffic Control Centre are underway between National Air Traffic Services (NATS) and Sky Solutions, the preferred bidder. NATS will consult with the airlines before seeking CAA Board and Government approval to a contractual commitment. NATS currently envisage that operations will transfer from the existing Prestwick centre to a new one (the New Scottish Centre) during the winter of 2004/2005.

Private Hospitals (Business Rates)

Mr. Plaskitt: To ask the Secretary of State for the Environment, Transport and the Regions what was the total sum paid in business rates by private hospitals in England in the last year for which figures are available. [46362]

Mr. Raynsford: I estimate that the amount of business rates payable by private hospitals in England was £9.9 million in 1997–98.

Marine Safety

Mr. Wallace: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the area marine safety sub-committees established by his Department and the former Department of Transport. [45777]

Ms Glenda Jackson *[holding answer 17 June 1998]:* There are 8 District Marine Safety Committees: East Scotland, West Scotland, Northern Ireland, North East and East England, North West England, Wales, London, and South and South West England; and 26 sub-committees which include: Highland/Moray Firth, Orkney/Caithness, and Shetland. A brochure explaining the work of the District Marine Safety Committees and providing details of all sub-centres will be placed in the Libraries of both Houses shortly.

Mr. Wallace: To ask the Secretary of State for the Environment, Transport and the Regions what issues have been referred by his Department to marine safety sub-committees since 1 May 1997. [45778]

Ms Glenda Jackson *[holding answer 17 June 1998]:* No specific issues have been referred by the Department to the District Marine Safety Committees since 1 May 1997. The main role of the committees is to keep local marine safety and pollution prevention issues under review. Where an important issue of more than local significance is identified, this may be brought to the Department's attention.

Mr. Wallace: To ask the Secretary of State for the Environment, Transport and the Regions which marine safety sub-committees were sent a copy of the Coastguard Agency's Five Year Strategy Plan consultation document; in each case when the document was sent out; and which sub-committees have responded to the consultation document. [45779]

Ms Glenda Jackson *[holding answer 17 June 1998]:* The document for consultation was published on 20 January. District Marine Safety Committees were not directly sent copies of the document, however copies were sent to the then Marine Safety Agency (under whose aegis the District Marine Safety Committees operate) and those organisations or individuals who had registered an interest. Whilst no District Marine Safety Committees responded, some replies have been received from individual committee members.

Fishing Vessels

Mr. Ainger: To ask the Secretary of State for the Environment, Transport and the Regions what was the number of registered British fishing vessels *(a)* under 12 metres and *(b)* over 12 metres in length and the number of fishermen's lives lost from each in each of the last five years. [46477]

Ms Glenda Jackson: The number of registered British fishing vessels both under 12 metres and over 12 metres in length and the number of fishermen's lives lost from each in the last five years as recorded by the Registry of Shipping and Seamen are as follows:

Year	*12 metres and under*	*Number of deaths*	*12 metres and over*	*Number of deaths*
1993–94	5,376	16	1,273	4
1994–95	5,529	2	1,296	4
1995–96	5,752	3	1,321	3
1996–97	6,030	3	1,347	5
1997–98	6,271	0	1,373	7

Gipsy Sites

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what proportion of applications for planning permission for gipsy caravan sites were granted by local planning authorities in *(a)* 1993–94, *(b)* 1994–95, *(c)* 1995–96, *(d)* 1996–97 and *(e)* 1997–98. [46566]

Mr. Raynsford: This information is not held centrally. My Department is part-funding a two year research project by the Advisory Council for the Education of Romany and other Travellers (ACERT), to look at the success rate of Gipsy planning applications and appeals. The research is due to be completed next year.

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to review sections 77 to 80 of the Criminal Justice and Public Order Act 1994. [46569]

Mr. Raynsford: I refer the hon. Member to the answer I gave to my hon. Friend the Member for Watford (Ms Ward) on 10 June 1998, *Official Report*, column *574*.

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what guidance his Department has issued to local authorities in respect of the provision and development of gipsy sites. [46570]

Mr. Raynsford: Guidance to local authorities on gipsy sites and planning is given in the Department's Circular 1/94. It aims to provide that the planning system recognises the need for accommodation consistent with gipsies' nomadic lifestyle and to reflect the importance of the plan-led nature of the planning system in relation to gipsy site provision.

Wandsworth

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions what grants from public funds were paid to the London Borough of Wandsworth for the year 1998–99. [46497]

Mr. Raynsford: The London Borough of Wandsworth will receive Revenue Support Grant of £126,826,149, redistributed Non Domestic Rates of £60,589,879 and Standard Spending Assessment reduction grant of £7,498,940. In addition, the borough is reporting that it expects to receive grants into its General Fund Revenue Account totalling £72,042,000 outside Aggregate External Finance (AEF) and £10,091,000 with AEF; and capital grant totalling about £3.9 million. No comprehensive record of grants disbursed from public funds is maintained by the Department; such grants may be made by Government Departments or other bodies.

Extinct Species

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the species which have become extinct in the UK over the past decade. [46700]

Angela Eagle: There is only one confirmed extinction of a species within the UK during the last ten years. This is of the Greater mouse-eared bat *(Myotis myotis)*, which has been extinct since 1990.

Freight

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions what steps the Government will take to encourage the movement of freight within the United Kingdom by coastal shipping. [46709]

Ms Glenda Jackson: The Government will be setting out their proposals for encouraging the movement of freight within the United Kingdom by coastal shipping in the White Paper on Integrated Transport to be published shortly.

Road Traffic Reduction Legislation

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions when sufficient data will be available to enable an assessment to be made of the success or otherwise of recent road traffic reduction legislation; and if he will make a statement. [46708]

Ms Glenda Jackson: The Road Traffic Reduction Act 1997 is not yet in force. However, guidance to local authorities on implementing the Act was issued in draft earlier this year for consultation. This stated that local traffic authorities would be expected to produce, by 31 July 1999, reports containing assessments of levels of local road traffic in their area and forecast growth in those levels, together with targets for reducing those levels or their rate of growth. The draft guidance also stresses the importance of local authorities monitoring traffic levels in order to determine whether they are on course to achieve any such targets. It is too soon to judge when it will be possible to assess the likely impact of the Act on traffic levels.

Unauthorised Camping

Mr. White: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received about problems with unauthorised camping. [46498]

Mr. Raynsford: My Department receives representations from Members of Parliament, members of the public, and from local authorities about unauthorised camping on a regular basis.

Mr. White: To ask the Secretary of State for the Environment, Transport and the Regions how many prosecutions *(a)* have been made and *(b)* have been successful under the Police and Criminal Justice Act 1994 broken down by the relevant authority against unauthorised camping. [46499]

Mr. Raynsford: The information requested is not collected centrally.

Road Accidents (Costs)

Mr. Oaten: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the average cost to public funds of road accidents involving a single fatality. [46519]

Ms Glenda Jackson: The value attributed to the avoidance of a fatal road accident in 1996 was £983,700. This takes account of medical costs, lost production, human costs based on willingness to pay, the costs of police and courts, insurance administration, and property damage. Included in this value is a sum of £5,200 for the cost to public funds for medical costs and the costs of police and courts. The lost production element includes social security costs but these are not separately estimated.

Local Authority Development Plans

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his oral answer of 9 June 1998, *Official Report*, column 859, if he will list the local authority development plans in respect of which he has confirmed the housing requirements put forward by local planning authorities since 23 February. [46965]

Mr. Raynsford: The following development plans, or alterations to existing development plans, have been adopted by local authorities since 23 February this year:

Richmondshire Local Plan
City of Derby Local Plan
West Lindsey Local Plan
High Peak Local Plan
South Derbyshire Local Plan
Lichfield Local Plan
City of Worcester Local Plan
Carrick Local Plan
Thanet Local Plan
East Hampshire Local Plan
Winchester Local Plan
Basildon Local Plan
St. Edmundsbury Local Plan
North Norfolk Local Plan
Welwyn Hatfield Local Plan
Tendring Local Plan
Sheffield Unitary Development Plan
Haringey Unitary Development Plan
Hertfordshire Structure Plan.

In all cases the plans reached adoption without the Secretary of State having to use his reserve powers of direction in respect of the housing provision proposed by local planning authorities.

M6

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what extra funding will be provided for increasing the capacity of the M6 following the decision to proceed with the Birmingham Northern Relief Road. [46945]

Ms Glenda Jackson: Decisions on increasing the capacity of the M6 are independent of the decision to proceed with the Birmingham Northern Relief Road. More generally, funding for investment in trunk roads is being considered in the Roads Review and in the Comprehensive Spending Review. I cannot anticipate decisions in either of these Reviews.

Carbon Dioxide Emissions

Mrs. Brinton: To ask the Secretary of State for the Environment, Transport and the Regions if he will estimate the quantity of carbon dioxide emitted annually by a representative sample of 1.5 million cars. [47075]

Ms Glenda Jackson: The total car fleet in the UK emitted 19.33 million tonnes of Carbon in 1996. Given that the total car fleet was made up of 22.24 million cars, this translates into an average of 0.87 tonnes of Carbon per car in that year.

The quantity of Carbon emitted by each car in practice will depend on a number of factors, including: the type of fuel used, the size of the engine, the driving conditions, driving behaviour and the maintenance of the vehicle.

Bathing Water (Cliftonville)

Mr. Gale: To ask the Secretary of State for the Environment, Transport and the Regions for what reason the Environment Agency has not adopted *(a)* Palm Bay and *(b)* Kingsgate Bay in Cliftonville as designated areas for Beachwater Microbiological Assays of Pathogens. [47248]

Angela Eagle: No applications have been received by my Department for Palm Bay and Kingsgate Bay to be identified as bathing waters under the Bathing Water Directive, which would in turn require regular water quality sampling by the Environment Agency. I understand that neither bay is likely to fulfil the Directive's definition of a bathing water, which is where bathing is traditionally practised by a large number of bathers, nor do they possess facilities associated with popular bathing areas.

Rail Safety

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions (1) if any trains operating on the Virgin West Coast Mainline are of the same design as the Great North Eastern Railway trains recently found to have faults in their wheels; [47313]

(2) what safety checks will be made on West Coast Mainline trains to ensure that they do not possess flaws in design similar to that recently identified in the wheels of the Great North Eastern Railway trains. [47314]

Ms Glenda Jackson: None of the trains operating on the West Coast Main Line is of the same design as the Great North Eastern Railway train which was derailed on 16 June. The immediate cause of the incident appears to have been a fractured wheel, although the Health and Safety Executive's (HSE's) Railway Inspectorate's investigation is still on-going.

Immediately after the derailment on 16 June, in which the last coach of a high speed train operated by Great North Eastern Railway (GNER) was derailed at Sandy, Bedfordshire, Railtrack sent out notices to all other train operating companies giving details of the nature of the failure and advising them what action should be taken.

In addition, the Railway Inspectorate has written to all the train operating companies reminding them of their duties under the relevant health and safety legislation. These require them to identify whether there are similar features on their rolling stock and take appropriate action to ensure safety.

I am informed that Virgin Trains are inspecting all their vehicles. The bogies and wheelsets involved in this accident are unique to Mark 4 rolling stock which, in the UK, is used only by Great North Eastern Railways (GNER).

English Partnerships

Mr. Ennis: To ask the Secretary of State for the Environment, Transport and the Regions what are his plans for English Partnerships following the creation of regional development agencies. [47438]

Mr. Caborn: The work of English Partnerships (EP) is to be carried forward in the main by the Regional Development Agencies (RDAs) as part of the Government's commitment to put decision-making on regeneration and economic development at the regional level. Regeneration will be part of the RDAs' integrated regional strategies. The roles and functions of EP are to move to the RDAs as they are established; the assets will

transfer from EP to the RDAs; and regional EP staff will transfer to the RDAs in April 1999 (and the following year for London).

This is a major organisational change and it will take time for the RDAs to get to grips with their new tasks and establish themselves as influential and credible organisations on the regional, national and international scene. Ministers envisage that there will be a transitional period of about five years when the experience and expertise of EP's remaining national capability will be critical in providing the continuity on some major projects and should also prove useful to RDAs as they bed in.

I am placing a copy of a note in the Library which sets out the background to the changes, the work remaining with EP, and the merger of EP and the Commission for the New Towns in 2000, which I have already announced. The note has been issued today to the Government Offices for the Regions and to EP staff.

Departmental Cash Limits

Mr. Etherington: To ask the Secretary of State for the Environment, Transport and the Regions what proposals he has to change his Department's cash limits for 1998–99. [47508]

Mr. Prescott: My Department's cash limit for class VI, vote 1 (Housing, construction, regeneration, countryside and wildlife, England), will be increased by £1,395,000 from £1,800,144,000 to £1,801,539,000 to reflect a transfer of non-voted provision from the Department for Education and Employment in order to fund European Regional Development Fund expenditure in advance of European Commission receipts on the Liverpool Institute for the Performing Arts. The increase is offset by the transfer and will not therefore add to the planned total of public expenditure.

Local Government Reorganisation (Basildon)

Angela Smith: To ask the Secretary of State for the Environment, Transport and the Regions when he will announce his decision on the Local Government Commission's recommendations for the reorganisation of the district of Basildon; and if he will make a statement. [47142]

Ms Armstrong: I am today announcing that we have decided not to accept the outstanding recommendations on the reorganisation of the district of Basildon which the Local Government Commission have made. I do not believe that the recommendations offer a satisfactory way forward for Basildon in terms of efficient and convenient local government. We have also decided not to direct a further review by the Commission. This decision should end a period of uncertainty and enable the authorities concerned to plan more confidently for the future.

Nuclear Discharges

Mr. Redwood: To ask the Secretary of State for the Environment, Transport and the Regions what will be the Government's policy at the Portuguese conference on nuclear discharges, with particular reference to Sellafield and Dounreay discharges into the sea. [46358]

Mr. Meacher: We are looking to make real further progress in protecting the marine environment, and in particular to reach agreement on a strategy that aims to continue reducing sea discharges of radioactive substances.

Mr. Redwood: To ask the Secretary of State for the Environment, Transport and the Regions what is the Government's policy towards nuclear discharges into the sea. [46359]

Mr. Meacher: All radioactive waste disposals, including discharges into the sea, are closely regulated under the Radioactive Substances Act 1993. Government departments and the environment agencies carry out monitoring of marine environmental media and foodstuffs around nuclear licensed sites that discharge radioactive waste into the sea. This ensures that any doses to the public are well below internationally agreed limits and that such discharges pose no risk to the environment.

HOME DEPARTMENT

Social Exclusion (Coventry)

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department what proposals he has to encourage local communities in Coventry to tackle social exclusion. [46593]

Mr. Michael: A number of Home Office policies and programmes contribute to tackling aspects of social exclusion. These include, within local communities, its work to promote voluntary and community activity and to support a healthy and cost effective voluntary sector.

The Home Office has been working closely with the Social Exclusion Unit on the Unit's first three priorities of rough sleeping, school exclusions and truancy, and worst estates. In its recent report to the Prime Minister, the Social Exclusion Unit recognised that rough sleeping and related problems such as begging might be identified as local issues of concern by the crime and disorder audits required under the Crime and Disorder Bill [*Lords*]. They would therefore need to be addressed within the local crime reduction strategy.

The approach required by the Bill of local agencies and the local community working in partnership to address identified local problems with clear priorities and targets is particularly appropriate for tackling issues of social exclusion. I commend the way it has already been adopted by Coventry in production of the Coventry Community Plan.

Football Hooligans

Mr. Fabricant: To ask the Secretary of State for the Home Department if he will assess the advantages of withdrawing the passports of convicted football hooligans during the period of the football tournaments involving British teams abroad. [46553]

Mr. Michael: The withdrawal of passport facilities to persons convicted of football-related offences would be a very serious step. But we will give consideration to it and to other possible steps that might be required for the future.

The Football Spectators Act 1989 already allows the courts to impose restriction orders on persons convicted of football related offences. These require them to report to a police station on the day of a football match abroad involving a team from England or Wales.

Mr. Clappison: To ask the Secretary of State for the Home Department how many restriction orders under the Football Spectators Act 1989 have been made since 1 May 1997. [46567]

Mr. Michael: Sixty-nine.

Drug-related Offences

Mr. Flynn: To ask the Secretary of State for the Home Department what was the total number of drug-related offences in each of the past 10 years in *(a)* London and *(b)* the rest of the United Kingdom. [47123]

Mr. Michael: The information requested is not collected centrally. However, the Home Office has a research programme designed to shed further light on the links between drugs and crime. A study conducted by the University of Cambridge of drug use by samples of people arrested by the police in various English cities was published recently (Home Office Research Study 183—Drugs and Crime: the results of research on drug testing and interviewing arrestees). This research found that, in those places surveyed, around one third of property crime was drug-driven.

Police (Out-of-court Settlements)

Mr. Loughton: To ask the Secretary of State for the Home Department what sums have been paid out of public funds and in respect of how many cases, for out-of-court settlement of claims made by former and serving police officers against the Police Service. [47085]

Mr. Michael: This information is not collected centrally. Claims are a matter for the police authority and the individuals concerned. The Home Office has no role to play in their resolution.

Lloyd Report

Mr. McNamara: To ask the Secretary of State for the Home Department when the White Paper on the Future Law on Terrorism based on the report of Lord Lloyd will be published. [47002]

Mr. Straw: The consultation paper on permanent, United Kingdom-wide counter-terrorism legislation will be published shortly.

International Criminal Court

Mr. Dalyell: To ask the Secretary of State for the Home Department what representations he has received from Professor Paul Wilkinson of the University of St. Andrews on the suitability of the proposed International Criminal Court for hearing cases involving the aut dedere aut judicare principle. [41122]

Mr. Michael: None. Representations have been received recently from Professor Wilkinson proposing that the International Criminal Court should have jurisdiction in relation to terrorist crimes. The United Kingdom Government's position is that the Court should not have such jurisdiction. The policy was revisited in the light of Professor Wilkinson's comments but confirmed.

There are several reasons for the view that the Court should not be able to deal with terrorism. Paramount among them is the need to protect confidential sources, which would be compromised if an international body were to investigate and prosecute terrorist incidents. In practical terms it would be very difficult for the Court to act in terrorist cases, countries naturally having a predilection not to volunteer sensitive national security information.

In any event, the jurisdiction of the International Criminal Court in this area is unnecessary given the range of terrorist conventions in place, including the recently concluded United Nations Terrorist Bombing Convention. These require their parties to co-operate against terrorism and, in some cases, to take extraterritorial jurisdiction over terrorist crimes. Indeed, the involvement of the Court could even undermine or set back progress in combating terrorism, on which there is increasingly effective international co-operation.

Prisoners (Incentives and Earned Privileges Scheme)

Mr. Clappison: To ask the Secretary of State for the Home Department, pursuant to his answer of 11 June 1998, *Official Report*, column *640*, how many new in-cell television sets his Department proposes to procure under the present procurement; and what estimate he has made of future numbers required. [46514]

Ms Quin: The invitation to tender stage has not yet been reached, but the Official Journal of the European Communities Notice issued on 1 June was for approximately 20,000 sets over a contract period of three to five years. Extension of in-cell television will be gradual over this period.

Road Traffic Offences

Mr. Oaten: To ask the Secretary of State for the Home Department what proposals he has to allow the police to retain a proportion of fines resulting from offences detected by cameras. [46528]

Mr. Michael: Hypothecating the revenue from fines resulting from road traffic offences detected by cameras would result in expenditure on traffic enforcement being determined by the income generated rather than the relative priority of the activity. We are examining the current funding arrangements for the cameras to see what more might be done.

Mr. Oaten: To ask the Secretary of State for the Home Department if he will review the approvals process relating to the use of enforcement equipment for prosecutions in the United Kingdom. [46527]

Mr. Michael: Section 20 of the Road Traffic Offenders Act 1988 provides for the admissibility of evidence from prescribed devices for speeding and other road traffic offences. Section 20(4)(*a*) requires the prescribed device to be of a type approved by the Secretary of State.

The Government have no plans to amend or review the current legislation. The type approval process ensures that devices used to provide evidence for prosecutions in the

courts are both accurate and reliable. The rigorous testing procedures necessary for the type approval process are kept under review.

Ballot Papers

Mr. Gapes: To ask the Secretary of State for the Home Department if he will change the ballot paper for local, parliamentary and European elections *(a)* to give greater prominence to party identification and *(b)* to ensure that candidates' names are listed in a random manner. [46792]

Mr. George Howarth: The Registration of Political Parties Bill, which is currently before the House, will enable candidates from registered political parties to have their parties' emblems against their names on the ballot paper.

We have no present plans to provide for candidates to be listed in random order on the ballot paper; but this issue will be considered by the Working Party on Electoral Procedures, which I chair. Under the new electoral system to be introduced for European Parliamentary elections, candidates from registered political parties will appear on the ballot paper on a party list in the order determined by the party.

Road Safety

Ms Hewitt: To ask the Secretary of State for the Home Department if he will develop a pilot scheme based on the road safety policing and education techniques used in the state of Victoria, Australia. [46923]

Mr. Michael: The Government have no plans at present to develop such a pilot scheme, but we are committed to promoting road safety in innovative ways and will carefully consider any proposals which are put to us.

Criminal Injuries Compensation Scheme

Mr. Todd: To ask the Secretary of State for the Home Department (1) what plans he has to review the rights to compensation of victims where the offence took place before 1 October 1979 and the offender and victim lived together as members of the same family; [46578]

(2) how many claims under the criminal injuries compensation scheme have been rejected because the offence took place before 1 October 1979 and the victim and the offender lived together as members of the same family. [46579]

Mr. Michael: Under the tariff-based scheme, effective for all claims received on or after 1 April 1996, 190 claims had been refused by 31 March 1998 by reason of their exclusion from the scope of that scheme under paragraph 7(b). Precise data for the identical exclusion applied in the former scheme based on common law damages are not available. However, I understand from the Criminal Injuries Compensation Board that between 1,000 and 2,000 claims in this category would have been refused in the period 1 April 1980 to 31 March 1996. The number of victims who have never made any application in recognition of the exclusion is unquantifiable.

The question of allowing claims arising from intra-family violence before 1 October 1979 has been considered on a number of occasions over the years. Change has been rejected on grounds of cost, and because it would represent a departure from the general principle that changes in the law, rules and procedures are not normally made retrospective. We believe those arguments remain compelling, and have no plans to review further this aspect of the compensation scheme.

Cumbria Police

Mr. Martlew: To ask the Secretary of State for the Home Department how many police constables were employed by the Cumbria Constabulary between 1979 and 1998; and what was the total police strength in each of those years. [46949]

Mr. Michael: The information available is set out in the table. It is not possible to provide information on the number of police constables prior to 1990.

Cumbria constabulary

Year[1]	*Total constable strength*	*Total officer strength*
1979	n/a	1,071
1980	n/a	1,092
1981	n/a	1,101
1982	n/a	1,106
1983	n/a	1,120
1984	n/a	1,111
1985	n/a	1,110
1986	n/a	1,126
1987	n/a	1,145
1988	n/a	1,145
1989	n/a	1,148
1990	860	1,176
1991	871	1,180
1992	891	1,198
1993	904	1,211
1994	879	1,172
1995	865	1,144
1996	860	1,124
1997	902	1,162
1998[2]	911	1,164

[1] Figures provided are as at 30 September for each year
[2] Provisional figures for 31 March 1998

Police Grant (Kent)

Mr. Rowe: To ask the Secretary of State for the Home Department what account is taken in the allocation of police grant to Kent of its proximity to mainland Europe and of the Channel Tunnel. [46924]

Mr. Michael: None directly. However, police grant is allocated by means of a formula which predicts police authorities' relative need to spend. Formula components are weighted to take account of both resident and daytime population in a force's area. Any increase in Kent's population as a result of its geographical situation would in time be reflected in its police grant allocation.

Kent Police Authority received an increase of 4.4 per cent. in its spending power in 1998–99, significantly above the national average of 3.7 per cent. for police authorities.

Community Policing

Mr. Maclean: To ask the Secretary of State for the Home Department if she will conduct research into the

effectiveness of community policing in the United Kingdom relative to such policing in *(a)* the USA, *(b)* South Africa, and *(c)* other EU countries. [47214]

Mr. Michael: We have no current plans for formal research on the effectiveness of community policing in the United Kingdom in comparison with the United States, South Africa or other European Union countries. We do, however, have regular contacts with the police and others covering a wide range of jurisdictions, including those listed.

Unlawful Sexual Intercourse

Mr. Nicholls: To ask the Secretary of State for the Home Department if he will list for each of the last 10 years for which figures are available the number of men prosecuted for having unlawful sexual intercourse with a female; what information is available about the age of the girls involved in these offences; what guidelines have been given to *(a)* police forces and *(b)* the Crown Prosecution Service about such prosecutions in relation to offences with girls aged (i) 15, (ii) 14 and (iii) 13 years of age; and if he will make a statement. [46141]

Mr. Michael: Home Office Court Proceedings information on the number of prosecutions for two offences of unlawful sexual intercourse with a girl under 13 and unlawful sexual intercourse with a girl under 16 from 1986 to 1996 (latest available) is given in the table. No more detail is held about the age of the victim.

No formal guidelines have been given to the police relating to prosecutions in cases of unlawful sexual intercourse. In deciding whether to initiate criminal proceedings and to refer a case to the Crown Prosecution Service, the police will look carefully at the circumstances surrounding each case and will take into account the Code for Crown Prosecutors. However, the police have a duty under the Children Act 1989 to place the welfare of the child as their first priority, and this is detailed in the guidance "Working Together Under The Children Act" which sets out the arrangements for child protection in England and Wales. The Government are consulting on proposals for drawing up revised guidance.

All cases referred to the Crown Prosecution Service by the police are reviewed and prosecuted where appropriate, in accordance with the Code for Crown Prosecutors.

Number of males prosecuted for offences of unlawful sexual intercourse with a girl aged under 13 and a girl aged under 16 by age, England and Wales, 1986–1996

Offence/age group	*1986*	*1987*	*1988*	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*
Unlawful sexual intercourse with girl under 13[1]											
10 to under 18 years	16	13	27	21	23	28	13	18	17	17	7
18 to under 21 years	13	19	17	13	18	23	20	12	16	11	5
21 years or over	99	123	121	104	103	102	78	67	55	49	28
All ages	128	155	165	138	144	153	111	97	88	77	40
Unlawful sexual intercourse with girl under 16[2]											
10 to under 18 years	37	27	33	34	29	22	20	19	24	21	17
18 to under 21 years	76	72	84	77	63	58	53	40	47	36	33
21 years or over	252	260	227	179	198	172	179	128	131	138	114
All ages	365	359	344	290	290	252	252	187	202	195	164

[1] An offence under s5 of the Sexual Offences Act 1956
[2] An offence under s6 of the Sexual Offences Act 1956

TREASURY

Mutual Building Societies

Ms Drown: To ask the Chancellor of the Exchequer what steps he will take to *(a)* protect the position of mutual building societies and *(b)* ensure real competition in the financial services sector. [47086]

Mrs. Liddell: Building societies are competing strongly in the savings and loans markets, and continuing to show the benefits that mutuality can offer their members. The Government believe societies should be accountable to their members and therefore increased the proportion of members who must vote in order for any conversion from a mutual society to a bank to succeed from 20 to 50 per cent. last year.

Sierra Leone

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer when he expects to reply to the Question from the hon. Member for Wells for answer on 14 May relating to the UN arms embargo on Sierra Leone (reference 41883). [47246]

Dawn Primarolo: I refer to the answer I gave to the hon. Member for Sevenoaks (Mr. Fallon) on 15 June 1998, *Official Report*, column *106*.

Royal Mint

Mr. Hoyle: To ask the Chancellor of the Exchequer if he will estimate how much Exchequer revenue will be lost as a result of the sale of the Royal Mint in each of the financial years *(a)* 1999–2000, *(b)* 2000–2001 and *(c)* 2001–2002. [47312]

Mrs. Liddell: The impact on Exchequer revenue of selling the Royal Mint would depend entirely on how this were effected. No decisions have yet been made on the form that a public/private partnership for the Mint might take.

Mr. Hoyle: To ask the Chancellor of the Exchequer what funds are generated from producing coins for other countries by the Royal Mint; and how many countries the Royal Mint produces coins for. [47310]

Mrs. Liddell: The Royal Mint produced coins or blanks for 64 other countries in 1997/98. Overseas sales revenue in that year was £63 million.

Mr. Hoyle: To ask the Chancellor of the Exchequer with which Commonwealth countries the Royal Mint has contracts for production of their coins. [47311]

Mrs. Liddell: The Royal Mint produced coins or blanks for 41 Commonwealth countries in 1997–98. Information about individual contracts, obtained in a competitive international market, are commercially confidential.

Contingency Reserves

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will make a statement on his policy on the level of the Contingency Reserve. [46388]

Mr. Darling *[holding answer 18 June 1998]:* The policy on the Reserve is to set it at a level that allows for emergencies and genuine contingencies, as well as reasonable expectations of take-up of End Year Flexibility.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his estimate of the level of contingency reserves for *(a)* departmental expenditure limits, and *(b)* annually managed expenditure for (i) 1999–2000, (ii) 2000–2001 and (iii) 2001–2002; and if he will make a statement. [46393]

Mr. Darling *[holding answer 18 June 1998]:* The Reserves for the period 1999–2000 to 2001–02 will be published in the CSR White Paper.

Departmental Underspending

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer in which areas he intends departments to spend the £1.5 billion carried forward from last year as an underspend, in 1998–99; and if he will make a statement. [46441]

Mr. Darling *[holding answer 18 June 1998]:* £1 billion of the £1.5 billion underspend in 1997–98 identified in the March 1998 "Financial Statement and Budget Report" was allocated to programmes in 1998–99 as described in paragraphs 4.9 and 4.10 of the "Public Expenditure Statistical Analyses 1998–99" (Cm 3901). The remaining £0.5 billion was allocated to the Reserve for 1998–99.

Public Sector Spending

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will estimate the public sector net cash requirement, including windfall tax receipts and associated spending, for *(a)* 1997–98, *(b)* 1998–99, *(c)* 1999–2000, *(d)* 2000–01, *(e)* 2001–02 and *(f)* 2002–03. [46374]

Mr. Darling *[holding answer 18 June 1998]:* Forecasts of the public sector net cash requirement including the windfall tax and associated spending were published in Tables 4.4 and 4.5 of the Economic and Fiscal Strategy Report.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what estimate he has made of the effect on the public sector net cash requirement for *(a)* 1998–99, *(b)* 1999–00, *(c)* 2000–01, *(d)* 2001–02, and *(e)* 2002–03, of the new accounting treatment of student financial support, as indicated in the Economic and Fiscal Strategy report of June 1998; and if he will make a statement. [46389]

Mr. Darling *[holding answer 18 June 1998]:* The new accounting treatment for student loans in Departmental Expenditure Limits will have no effect on the Public Sector Net Cash Requirement, which is a cash measure.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what changes to the gross Contingency Reserve for Public Spending have taken place between the publication of the Financial Statement and Budget report of March 1998 and the Economic and Fiscal Strategy report of June 1998; and if he will make a statement. [46377]

Mr. Darling *[holding answer 18 June 1998]:* The reduction of £0.3 billion in the Reserve from £3 billion in the March 1998 "Financial Statement and Budget Report" to £2.7 billion in the Economic and Fiscal Strategy Report 1998 reflects the transfer of £0.75 billion unspent in 1997–98 and a rephasing of sales of student loans.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will estimate the increase in real public expenditure for each year from 1998–99 to 2001–02, in terms of the previously defined, Control Total for Public Expenditure; and if he will make a statement. [46381]

Mr. Darling *[holding answer 18 June 1998]:* It would not be possible to produce these figures until full spending plans for each year from 1998–99 to 2001–02 are published at the time of the Comprehensive Spending Review announcement.

Stability and Growth Pact

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what implications the Stability and Growth Pact has for the conduct of UK fiscal policy; and if he will make a statement. [46400]

Mr. Darling *[holding answer 18 June 1998]:* The Stability and Growth Pact does not place any new legal obligations on UK fiscal policy. UK fiscal policy is conducted with a view to ensuring economic stability which is in the best interests of the UK economy.

Local Authority Budgets

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will make a statement on his proposals to relax the capping regime for local authority budgets, in the Economic and Fiscal Strategy report June 1998, page 27. [46394]

Mr. Darling *[holding answer 18 June 1998]:* The Department of the Environment, Transport and the Regions recently undertook a public consultation on possible reforms to the local government finance system. The Government are considering responses to that consultation and the result will be published in due course.

Economic and Fiscal Strategy

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will restate Table 4.6 in the Economic and Fiscal Strategy report (June 1998) to show figures in cash terms. [46396]

Mr. Darling *[holding answer 18 June 1998]:* Forecasts of the current budget, net borrowing and net cash requirement in cash terms were published in Table 4.4 of the Economic and Fiscal Strategy Report (EFSR). Forecasts of the cyclically adjusted budget balances in Table 4.6 can be converted onto a cash basis using the money GDP figures in Table 4.1.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will extend (i) Table 4.A.1, page 49, and (ii) Table 4.A.2, page 50 of the Economic and Fiscal Strategy report (June 1998) to show the series given for the years 1999–2000 to 2002–03. [46397]

Mr. Darling *[holding answer 18 June 1998]:* Forecasts of the public sector finances were published in Tables 4.4 and 4.5 of the Economic and Fiscal Strategy Report.

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer if he will recalculate tables 4.4, 4.5, 4.6 and 4.7 in the Economic and Fiscal Strategy report on the assumption that the retail prices index excluding mortgage interest payments averages *(a)* 3.0 per cent. in 1998–99 and 2.75 per cent. in 1999–2000 and *(b)* 3.25 per cent. in 1998–99 and 3.0 per cent. in 1999–2000. [46848]

Mr. Darling *[holding answer 22 June 1998]:* The implications for the public finances of inflation higher than assumed in the Economic and Fiscal Strategy Report will depend on the reasons why inflation was higher, and the impact of such inflation on the economy.

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer if he will recalculate tables 4.4, 4.5, 4.6 and 4.7 in the Economic and Fiscal Strategy report on the assumption that total managed expenditure grows in real terms by *(a)* 0.75 per cent., *(b)* 1.5 per cent. and *(c)* 2.25 per cent. in 1999–2000, 2000–01 and 2001–02. [46851]

Mr. Darling *[holding answer 22 June 1998]:* Full information contained in tables 4.4, 4.5, 4.6 and 4.7 of the Economic and Fiscal Strategy Report (EFSR) cannot be recalculated for different assumptions about the growth of Total Managed Expenditure without information on the composition of that expenditure, in particular the allocation of expenditure between current and capital.

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer what action he will take if the cost of social security benefits in 1998–99 exceeds £95.8 billion, in order to ensure that total managed expenditure rises no higher than the figure cited in table 3A.1 in his Economic and Fiscal Strategy report. [46855]

Mr. Darling *[holding answer 22 June 1998]:* Table 3A.1 sets out figures for 1998–99 in terms of the new aggregates to illustrate how the new control regime announced in the Economic and Fiscal Strategy Report would work. That regime does not apply in 1998–99.

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer if he will reproduce tables 4.2, 4.3, 4.4, 4.5, 4.6 and 4.7 in the Economic and Fiscal Strategy report for each of the years from 1991–92 to 1996–97. [46847]

Mr. Darling *[holding answer 22 June 1998]:* Many of the series contained in tables 4.2, 4.3, 4.4, 4.5, 4.6, 4.7 can be found in Annex 4A of the Economic and Fiscal Strategy Report. Apart from assets sales, the remaining information can be derived from Table 10.1A of Financial Statistics and Table 2.1 of "Economic Trends" (which gives money gross domestic product). These publications can be found in the House of Commons Library. Information on assets sales can be found in Table B17 of the "Financial Statement and Budget Report" (March 1998).

Inflation

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what adjustment mechanism will be available to the Treasury for public expenditure in circumstances when inflation outturns diverge substantially from Treasury planning assumptions; and if he will make a statement. [46382]

Mr. Darling *[holding answer 18 June 1998]:* I refer the hon. Gentleman to Section 3.4 of the EFSR (CM 3978).

Capital Gains Tax

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer (1) if he will estimate the cost of introducing taper relief for capital gains tax for each year up to 2009–10; what margin of error is associated with such estimates; what assumptions underlie such estimates; and if he will make a statement; [46768]

(2) if he will estimate the reduction in Exchequer revenues which will result from the introduction of his policy of a taper relief on capital gains tax; and if he will make a statement. [46771]

Dawn Primarolo *[holding answer 22 June 1998]:* The available information on the effect on Exchequer revenues of the capital gains tax package of reforms is as follows:

Year	*£ million (+) yield/(−) cost*
1998–99	Negligible
1999–2000	25
2000–2001	+25

For later years, the Exchequer effects will depend to a considerable extent upon movements in future asset prices, any behavioural changes and other factors. In the long term the aim is for the changes to be broadly revenue neutral. It is inappropriate to estimate the cost of taper relief in isolation from other elements of the reform package.

The assumptions for inflation and asset price growth used in calculating the revenue effects of these measures are consistent with the economic assumptions referred to on pages 108 and 109 of the March 1998 "Financial Statement and Budget Report" (FSBR, HC620 published on 17 March 1998). Equity prices are assumed to grow at the same rate as gross domestic product (GDP) at current market prices—"money GDP".

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will delay the implementation of capital gains tax taper relief for a period of one year to allow for further consultations on its effects and implications; and if he will make a statement. [46770]

Dawn Primarolo *[holding answer 22 June 1998]:* No. It is important that the benefits of the reforms flow through as early as possible.

The hon. Gentleman's amendments to the Finance Bill on this matter was discussed by a Committee of the Whole House on 29 April and rejected in a vote.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer which Ministers were involved prior to the March 1998 Budget in formulating the new policies on capital gains tax, including the taper relief on capital gains tax; and if he will make a statement. [46769]

Dawn Primarolo *[holding answer 22 June 1998]:* The Chancellor is responsible for all Budget measures. He receives advice from his Ministerial team and officials as appropriate.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer how many written representations he has received on his 1998 Budget proposals on taper relief for capital gains tax; how many of such representations were *(a)* favourable and *(b)* unfavourable; and if he will make a statement. [46767]

Dawn Primarolo *[holding answer 22 June 1998]:* Around 200 comments were received on the Budget proposals, of which approximately 80 mentioned taper relief. Seventy per cent. supported the principle of taper relief. There were varying comments on the detail.

Tax (Hypothecation)

Mr. Corbyn: To ask the Chancellor of the Exchequer what plans he has to extend hypothecation of tax revenue beyond Welfare to Work. [46774]

Mr. Darling *[holding answer 22 June 1998]:* We look at each case on its merits. The Economic and Fiscal Strategy Report (Cm 3798) announced (on Page 28) that departments would be able to keep some levies and similar taxes, netting them off the Departmental Expenditure Limits where this would further the Government's economic objectives and not prejudice spending plans and priorities.

Current and Capital Expenditure

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer what criteria he will use to distinguish between current and capital expenditure. [46850]

Mr. Darling *[holding answer 22 June 1998]:* For the purpose of assessing the surplus on the current budget, the Government use national accounts definitions of current and capital expenditure except, as set out in paragraph B53 of the March 1998 "Financial Statement and Budget Report" (FSBR), that depreciation is treated as current expenditure.

When the new European System of Accounts (ESA95) is brought into effect later this year, national accounts will treat depreciation as current expenditure and so these expenditure measures will align.

Vehicle Excise Duty

Mr. Green: To ask the Chancellor of the Exchequer what plans he has to bring vehicle excise duty on heavy goods vehicles into line with average levels in other European Union countries. [46550]

Dawn Primarolo *[holding answer 22 June 1998]:* None. In the last Budget, 17 March 1998, *Official Report*, column 1109, the Chancellor announced a review of the system for setting vehicle excise duty rates for lorries to ensure that the environmental damage caused by lorries is reflected in their vehicle excise duty rates.

Vehicle Taxation

Mr. Jenkin: To ask the Chancellor of the Exchequer what is his latest forecast of the revenue from *(a)* VED, *(b)* fuel duties on petrol and derv and *(c)* the total of VED and fuel duties in (i) the current financial year and (ii) each of the subsequent two years. [46772]

Dawn Primarolo *[holding answer 22 June 1998]:* The table gives the figures requested. The forecasts are consistent with the figures for total tax receipts published in the Economic and Fiscal Strategy Report.

Forecasts of receipts from vehicle excise duty and hydrocarbon oil products

£ billion

	1998–99	*1999–2000*	*2000–01*
Vehicle excise duty	4.6	4.7	4.8
Hydrocarbon oil products	21.4	23.3	25.6
Total	26.0	28.0	30.4

Education Spending

Mr. Maude: To ask the Chancellor of the Exchequer what was the average annual real terms percentage increase in public spending on education in the UK between 1979–80 and 1997–98. [46461]

Mr. Darling: 1.6 per cent.

Pensions Mis-selling

Mr. Kidney: To ask the Chancellor of the Exchequer what assessment he has made of the possibility that the form of the phase 2 pensions mis-selling inquiries proposed by the Financial Services Authority will invalidate independent financial advisers' professional indemnity insurance. [46804]

Mrs. Liddell: That is a matter for the Financial Services Authority.

Diesel Duty

Mr. Gordon Prentice: To ask the Chancellor of the Exchequer what assessment he has made of the impact of divergence in diesel duty rates across the EU on United Kingdom competitiveness. [46576]

Dawn Primarolo: Diesel duty rates in other Member States are one of many factors assessed in determining the level of UK rates. This assessment has resulted, in the last Budget, in a package of measures which reflects the Government's commitment to the environment and to promoting a more dynamic business sector.

The Government are committed to achieving their share of the EU target, to reduce greenhouse gas emissions by 8 per cent. by 2008–2012. The commitment to increase road fuel rates by at least 6 per cent. on average in real terms each year reflects this. In addition, the Government intend, over time, to adjust the structure of duties on road

fuels to move towards a fairer treatment of unleaded petrol and diesel, when calculated on an energy or carbon basis, and to encourage diesel users to switch to cleaner ultra-low sulphur diesel.

Heavily Indebted Poor Countries

Mr. Cash: To ask the Chancellor of the Exchequer, pursuant to his answer to the right hon. Member for Hitchen and Harpenden (Mr. Lilley) of 18 May 1998, *Official Report*, column *291*, if he will list by country the value of the outstanding debts on *(a)* United Kingdom aid loans and *(b)* loans guaranteed by the British Government through the Export Credits Guarantee Department, for each of the countries defined by the World Bank as severely or moderately indebted; and if he will give equivalent figures for (i) Afghanistan, (ii) Cuba, (iii) Gibraltar and (iv) Iraq. [44998]

Mrs. Liddell: The values of the outstanding claims held by ECGD and DFID, on all of the countries identified by the World Bank in Global Development Finance 1998 as moderately or severely indebted low income countries, are listed in the table. The table also includes the figures for Afghanistan, Cuba, Gibraltar and Iraq. The figures for ECGD's claims give the value of the outstanding principal of the loans at end-1997. The figures for DFID's claims give outstanding principal and interest and are current at end May 1997.

£ million

Country	*Value of ECGD's export credit claims*	*Value of DFID's claims*
Afghanistan	nil	nil
Albania	nil	nil
Angola	91.2	nil
Bangladesh	nil	nil
Benin	2.7	nil
Bhutan	nil	nil
Bolivia	17.5	nil
Burkina Faso	1	nil
Burundi	nil	nil
Cambodia	nil	nil
Cameroon	61.5	0.07
C.A.R.	0.5	nil
Chad	nil	nil
China	nil	nil
Comoros	0.04	nil
Congo-Brazzaville	123	nil
Cote d'Ivoire	30.5	nil
Cuba	51.2	nil
DR Congo (ex Zaire)	129.4	nil
Equatorial Guinea	nil	nil
Eritrea	nil	nil
Ethiopia	11.7	nil
Gambia	nil	nil
Ghana	3.5	nil
Gibraltar	nil	nil
Guinea	5.1	nil
Guinea-Bissau	nil	nil
Guyana	44.2	nil
Haiti	nil	nil
Honduras	0.36	nil
India	1.6	9.8
Iraq	650	nil
Kenya	43.5	nil
Laos	nil	nil
Liberia	14.5	0.08
Madagascar	27	nil
Malawi	0.7	nil
Mali	4.1	nil
Mauritania	7.1	nil
Mongolia	nil	nil
Mozambique	86.3	nil
Myanmar	25	nil
Nepal	nil	nil
Nicaragua	1	nil
Niger	10.8	nil
Nigeria	3,100	4.9
Pakistan	0.68	nil
Rwanda	nil	nil
Sao Tome et Principe	nil	nil
Senegal	2.9	nil
Sierra Leone	3.5	nil
Somalia	27.5	nil
Sri Lanka	4,000	nil
Sudan	404.8	nil
Tanzania	125.7	nil
Togo	14.2	nil
Uganda	14	nil
Vietnam	10.4	nil
Yemen	6.2	nil
Zambia	234.1	nil
Zimbabwe	0.1	12.7

Local Authorities (Asset Sales)

Dr. Lynne Jones: To ask the Chancellor of the Exchequer on what basis he made his assessment of the amount that local authorities will be able to realise in annual asset sales; and over what period he expects these to be realised. [47038]

Mr. Darling: Local authorities are projected to realise £2¼ billion in asset sales in each of the next three years and in line with recent experience.

Income Tax

Mr. Amess: To ask the Chancellor of the Exchequer at what proportion of average earnings *(a)* a sole earner in a married two-parent, two-child family and *(b)* a single person with no children would start paying income tax in (i) April 1998, (ii) October 1998 and (iii) October 1999 taking into account family credit and the proposed working family tax credit; and how these figures compare with the position taking account of the equivalent benefits in 1968–69. [45994]

Dawn Primarolo: In 1998–99 a single person will start paying income tax at earnings of £81 per week, 24 per cent. of median full-time earnings (£337 per week). A married couple with one earner and 2 children under 11 will start to pay income tax at earnings of £108 per week, 32 per cent. of median full-time earnings. With the introduction of WFTC a married couple with one earner and 2 children under 11 will start to pay income tax at earnings of £245 per week. Additional help with child care is available to working families through the child care tax credit within WFTC. For example, a 2 earner couple on median earnings with 2 children and child care costs of £80 per week will gain £46 per week to this cost.

VAT (Safety Helmets)

Mr. Wigley: To ask the Chancellor of the Exchequer if he will remove VAT from safety helmets worn by *(a)* cyclists and *(b)* motorcyclists. [46702]

Dawn Primarolo: There is no VAT on safety helmets worn by motorcyclists. There is also no VAT on pedal cycle helmets designed for young children and not suitable for older persons.

Millennium Compliance

Mr. Evans: To ask the Chancellor of the Exchequer what action *(a)* the Government and *(b)* the Bank of England are taking to assess whether they will be able to make their computers millennium compliant at the same time as making them euro compliant. [45453]

Mrs. Liddell: Government Departments have investigated the impact of the introduction of the euro on their operations. Where these occur steps are in hand to make the necessary preparations. The Chancellor of the Duchy of Lancaster carries out quarterly reviews across Government on the state of preparedness for the century date change. Copies of the returns from Departments have been placed in the Library. The Bank of England has been undertaking IT preparations necessary for both EMU and Year 2000 for over 2 years. It was decided at an early stage that where there was an overlap in EMU and Year 2000 work and, where it was practical to do so, the Bank would address both issues at the same time.

HIPC Initiative

Dr. Tonge: To ask the Chancellor of the Exchequer what action his Department is taking after the G8 summit and the Foreign Ministers' Meeting regarding the HIPC initiative. [43725]

Mrs. Liddell: The Government will continue to work with other bilateral creditors and the International Financial Institutions to take forward the G8 decisions and to ensure that progress is made towards the Mauritius Mandate targets.

Rating and Council Tax

Mr. Caplin: To ask the Chancellor of the Exchequer if he will make a statement on the outcome of the experiment involving the private sector undertaking work in the rating and council tax fields. [47413]

Dawn Primarolo: The 1995 Next Steps Review of the Valuation Office Agency recommended that experiments be held to establish the feasibility and capability of the private sector to undertake work in the rating and council tax fields. Experiments were held during a 12 month period beginning 1 July 1996 involving contractors in four locations (two performing functions related to council tax and two to non-domestic rating). The results were compared with control offices in the Valuation Office Agency. The experiments have now been evaluated and the conclusions are:

that it is feasible for private firms to meet particular operational requirements of valuation for rating and council tax; but

that there is no clear financial or operational advantage in the permanent use of the private sector in the work concerned.

The Government have therefore decided not to take any steps at this stage to contract out rating and council tax valuation work. But if at any time they require valuation work which cannot easily or quickly be delivered within the capacity of the Valuation Office Agency they will look positively at involving the private sector.

I am very grateful to the private sector firms involved in the experiments for an effective example of public sector/private sector partnership.

Departmental Cash Limits

Mr. Derek Twigg: To ask the Chancellor of the Exchequer what changes are proposed to the cash and running costs limits for Her Majesty's Treasury in 1998–99. [47550]

Mr. Darling: Subject to Parliamentary approval of the necessary summer Supplementary Estimate, the running costs limit for Class XVI, Vote 1 will be increased by £6,400,000 from £59,930,000 to £66,330,000 and the cash limit will be increased by £6,400,000 from £56,665,000 to £63,065,000. The increase will be charged to the Reserve and will not therefore add to the planned total of public expenditure.

The increases are necessary to provide for the costs of a new service providing information to business about the introduction of the euro in January 1999 and will be offset by foregoing the equivalent amount of unused end year flexibility carryover.

Pending Parliamentary approval of the Supplementary Estimate, urgent expenditure estimated at £1,400,000 will be met by a repayable advance from the Contingencies Fund.

WALES

Local Deprivation

Ann Clwyd: To ask the Secretary of State for Wales if he will prepare an Index of Local Deprivation, similar to the one introduced by the Department of the Environment, Transport and the Regions. [44967]

Mr. Hain: Welsh Office officials are working with the Welsh Local Government Association and other agencies to set up a joint project board to oversee the development of a new Index of socio-economic conditions for Wales. I expect this work, which will take into account the results of the review of the Index of Local Conditions in England, to be completed in about a year.

Further Education Funding Council

Mr. Wigley: To ask the Secretary of State for Wales what plans he has to make changes in the membership of the Further Education Funding Council for Wales prior to the establishment of the National Assembly. [46701]

Mr. Ron Davies: On 14 April I appointed 6 new members and re-appointed two existing members to the FEFCW. I am currently considering appointing one further member and will shortly advertise for a new Chairman to replace the existing incumbent, whose term of office expires next Spring.

Departmental Cash Limits

Mr. Gareth Thomas: To ask the Secretary of State for Wales what changes he is proposing to make to the voted cash limits for his Department in the current financial year. [47440]

Mr. Ron Davies: Subject to parliamentary approval of the necessary supplementary estimates, I intend to increase the cash limit on class XIV, vote 2 by £4,300,000 from £828,763,000 to £833,063,000 as a result of changes resulting from the Dearing review. The increase will be offset by a transfer from the Department for Education and Employment, class IX, vote 1 and will not therefore add to the planned total of public expenditure.

Welsh Assembly

Mr. Corbett: To ask the Secretary of State for Wales what educational publicity campaign he plans to undertake, at what estimated cost, to inform electors of the new proportional voting system to be used for the election of the Welsh Assembly. [47140]

Mr. Ron Davies: I regret this information is not yet available. My Department will be undertaking an educational publicity campaign to explain the proportional voting system but the extent and cost of this campaign have yet to be decided.

DEFENCE

Royal Yeomanry and Queen's Own Yeomanry

Mr. Brazier: To ask the Secretary of State for Defence when the Royal Yeomanry and Queen's Own Yeomanry last underwent the periodic REME examination of their vehicles; and if they passed. [45848]

Dr. Reid *[holding answer 18 June 1998]:* The most recent Royal Yeomanry Periodic REME Examination was conducted between August 1997 and February 1998. The last Queen's Own Yeomanry Periodic REME Examination was conducted between February and March 1998. The vehicles of both units were graded Satisfactory overall.

Mr. Brazier: To ask the Secretary of State for Defence when the Queen's Own Yeomanry last carried out their annual gunnery grading, what result they got; and what were the comparable figures for regular armoured reconnaissance units. [45849]

Dr. Reid *[holding answer 18 June 1998]:* The Queen's Own Yeomanry last conducted a Gunnery Firing Period at Warcop over the period 16–20 April 1997. They carried out all the assessed firing exercises for Territorial Army Yeomanry and achieved a satisfactory standard. The standards laid down for regular armoured reconnaissance units are different from those set for the Territorial Army and therefore it is not possible to make objective comparisons.

Mr. Brazier: To ask the Secretary of State for Defence what are the manning levels for officers and soldiers in *(a)* the Royal Yeomanry and *(b)* the Queen's Own Yeomanry. [45850]

Dr. Reid *[holding answer 18 June 1998]:* The manning level of the Royal Yeomanry as a percentage of its own establishment is 89 per cent. for officers and 82 per cent. for soldiers. The Queen's Own Yeomanry has manning levels of 100 per cent. for officer and 92 per cent. for soldiers.

Mr. Brazier: To ask the Secretary of State for Defence what is the total annual budget for personnel costs, including permanent staff, man training days and bounty, for *(a)* the Royal Yeomanry and *(b)* the Queen's Own Yeomanry; and what would be the equivalent cost of manning regiments of similar size and roles with regular soldiers. [45853]

Dr. Reid *[holding answer 18 June 1998]:* The total annual budgets for personnel costs for the Royal Yeomanry and the Queen's Own Yeomanry are £2.976M and £1.418M respectively. Comparable costs for regular regiments of a similar size and role are not available. However, the costs of paying regular and TA soldiers to perform a particular role for a given period of time are broadly comparable.

Conscientious Objection

Mr. Corbyn: To ask the Secretary of State for Defence what policy is operated by the armed forces if serving personnel declaré they can no longer, for reasons of conscience, undertake military duties. [46777]

Dr. Reid *[holding answer 22 June 1998]:* My Department has a well established appeal procedure for Service personnel who, for reasons of conscience, feel unable to continue service. These cases are first considered by the individual's chain of command, and if the conscientious objection is considered to be genuine, arrangements are made for the applicant to be administratively discharged on compassionate grounds

If, after consideration, a conscientious objection is not assessed to be genuine, it will be rejected. Unsuccessful applicants are, however, advised that they may appeal to the Advisory Committee on Conscientious Objectors. This Committee is independent of the MOD and its members are appointed by the Lord Chancellor. It conducts its hearings in public and tenders its advice to the Secretary of State for Defence's representative. A successful appeal to the Advisory Committee is invariably accepted by the Department and the applicant will immediately be granted a release from the Service.

Chemical and Biological Weapons

Mr. Key: To ask the Secretary of State for Defence what studies he is currently undertaking with the United States military on systems for the detection of chemical and biological weapons. [46545]

Dr. Reid *[holding answer 22 June 1998]:* The UK is already party to a trilateral Memorandum of Understanding (MOU) with the United States and Canada on chemical and biological defence. Under the auspices of this MOU, my Department embarked upon a programme to develop a joint approach to chemical and biological defence and collaboration across a full range of defensive measures, including systems for the detection of chemical and biological agents. As part of this programme, we have undertaken joint tests and field trials

with both the US and Canada to establish the effectiveness of available technology for the detection of chemical and biological agents.

I have recently agreed with the US Defence Secretary that we should increase co-operation to combat chemical and biological weapons. This will further deepen the existing close collaboration in this area.

Dundrennan Test Range

Mr. Alasdair Morgan: To ask the Secretary of State for Defence if he will place in the Library the most recent environmental and radiological survey undertaken at and around the Dundrennan, Kirkcudbrightshire, test range. [46783]

Mr. Spellar: The survey to which the hon. Member refers was conducted by the Radiation Protection Services section (DRPS) of the Defence Evaluation and Research Agency. Arrangements were made last June, through the Parliamentary Branch of the Ministry of Defence, for an updated list of all unclassified DRPS reports to be placed in the House of Commons Library. The list includes details of published reports of the most recent environmental and radiological survey undertaken at and around the Dundrennan test range in Kirkcudbrightshire. These are DRPS Report No 6/97, "1996 Environmental Depleted Uranium Baseline Survey Report DTEO Kirkcudbright" and DRPS Report No 10/97, "1996 Marine Environmental Survey Report DTEO Kirkcudbright". It was decided at the time that it was not a practical option to place reports (including DRPS Reports 6 and 10/97) themselves in the House Library but that copies would be available on a case by case basis on request. I understand the hon. Member has made such a request and that arrangements are in hand for him to receive copies of the reports in question.

Berlin Airlift

Mr. Dismore: To ask the Secretary of State for Defence what steps the Ministry of Defence Postal and Courier Services are taking to commemorate the Berlin Airlift; and if he will make a statement. [47076]

Mr. Spellar: The British Forces Post Office, BFPO, a part of the Defence Postal and Courier Services, is issuing a philatelic cover bearing a special handstamp on 26 June 1998 to commemorate the 50th Anniversary of the start of the Berlin Airlift. These special commemorative philatelic covers will be available from the BFPO on that date.

Air Transport Procurement

Mr. Hoyle: To ask the Secretary of State for Defence (1) if he will make a statement on the leasing of four Boeing C-17 transport aircraft; and what effect this will have on the Future Large Aircraft; [47309]

(2) how many jobs will be created in the UK in the production of those C-17s to be leased by his Department. [46964]

Mr. Spellar: Our air transport requirement has been scrutinised closely in the Strategic Defence Review. Any decision on future air transport procurement will be made in light of the conclusions of the Review and of the responses to the Requests for Proposals.

Defence Exports

Mr. Cousins: To ask the Secretary of State for Defence what steps he has taken to protect British *(a)* public funds and *(b)* exporters where defence exports on a Government to Government basis are paid for in oil and gas; and how he seeks to protect the volume and value of such exports from falling oil and gas prices. [46468]

Mr. Spellar: There are no Government to Government defence projects which involve Her Majesty's Government taking oil or gas as payment.

CULTURE, MEDIA AND SPORT

Creative Industries

Mrs. Ellman: To ask the Secretary of State for Culture, Media and Sport what assessment he has made of the economic impact of the creative industries in *(a)* the North West Region, *(b)* Liverpool and *(c)* Merseyside in terms of (i) jobs, (ii) turnover, (iii) company formation and (iv) tourism. [46233]

Mr. Tom Clarke: The creative industries can be a powerful economic driving force in local and regional economies, but detailed statistics on the scale of their economic impact in particular parts of the country are not currently available. The Creative Industries Task Force has collated data which show that the creative industries nationally generate revenues of around £55 billion, contributing 4 per cent. to GDP, and employ some 1.5 million people. The Task Force is now turning its attention to assessing the position in different regions.

Tourism

Mr. Soames: To ask the Secretary of State for Culture, Media and Sport what are the aims and objectives of his policy on tourism; and what the achievements of these policies have been since 1 May 1997. [46663]

Mr. Tom Clarke *[holding answer 19 June 1998]:* We are in the process of developing a comprehensive strategy for tourism. We want to see quality tourism development which is economically, environmentally and socially sustainable, and which supports the Government's employment objectives and their wish to see a more inclusive society. Our aims and objectives for tourism will be set out in more detail when we publish the new strategy later this year.

Achievements since last May include the establishment of an expanded, fully representative Tourism Forum; and the establishment of new Working Groups on Strategic Planning, Widening Access and Domestic Tourism, with sub groups on Quality, Distribution and Sustainability. These have now reported, as have the Working Groups on Communications, Business Tourism, People and Visitor Attractions. In addition, we have launched *Tourism—Towards Sustainability*, a nationwide consultation exercise on sustainable tourism and have held the first sectoral conference on New Deal for the tourism, hospitality and leisure industry, which has led to a very positive response from the industry.

LORD CHANCELLOR'S DEPARTMENT

Public Trust Office

34. **Mr. Faber:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will review the operation of the Public Trust Office. [45605]

39. **Mr. Hammond:** To ask the Parliamentary Secretary, Lord Chancellor's Department what plans he has to review the operation of the Public Trust Office. [45610]

Mr. Hoon: As the hon. Members are aware the Office will be subject to the usual five yearly review in 1999. This will be a comprehensive examination of all aspects of the Office's performance.

Community Disputes

36. **Ms Rosie Winterton:** To ask the Parliamentary Secretary, Lord Chancellor's Department how many times he has met local authority representatives to discuss uniformity of decision making in community disputes. [45607]

Mr. Hoon: I have not met local authorities to discuss this subject.

Barristers' Earnings

37. **Mr. Winnick:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on the level of legal aid fees paid to senior Queen's Counsels. [45608]

Mr. Hoon: Criminal higher expenditure on QCs rose by 167 per cent. between 1991/92 and 1994/95, from £15m to around £40m. In the last three years total expenditure under this head has remained more or less at that level in real terms. Figures for civil legal aid are not available.

Litigation (Offshore Companies)

38. **Dr. Whitehead:** To ask the Parliamentary Secretary, Lord Chancellor's Department what steps he is taking to ensure that litigants in civil disputes with companies are not denied redress as a result of company registrations in the Channel Islands. [45609]

Mr. Hoon: If a company is registered in the Channel Islands enforcement action can still be taken against assets held by it in England and Wales.

Women Judges

40. **Jackie Ballard:** To ask the Parliamentary Secretary, Lord Chancellor's Department how many women judges have been appointed since 2 May 1997; and what percentage this is of the total number of appointments. [45611]

Mr. Hoon: Since 2 May 1997, six women Circuit Judges have been appointed out of a total of 34 (18 per cent.); seven women District Judges out of a total of 26 (27 per cent.); and one woman Stipendiary Magistrate out of a total of four (25 per cent.). During the same period nine High Court Judges, five Lord Justices of Appeal and one Lord of Appeal in Ordinary were also appointed. None of those was a woman.

Personal Injury Claims

41. **Mr. Dismore:** To ask the Parliamentary Secretary, Lord Chancellor's Department what plans he has to regulate the activities of unqualified claims assessors in personal injury claims. [45612]

Mr. Hoon: I am considering representations made to me by the Association of Personal Injury Lawyers when I met them recently to discuss their concerns about claims assessors.

Magistrates Courts

42. **Mr. Bob Russell:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will *(a)* meet a deputation from the Association of Essex Councils over the closure of magistrates courts in Essex and *(b)* halt the closures pending a policy review involving the association. [45613]

Mr. Hoon: *(a)* During the course of this appeal I have already met with both parties and three local MPs. Essex County Council and Braintree and Uttlesford District Councils have been fully involved throughout. *(b)* Closures cannot be halted for any reason other than a successful appeal in accordance with section 56 of the Justices of the Peace Act 1997 from a magistrates' courts committee's determination or by the rescinding of such a determination by the magistrates' courts committee. The Lord Chancellor has no plans to conduct a policy review.

Legal Aid (Divorce Proceedings)

43. **Mr. Swayne:** To ask the Parliamentary Secretary, Lord Chancellor's Department what plans he has to review the availability of legal aid for divorce proceedings. [45614]

Mr. Hoon: The Government have announced their plans for modernising the delivery of publicly funded legal services for all types of proceedings including divorce.

Family Law

Yvette Cooper: To ask the Parliamentary Secretary, Lord Chancellor's Department when the Advisory Board on Family Law intends to publish its first annual report. [47388]

Mr. Hoon: The Advisory Board on Family Law has today published its first annual report and copies have been placed in the Libraries of both Houses.

EDUCATION AND EMPLOYMENT

Teacher Training

Mr. Sawford: To ask the Secretary of State for Education and Employment how many places were available for teacher training in each year since 1990; and how many were filled in each year. [46844]

Ms Estelle Morris: The table shows the target and actual intake to initial teacher training for the years 1990–91 to 1997–98.

Target and actual recruitment to initial teacher training (ITT) courses in England: 1990–91 to 1997–98

	Primary		Secondary		Total	
	Target	Actual	Target	Actual	Target	Actual
1990–91	12,250	13,155	10,995	8,919	23,245	22,074
1991–92	12,660	14,777	11,275	11,830	23,935	26,607
1992–93	13,070	16,658	11,300	12,849	24,370	29,507
1993–94	13,937	15,775	13,968	13,689	27,905	29,464
1994–95	12,990	13,743	16,600	15,509	29,590	29,252
1995–96	12,115	13,603	17,000	15,226	29,115	28,829
1996–97	11,500	12,465	18,900	15,965	30,400	28,430
1997–98	11,050	11,749	19,500	15,966	30,550	27,715

Includes School Centred ITT and Open University.
Actual intake for 1997–98 is provisional.

Sources:
Actual intake:
1990–91 to 1993–94: DFE ITT Annual Recruitment Survey.
1994–95: Higher Education Funding Council for England's (HEFCE) Early Statistics Survey.
1995–96 to 1997–98: TTA ITT recruitment survey.
Target intake:
DFE.

Teacher Vacancies (Greater London)

Mr. Cox: To ask the Secretary of State for Education and Employment what is the current number of teacher vacancies in each of the education departments of local authorities covering the Greater London area. [46973]

Ms Estelle Morris: The total number of teacher vacancies in maintained nursery, primary, secondary and special schools in the Greater London area at January 1998 (the latest available information) was as follows:

LEA	*Vacancies*
City of London	0
Camden	19
Greenwich	58
Hackney	63
Hammersmith and Fulham	53
Islington	44
Kensington and Chelsea	20
Lambeth	12
Lewisham	52
Southwark	60
Tower Hamlets	66
Wandsworth	49
Westminster	21
Barking and Dagenham	19
Barnet	22
Bexley	8
Brent	35
Bromley	15
Croydon	20
Ealing	52
Enfield	20
Haringey	30
Harrow	12
Havering	15
Hillingdon	29
Hounslow	23
Kingston-upon-Thames	6
Merton	8
Newham	83
Redbridge	22
Richmond-upon-Thames	4
Sutton	10
Waltham Forest	48
Total	999

Further Education (Hampshire)

Mr. Hancock: To ask the Secretary of State for Education and Employment how many further education colleges in Hampshire had a budget deficit in *(a)* 1995–96, *(b)* 1996–97 and *(c)* 1997–98. [46005]

Dr. Howells: The following table shows the number of colleges in Hampshire which had operating deficits for the academic years ended 31 July 1996 and 1997 and forecast an operating deficit for the academic year ended 31 July 1998.

Colleges in Hampshire with operating deficits

Year ended	*Number of colleges with budgeted deficits*
1995–96	14
1996–97	11
1997–98 (forecast)	13

Mr. Hancock: To ask the Secretary of State for Education and Employment what were the average efficiency savings made by further education colleges in Hampshire in 1997–98. [46002]

Dr. Howells: The Department calculates efficiency gains for the FE sector on a national basis only. The expected efficiency gain for the financial year 1997–98 is 3.0 per cent.

National Vocational Qualifications

Mr. Boswell: To ask the Secretary of State for Education and Employment if he will make a statement on progress in the transfer of responsibilities for setting NVQ standards from his Department to the Qualifications and Curriculum Authority. [47287]

Dr. Howells: From 1 April 1998, the Qualifications and Curriculum Authority, acting jointly with the Scottish Qualifications Authority, and in consultation with the Qualifications, Curriculum and Assessment Authority for Wales, and the Training and Education Agency for Northern Ireland, became responsible for the procurement and approval of the national occupational standards which form the basis of National Vocational Qualifications and Scottish Vocational Qualifications.

Universities

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment what plans he has to provide funding for the updating of facilities in universities. [46595]

Dr. Howells: For 1998–99 my right hon. Friend has provided a funding package which will allow an extra £165 million to be spent on higher education. This includes an additional £125 million for universities and colleges in England to maintain and improve quality and standards, and to make a start on the backlog of maintenance and equipment replacement.

Decisions on funding for higher education for 1999–2000 and beyond will depend on the outcome of the Comprehensive Spending Review, due to be announced next month.

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment what statistics his Department collects on the staff to student ratio in universities. [46596]

Dr. Howells: The Department uses data on staff and students collected by the Higher Education Statistics Agency in order to calculate a sector level student to staff ratio in higher education institutions in England.

The latest available student to staff ratios, as published in the 1998 Departmental Report, are 16.5 in 1994–95 and 16.6 in 1995–96.

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment what plans he has to review the curricula taught in universities *(a)* nationally and *(b)* the West Midlands. [46598]

Dr. Howells: The Secretary of State has no plans to review the curricula taught in universities either nationally or in the West Midlands.

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment what statistics his Department collects on the ratio of students to faculty in universities *(a)* nationally and *(b)* in the West Midlands. [46597]

Dr. Howells: The available statistics on enrolments as at 1 December 1997 are analysed by subject of course rather than faculty.

In 1997–98, the latest year for which information is available, the number and proportion of full-time and part-time students by course subject in higher education institutions in the UK and in the West Midlands were as given in the following table:

Higher education enrolments in UK higher education institutions and those in the West Midlands analysed by subject, 1997–98

Subject	*UK*	*Percentage of total*	*West Midlands*	*Percentage of total*
Medicine and dentistry	41,579	2.4	1,724	1.3
Subjects allied to medicine	156,863	9.0	12,825	9.5
Biological sciences	86,559	5.0	6,138	4.6
Veterinary science	3,311	0.2	14	0.0
Agriculture and related subjects	15,393	0.9	1,902	1.4
Physical sciences	72,190	4.1	4,835	3.6
Mathematical sciences	20,230	1.2	1,514	1.1
Computer science	78,019	4.5	7,198	5.4
Engineering and technology	129,186	7.4	13,044	9.7
Architecture/building and planning	43,686	2.5	2,509	1.9
Social, Economic and political studies	128,572	7.4	10,229	7.6
Law	54,341	3.1	5,177	3.8
Business and administrative studies	216,752	12.4	19,346	14.4
Librarianship and information science	20,175	1.2	1,309	1.0
Languages	89,708	5.2	7,862	5.8
Humanities	59,970	3.4	4,598	3.4
Creative Arts and Design	92,889	5.3	7,455	5.5
Education	128,208	7.4	9,183	6.8
Combined	304,002	17.5	17,677	13.1
Total	1,741,633	100.0	134,539	100.0

Collective Acts of Worship

Mrs. May: To ask the Secretary of State for Education and Employment if he will make a statement on the Government's policy on collective acts of worship in schools. [47285]

Ms Estelle Morris: The Government are committed to the current statutory requirements: the School Standards and Framework Bill is applying these requirements to the new school framework with minimal adjustments.

Sixth Form Education

Mr. Jenkins: To ask the Secretary of State for Education and Employment how many pupils have entered secondary school sixth forms to study A-levels *(a)* in the West Midlands and *(b)* Staffordshire in each of the last five years; and what was each figure as a percentage change on the previous year. [45856]

Dr. Howells: The available information is shown in the table.

Number of 16 year old pupils studying A levels in maintained secondary schools
West Midlands and Staffordshire LEA area

	Position in January each year				
	1994	*1995*	*1996*	*1997*	*1998*[1]
West Midlands	11,239	11,061	11,422	12,464	12,440
Percentage change (year on year)	—	−1.6	3.3	9.1	−0.2
Staffordshire	2,451	2,497	2,586	2,887	3,050
Percentage change (year on year)	—	1.9	3.6	11.6	5.6

[1] Provisional

[2] Stoke became a unitary authority separate from Staffordshire in April 1997; the provisional figures for Staffordshire (excluding Stoke) and Stoke LEA areas in January 1998 were 2,897 and 153 respectively

Mr. Jenkins: To ask the Secretary of State for Education and Employment how many students entered the further education sector to study A-levels *(a)* in the

West Midlands and *(b)* Staffordshire in each of the last five years; and what was each figure as a percentage change on the previous year. [45857]

Dr. Howells: The following table contains the available figures on the number of students in the further education sector in England studying A/AS levels, and the percentage change from the previous year.

	1994-95	1995-96	1996-97
West Midlands			
Number of students	31,261	30,511	30,670
Percentage change from previous year	-	-2.40	+0.52
Staffordshire			
Number of students	5,718	5,533	5,696
Percentage change from previous year	-	-3.34	+2.85

Mr. Jenkins: To ask the Secretary of State for Education and Employment what plans he has to *(a)* encourage and *(b)* aid schools to create consortia to provide a range of A-level courses in their area. [45855]

Dr. Howells: We are working with the Local Government Association (LGA), Further Education Funding Council (FEFC) and TEC National Council (TNC) to promote greater collaboration in post-16 education. This may include partnerships between schools or between schools, colleges and other parties, building on existing arrangements where appropriate. We expect this collaborative activity to improve the quality of educational opportunities, breadth of curriculum and choice for young people. We support the efforts of existing partnerships, the Tamworth Opportunities Post-16 collaboration being one example.

Music

Mrs. May: To ask the Secretary of State for Education and Employment what representations he has received on the role of music in the curriculum. [47284]

Ms Estelle Morris: The Department has received a number of representations from organisations and individuals about the contribution which music can make to every child's education and its importance in supporting their cultural, spiritual and social development. Music remains a National Curriculum foundation subject and will continue to be taught in schools.

Departmental Cash Limits

Mr. Hope: To ask the Secretary of State for Education and Employment what changes he plans to announce to cash limits and running costs limits within his responsibility for 1998-99. [47412]

Dr. Howells: Subject to Parliamentary approval of the necessary Revised Estimate, the cash limit for Class IX, Vote 1, Department for Education and Employment: programmes and central services will be amended as follows:

£

Class	Vote	Existing cash limit	Change	New cash limit
IX	1	10,359,290,000	-2,870,000	10,356,420,000

The reduction is the net effect of a machinery of government change in policy responsibility whereby £1,130,000 of provision for early years is being transferred from Class XI, Vote 2 (the Department of Health), offset by a transfer of £4,000,000 to Class XI, Vote 1 (the Department of Health) to take account of changes arising from the Dearing Review. The transfer is part of an overall transfer of £6,600,000 to the Department of Health, the remainder of which is being found from the Department's non-cash limited expenditure. £4,300,000 is also being transferred from our non-cash limited provision to Class XIV, Vote 2 (the Welsh Office) as a result of the Dearing changes.

The running costs provision within the Control Total will be increased by £715,000 from £249,833,000 to £250,548,000. £75,000 of this increase is due to the machinery of government change and the remaining £640,000 is as a result of a virement from Section B of the Vote to cover increased administration costs in connection with the Skills Programme.

The non-voted cash limit, DfEE/ERDF, will be decreased by £1,395,000 from £26,912,000 to £25,517,000 as a result of a transfer to the Department of the Environment, Transport and the Regions (Class VI, Vote 2) in connection with the Liverpool institute of Performing Arts.

The control total elements of the increases will be offset by transfers or charged to the Reserve and will not therefore add to the planned total of public expenditure.

School Performance

Mr. Kidney: To ask the Secretary of State for Education and Employment what criteria he applied in compiling the list of the top 100 schools. [46496]

Mr. Byers: In order to be included in the list, schools had to show sustained improvement in the proportion of pupils achieving 5 or more GCSE grades A*-C or the GNVQ equivalent in each of the years from 1994 to 1997.

School Inspections

Dr. Kumar: To ask the Secretary of State for Education and Employment what procedures he has instituted to ensure that Ofsted inspectors and their teams meet the minimum standard laid down by him. [46501]

Mr. Byers: HM Chief Inspector of Schools is responsible for monitoring standards in the school inspection system. I have asked him to write to my hon. Friend and to place a copy of his letter in the Library.

Local Management of Schools

Mr. Steinberg: To ask the Secretary of State for Education and Employment how many *(a)* headteachers and governing bodies and *(b)* other organisations and individuals have so far responded (i) favourably and (ii) unfavourably to his proposals for further delegation under the Local Management of Schools initiative. [46719]

Mr. Byers: The Government's consultation paper "Fair Funding: Improving Delegation to Schools" was issued on 29 May, with a request for responses by 31 July. No detailed analysis of responses has yet been undertaken.

Special Schools

Mrs. May: To ask the Secretary of State for Education and Employment if he will list the maintained special schools in the United Kingdom, by local education authority, and indicate the special educational needs for which each school caters. [46427]

Ms Estelle Morris: The special schools maintained by each local education authority in England have been listed in a table, copies of which have been placed in the Library.

The list is drawn from schools' returns to the Department in January 1998. These returns include updated information about schools' specialisms; this has not yet been analysed, but I will write to the hon. Member with further information as soon as possible.

Information about special schools in Scotland, Wales and Northern Ireland is the responsibility of my right hon. Friends the Secretaries of State for Scotland, for Wales and for Northern Ireland.

FOREIGN AND COMMONWEALTH AFFAIRS

Sierra Leone

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) which Ministers in *(a)* his Department and *(b)* other departments received copies of the information on alleged United Nations sanctions breaking by Sandline International prepared for Baroness Symons on 10 March; and on what date it was received by each private office; [46019]

(2) Ministers in *(a)* his Department and *(b)* other departments were provided with or informed of the information on alleged United Nations sanctions breaking by Sandline International prepared for Baroness Symons on 10 March; and on what date and by what means the information was transmitted to the Ministers; [46018]

(3) if the information on alleged United Nations sanctions breaking by Sandline International provided for Baroness Symons on 10 March was copied to *(a)* his Private Office *(b)* the office of another Minister in his Department and *(c)* any other Minister of Her Majesty's Government. [46020]

Mr. Robin Cook *[holding answer 16 June 1998]:* A side-copy of briefing provided for my noble Friend the Parliamentary Under-Secretary of State for her answer to a Parliamentary question on 10 March 1998, *Official Report, House of Lords*, columns 99–101, was marked to the office of the Minister of State, my hon. Friend the Member for Manchester, Central (Mr. Lloyd), but, as would generally be the case for briefing prepared for another Minister, he was not shown it. The briefing was copied to no other Minister.

Departmental Reviews

Mr. Allan: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list, for each of the last four years, all departmental inquiries and reviews instigated by ministers which have been chaired by individuals outside his Department; and in each case if he will give the date of establishment and the name of the chairman. [46832]

Mr. Fatchett: I list in the table those inquiries and reviews set up by Ministers in the last four years and chaired by someone from outside Government. The list excludes advisory committees established to provide on-going advice (such as those advisory Non-Departmental Public Bodies listed in "Public Bodies 1997") and inquiries set up routinely in pursuance of responsibilities under statutory requirement.

Inquiry/review	*Established*	*Chairman*
Review of Overseas Allowances	26 January 1996	Sir Derek Hornby
Sierra Leone arms investigation	18 May 1998	Sir Thomas Legg

Pakistan

Mr. McNulty: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the persecution of Christians in Pakistan. [46920]

Mr. Fatchett: Although the rights of religious minorities are protected by Pakistan's Constitution, there are reports of abuses against minorities by groups and individuals, and concerns about the implementation of the blasphemy laws.

Our High Commission in Islamabad led an EU demarche to the Pakistan authorities on 14 May about the situation of religious minorities. We made clear the EU's concern about the death penalty imposed on Ayub Masih, a Christian, for blasphemy, and the negative effect such cases can have on inter-faith relations in Pakistan.

Departmental Cash Limits

Mr. Woolas: To ask the Secretary of State for Foreign and Commonwealth Affairs what changes he proposes to make in his Department's cash limits and running costs limits for 1998–99. [47551]

Mr. Fatchett: Subject to Parliamentary approval of the necessary Revised Estimate, the cash limit for Class II, Vote 1 (Overseas Representation) will be reduced by £2,261,000 from £590,265,000 to £588,004,000. This reduction takes account of transfers of responsibility to the newly established Department for International Development (Class III, Vote 1). It also reflects the movement of the Wilton Park executive agency from a net running cost regime to a gross running cost regime. This does not change the overall cash limit.

The gross running costs limit on Class II, Vote 1 will be reduced by £509,000 from £511,044,000 to £510,535,000.

The changes will not add to the planned total of public expenditure.

International Criminal Court

Mr. McNamara: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on Her Majesty's Government's policy towards

the creation of the International Criminal Court, indicating those areas of jurisdiction for such a Court which it is the policy of Her Majesty's Government to support. [45780]

Mr. Tony Lloyd: We continue to support the establishment of an effective International Criminal Court, and will do all we can to ensure a successful outcome to the Diplomatic Conference which is currently taking place in Rome. In my reply to my hon. Friend the Member for Nuneaton (Mr. Olner) of 24 February 1998, *Official Report*, column *191*, I drew attention to a paper on Government policy towards the proposed Court which we had placed in the Libraries of the House. My noble Friend Lord Whitty also made a detailed statement of our policy on the Court in a debate in another place on 11 June 1998, *Official Report, House of Lords*, columns 947–62. We believe that the Court should have jurisdiction over genocide, crimes against humanity and war crimes. We also believe that the Court should have jurisdiction over the crime of aggression where the UN Security Council has determined that an act of aggression has taken place, and provided that the crime is properly defined in the Statute.

Mr. McNamara: To ask the Secretary of State for Foreign and Commonwealth Affairs what is Her Majesty's Government's policy on the appointment of an international prosecutor to investigate independently crime within the jurisdiction of the International Criminal Court in circumstances where *(a)* the UN Security Council and *(b)* individual members of the national Government have not given their consent. [45781]

Mr. Tony Lloyd: We have reserved our position on whether the Prosecutor of the International Criminal Court should have the power to initiate investigations on his or her own authority in circumstances in which a situation has not been referred either by the UN Security Council or by a State Party to the Court. Irrespective of how an investigation is initiated, however, we believe that the Prosecutor should be independent of Governments in the conduct of his investigations. The consent of the State where an alleged crime had taken place should not be required before an investigation or prosecution in respect of that crime can take place, if that State is a Party to the Treaty establishing the Court. Nor should the approval of the Security Council be necessary for an investigation or a prosecution to take place.

Cyprus

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs what proposals he has for the granting of full civil rights to inhabitants of the sovereign bases in Cyprus. [45818]

Dr. Reid: I have been asked to reply.

There are no plans to change the arrangements for the administration of the Sovereign Base Areas.

The Sovereign Base Areas are administered in accordance with the "Declaration by Her Majesty's Government regarding the Administration of the Sovereign Base Areas", included as Appendix O to Command 1093, in which HMG published the Treaty of Establishment and other documents concerning the 1960 Cyprus settlement. In accordance with Appendix O, the "main objects to be achieved" in the administration of the Areas are:

1. Effective use of the Sovereign Base Areas as military bases.
2. Full cooperation with the Republic of Cyprus.
3. Protection of the interest of those resident in the Sovereign Base Areas.

Appendix O makes provision for freedom of access and communications to and through the Sovereign Base Areas; freedom of employment and cultivation in the Sovereign Base Areas; full protection of the rights of Cypriots (and others resident in the Republic) and Cypriot communities and corporations in regard to property; arrangements for legal proceedings concerning civil rights and obligations in which all parties are Cypriots to take place in the Courts of the Republic; and for the enforcement within the Sovereign Base Areas of the judgments and orders of such Courts in such proceedings.

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs what arrests have been made of civilians in the sovereign bases in Cyprus in the last year; and if he will make a statement. [45819]

Dr. Reid: I have been asked to reply.

The Sovereign Base Areas are a British Overseas Territory of 98 square miles on the island of Cyprus and operate under British civil law. The laws of the Sovereign Base Areas are as far as possible the same as the laws of the Republic of Cyprus. SBA laws are enforced by the SBA Police, a civilian force comprising mainly of Cypriot officers. The Areas have their own properly constituted civilian court, with an independent civil judiciary.

Some seven thousand Cypriot civilians live in the Areas, and many other civilians travel through them by road, especially during the summer tourist season.

In the year to 31 March 1998, the number of arrests of civilians in the Sovereign Base Areas was 236.

NORTHERN IRELAND

Schools (Capital Works)

Mr. Walker: To ask the Secretary of State for Northern Ireland which schools are under consideration for major capital works; what the estimated cost is of each project; on what dates the Department of Education recognised that each school satisfied categories 1, 2 or 3 of the school capital priorities schedule or equivalent; and on what dates her Department approved in principle the appointment of an architect to put in place a suitable scheme. [46282]

Mr. Worthington: There are over 200 major works projects in the Schools Capital Priorities Planning List and I will write to the hon. Member giving details of these schemes. Estimated costs are not available for many of the schemes which are at a very early stage of planning or where planning has been suspended.

There are 125 projects in priority Categories 1, 2 and 3. All projects in these categories have received approval to take forward detailed planning. Information is not

readily available about the dates each project entered the Planning List or when approval was given to the appointment of consultant architects in each case, and could be obtained only at disproportionate cost.

Ms Rita O'Hare

Mr. Donaldson: To ask the Secretary of State for Northern Ireland what plans she has to pursue extradition proceedings against Ms Rita O'Hare. [46283]

Mr. Ingram: The High Court in the Republic of Ireland ruled in 1978 that Rita O'Hare should not be extradited to Northern Ireland, on the ground that the offences that she was alleged to have committed fell within political offence exemption. That does not preclude the possibility of the Government seeking Ms O'Hare's extradition if she were to travel to another jurisdiction with which extradition arrangements exist. However, as to the future, it is not the Government's practice to disclose whether or not extradition proceedings are planned.

TRADE AND INDUSTRY

National Minimum Wage

Mr. Baldry: To ask the President of the Board of Trade, pursuant to her oral statement of 18 June 1998, *Official Report*, columns 507–19, if she will list the range of estimates her Department has produced relating to the impact of a minimum wage on employment levels. [47141]

Mr. Ian McCartney: The Government share the Low Pay Commission's view that the national minimum wage set at the level proposed should have no significant impact on employment.

Mr. Peter Bottomley: To ask the President of the Board of Trade if she will estimate the net cost or benefit to *(a)* Government, *(b)* employers and *(c)* employees of the minimum wage proposals in the first 12 months of its operation. [47235]

Mr. Ian McCartney: The national minimum wage will bring benefits to all. It will encourage people to move from dependence on state benefits into work; employers' productivity will improve as the morale of their workforces rises and staff turnover falls. The minimum wage set at the level proposed will help some 2 million low paid workers escape from poverty pay.

Patent Office

Dr. Cable: To ask the President of the Board of Trade how many complaints her Department has received about the cost of lodging an objection with the Patent Office in the last 12 months for which figures are available. [47046]

Mr. Ian McCartney: There are two routes available under the Trade Marks Act 1994 to anyone who wishes to object to an application to register a trade mark. Section 38(2) provides for any person to lodge opposition. The present fee for this is £200, and the opponent then becomes a party to proceedings before the Registrar. However, under section 38(3), a person may make written observations without payment of any fee, and without becoming a party to proceedings.

In the 12 month period to the end of May 1998, over 1,600 oppositions and more than 130 observations were filed. The Registrar is aware of only one formal complaint in that period about the cost of filing opposition.

Seafarers

Helen Jackson: To ask the President of the Board of Trade if United Kingdom seafarers are covered by the proposed fairness at work legislation. [47132]

Mr. Ian McCartney: The proposals in the White Paper will apply to seamen to the same extent as they are covered by existing legislation in the areas dealt with by the White Paper.

EU Structural Funds

Mr. Keetch: To ask the President of the Board of Trade if she will make a statement on the use of EU structural funds for the recreational uses of inland waterways as part of rural employment policy. [46957]

Mrs. Roche *[holding answer 22 June 1998]:* The uses to which the Structural Funds can be put are determined by programme documents agreed between the Government and the Commission. They concentrate on activities which will increase employability and competitiveness in the regions concerned.

In rural areas eligible under the Funds these programme documents will include tourism as one of their priorities. Projects which increase tourism potential, including those for recreational uses of inland waterways, will be eligible. In all cases, projects will be selected on the basis of criteria which will seek to maximise value for money.

Maternity Leave

Mr. Rooney: To ask the President of the Board of Trade what estimate he has made of how many women will benefit from the proposed extension of maternity leave from 14 weeks to 18 weeks. [46991]

Mr. Ian McCartney *[holding answer 22 June 1998]:* The extension of statutory maternity leave from 14 weeks to 18 weeks will improve the statutory right to leave for the 2.3 million women employees with less than one year's service who could choose to exercise it in the event that they become pregnant.

Mr. Rooney: To ask the President of the Board of Trade what estimate he has made of how many women will benefit from the proposed reduction from two years to one year in the qualifying period for extended maternity leave. [46996]

Mr. Ian McCartney *[holding answer 22 June 1998]:* The reduction in the qualifying period for extended maternity absence will extend this statutory right to a further 1.4 million women employees who could choose to exercise it in the event that they become pregnant. This is one of a package of family friendly policies which will also benefit families, including children, and the labour market.

Export Credit Loans

Mr. Cousins: To ask the President of the Board of Trade if she will list the dates on which export credit loans to Governments and Government agencies have been rescheduled since 1990, indicating in each case for what values and with which countries. [46487]

Mrs. Roche: The Government do not provide export credit loans direct to other governments. Official export credits are those guaranteed or insured by the Export Credits Guarantee Department. ECGD has negotiated over 100 debt rescheduling agreements with 45 countries since January 1990. It should be noted that many debts originated in the seventies and eighties and have been rescheduled several times. Consequently details of debt rescheduled for the first time under each agreement are not readily available. To aggregate the debt under all agreements with each debtor country would result in a high degree multiple counting. The figure shown in the third column of the table is the approximate amount of debt treated under the latest signed agreements only.

Bilateral debt agreements negotiated since 1 January 1990

Country	*Date(s) of agreement(s)*	*Debt treated under latest agreement (approximately) £ million*
Algeria	7 December 1994 18 December 1996	81
Argentina	17 March 1992 8 February 1993	39
Benin	16 November 1993 28 April 1997	4
Bolivia	19 March 1991 8 September 1992 11 September 1995 25 June 1996	30
Brazil	14 January 1993	631
Bulgaria	14 October 1992 25 March 1993	2
Burkina Faso	13 January 1992 24 July 1997	2
Cameroon	29 November 1990 3 November 1993 12 September 1995 9 December 1996	22
Republic of Congo	10 December 1994 26 May 1995 18 February 1997	54
Costa Rica	7 June 1990 12 November 1991 18 November 1993	0.7
Cote d'Ivoire	18 October 1990 30 July 1992 1 February 1995	13
Croatia	4 April 1996	88
Ecuador	30 May 1990 30 July 1992 13 January 1995	16
Egypt	21 April 1992	450
Ethiopia	12 August 1993 8 October 1997	6
Gabon	12 March 1991 9 August 1995 9 September 1996	36
Guinea Republic	27 February 1991 3 November 1993 12 February 1996 9 July 1997	2
Guyana	15 May 1991 12 February 1994 12 May 1997	125
Jamaica	28 May 1991 13 March 1992 3 December 1993	2
Jordan	29 August 1991 5 January 1993 29 June 1995	59
Kenya	15 July 1994	58
Macedonia	5 September 1996	4
Madagascar	25 October 1990 4 April 1991 21 October 1997	21
Mali	14 February 1990 9 November 1990 14 February 1997	19
Mauritania	13 July 1991 19 October 1993 18 February 1996	1
Mexico	22 March 1991	148
Morocco	28 March 1991 7 September 1992	30
Mozambique	20 April 1990 29 March 1991 15 December 1993 11 March 1997	24
Nicaragua	22 February 1993	2
Niger	6 April 1990 16 December 1991 20 June 1995 12 October 1997	3
Nigeria	10 June 1991	542
Peru	17 September 1992 30 December 1993 4 November 1996	122
Philippines	15 March 1990 13 November 1991	15
Poland	4 October 1991 30 December 1991	1,576
Russia	5 June 1992 25 May 1994 28 February 1995 26 February 1996	80
Senegal	26 October 1990 9 April 1992 26 December 1994 13 January 1995	0.5
Sierra Leone	6 March 1991 1 November 1993 15 December 1994 15 July 1996	0.4
Tanzania	26 June 1990 4 March 1991 24 August 1992 1 July 1997	76
Togo	3 April 1990 9 August 1991 12 December 1994 25 October 1995	8
Trinidad and Tobago	9 October 1990	5
Uganda	24 June 1993 28 February 1996	17
Vietnam	1 December 1994	21
Yemen	26 August 1997	9
Zaire (DRCongo)	23 July 1990	35
Zambia	20 May 1991 5 June 1997	47

[1] In neg. 1998

Mr. Cousins: To ask the President of the Board of Trade which countries have asked for the cancellation or rescheduling of export credit loans since 1 May 1997 which have not yet been agreed. [46488]

Mrs. Roche: None. Jordan, Cameroon, Cote d'Ivoire, Nicaragua, Uganda and Senegal have approached the Paris Club for debt reduction and/or rescheduling since 1 May 1997. Agreement has been reached in all cases. No other debtor countries have formally sought rescheduling through the Paris Club during this period.

Renewable Energy

Mr. Jim Cunningham: To ask the President of the Board of Trade what *(a)* amount and *(b)* percentage of the United Kingdom's electricity supply were supplied by renewable sources in each year since the non-fossil fuel obligation was introduced in 1989. [43224]

Mr. Battle *[holding answer 3 June 1998]:* The following table shows information on electricity from renewable sources for the years since 1989. Generation from all renewable sources is included, not just those sources supported by the non-fossil fuel obligation. The amount of electricity available from hydro sources in a particular year depends on rainfall in the preceding period. Dry weather affected output from hydro stations in 1991, 1993 and 1996. When hydro electricity is excluded, other renewable sources are shown to be providing an increasing proportion of generation in the UK, and their contribution in 1997 was 4½ times that in 1989.

Since coming into office I have repeatedly stressed my commitment to renewable energies. Indeed within weeks of the election I announced a review of renewable energy policy including consideration of what would be necessary and practicable for the UK to achieve a 10 per cent. contribution from renewable resources towards electricity generation by 2010. I can confirm that we remain committed to the 10 per cent. target and expect to make a further announcement in due course. The announcement of policy proposals for the fifth non-fossil fuel obligation round which I made on 25 November 1997, *Official Report*, columns *507–10*, will be the first step in our new and strong drive for renewables and I expect NFFO-5 will contribute substantially to reducing greenhouse gases and encouraging internationally competitive industries. I expect to make this Order later this year.

	Electricity generated from renewable sources (GWh)		*Renewables as a proportion of total generated (percentage)*		*Total electricity generated in the UK (GWh)*
Year	*Total*	*Total excluding hydro*	*Total*	*Total excluding hydro*	
1989	5,496	710	1.9	0.2	292,896
1990	5,894	767	2.0	0.2	298,495
1991	5,411	787	1.8	0.3	301,490
1992	6,504	1,073	2.0	0.3	321,043
1993	5,884	1,582	1.8	0.5	323,102
1994	7,307	2,213	2.2	0.7	324,978
1995	7,242	2,404	2.2	0.7	334,047
1996	6,036	2,675	1.7	0.8	347,369
1997[1]	7,341	3,213	2.1	0.9	345,786

[1] Data for 1997 are provisional

Source:

Digest of UK Energy Statistics, includes figures that have been revised since the Digest for 1997 was published

Buried Ordnance

Mr. Key: To ask the President of the Board of Trade if Her Majesty's Government have made a declaration to The Hague in accordance with its obligations under the Chemical Weapons Convention in connection with buried ordnance at East Gomeldon in Wiltshire; and if she will make a statement. [46025]

Mrs. Roche *[holding answer 17 June 1998]:* In May 1997 the United Kingdom submitted to the Organisation for the Prohibition of Chemical Weapons in The Hague an initial declaration of old chemical weapons, predating 1 January 1946, unearthed on its territory. This information is updated as necessary. The Convention does not require the declaration of chemical weapons buried before 1 January 1977 and which remain buried.

Mr. Key: To ask the President of the Board of Trade if sections 5 and 6 of the Chemical Weapons Act 1996 apply to the land adjacent to the Nuclear, Chemical and Biological Centre at Winterbourne Gunner where buried ordnance has been identified; and if she will make a statement. [46024]

Mrs. Roche *[holding answer 17 June 1998]:* The Chemical Weapons Act 1996 provides the legislative framework to implement the Chemical Weapons Convention in the United Kingdom. All areas of the United Kingdom are covered by sections 5 and 6 of the Act.

Working Time Directive

Mr. Pike: To ask the President of the Board of Trade what assessment she has made of the implications for the duties of The Health and Safety Executive of the EU Directive on the organisation of working time and the protection of young people at work; and if she will make a statement. [46754]

Mr. Ian McCartney: The recent Government proposals outlined in the consultation on draft Working Time Regulations proposed an enforcement role for the HSE. The details of this and an estimate of the costs of enforcement are set out in a consultation document published on 8 April. A copy is available in the Library of the House.

Small Businesses

Mr. Steinberg: To ask the President of the Board of Trade if she will estimate the percentage of companies in the United Kingdom which employ fewer than 20 persons. [46731]

Mrs. Roche: At the start of 1996, the latest date for which data are available, 97.7 per cent. of enterprises in the UK (including sole traders) employed fewer than 20 people.

Mr. Steinberg: To ask the President of the Board of Trade if she will estimate the number of employees in the United Kingdom who work for companies that employ fewer than 20 persons. [46732]

Mrs. Roche: At the start of 1996, the latest date for which data are available, there were 4.3 million employees in enterprises in the UK employing fewer than 20 persons.

SCOTLAND

Celtic Heritage

9. **Mr. Andrew George:** To ask the Secretary of State for Scotland if he will introduce measures to improve cultural links relating to Celtic heritage between Scotland and *(a)* Wales, *(b)* Cornwall, *(c)* the Isle of Man, *(d)* Brittany and *(e)* Ireland. [45579]

Mr. McLeish: Cultural links between Scotland and the other peoples of the Celtic heritage are being made by a variety of organisations, including the Scottish Arts Council and the Gaelic National Arts Agency. I expect that these bodies will continue to develop their links.

Agenda 2000

10. **Mr. Robathan:** To ask the Secretary of State for Scotland if he will make a statement on the Agenda 2000 proposals for EU structural funding. [45580]

Mr. Dewar: As I said when I spoke for the UK at the Informal Council of Ministers meeting on Regional Policy in Glasgow on 9 June, the reform of the Structural Funds must be affordable, durable and transparent. The reform must also be fair to all Member states whether acceding or established.

Textile Industry

11. **Mr. Kirkwood:** To ask the Secretary of State for Scotland what discussions he has had with Scottish Enterprise on the development of a strategy for the textile industry in Scotland. [45581]

Mr. Wilson: My right hon. Friend and I frequently meet representatives of Scottish Enterprise and the local enterprise companies. As the hon. Member is aware, I met the Chairman and Chief Executive of Scottish Borders Enterprise, in his company, on 18 June. I also plan to pay a further visit to the Borders next month.

Trunk Roads

13. **Mr. Home Robertson:** To ask the Secretary of State for Scotland if he will make a statement on the progress of his review of plans for investment in improvements to the trunk road network. [45583]

Mr. McLeish: We will consult shortly on a draft revised appraisal framework for prioritising investment on the trunk road network and intend to complete the strategic roads review later this year.

Exchange Rate

14. **Mr. Lansley:** To ask the Secretary of State for Scotland if he will make a statement about the effects of the current exchange rate on Scottish manufacturing industry. [45584]

Mr. Wilson: Although the current level of sterling is a concern to many businesses, Scottish firms retain an impressive ability to compete successfully in both domestic and overseas markets.

The latest official data show that Scottish manufactured output rose by 7.7 per cent. in 1997.

Breast Cancer Services

15. **Mr. Sarwar:** To ask the Secretary of State for Scotland what plans he has to improve breast cancer services for women in Scotland. [45585]

Mr. Dewar: Cancer, including breast cancer, remains one of the priority areas for the NHS in Scotland. We are therefore doing a great deal, all of it geared to providing the best possible service for those suffering from this devastating disease.

Direct Labour Organisations

16. **Mr. Forth:** To ask the Secretary of State for Scotland if he will make a statement about the future of direct labour organisations in Scotland. [45586]

Mr. Dewar: I refer the right hon. Gentleman to the oral answer I gave to the hon. Member for Faversham and Mid-Kent (Mr. Rowe) today, *Official Report*, column 831.

Local Government Finance

17. **Mr. David Marshall:** To ask the Secretary of State for Scotland when he next intends to meet Glasgow city council to discuss local government finance. [45587]

Mr. Dewar: I consult the Convention of Scottish Local Authorities on local government finance and am also in regular contact with Glasgow City Council.

Public Sector Housing

18. **Mr. Welsh:** To ask the Secretary of State for Scotland if he will make a statement on the level of investment in public sector housing in Scotland since 1990. [45588]

Mr. McLeish: We are already tackling the legacy of under-investment in housing which we inherited. We have committed an extra £66 million, including £45 million for New Housing Partnerships. We are also looking at housing investment within the Comprehensive Spending Review.

Higher Education

19. **Mr. Fabricant:** To ask the Secretary of State for Scotland if he will meet Ministers in the Department for Education and Employment to discuss entry qualifications for higher education. [45589]

Mr. Wilson: I have no plans to do so; entry qualifications are primarily a matter for individual higher education providers.

Interest Rates

20. **Mr. Swinney:** To ask the Secretary of State for Scotland what representations he has made to the Chancellor of the Exchequer regarding the impact of interest rates on the Scottish economy. [45590]

Mr. Wilson: I am in regular contact with the Chancellor of the Exchequer about the Scottish economy.

We are agreed that low inflation is in the interests of every part of the United Kingdom. Interest rates are set by the Monetary Policy Committee of the Bank of England to meet the Government's inflation target of 2½ per cent.

Schools (Early Intervention and Literacy Programmes)

21. **Mr. Connarty:** To ask the Secretary of State for Scotland what progress has been made in introducing the early intervention and literacy programmes to Scottish schools; and if he will make a statement. [45591]

Mr. Wilson: Early intervention schemes are under way in all education authority areas in Scotland.

Minimum Wage

22. **Mr. Alasdair Morgan:** To ask the Secretary of State for Scotland when he last met the Scottish Trades Union Congress to discuss the minimum wage in Scotland. [45593]

Mr. Wilson: My right hon. Friend addressed the STUC Annual Congress on 20 April 1998 on a range of issues, including the proposed National Minimum Wage.

North Lanarkshire

23. **Mr. Brady:** To ask the Secretary of State for Scotland if he will make a statement on *(a)* the number of electors and *(b)* the amount of council tax raised per household in 1997–98 in the North Lanarkshire local authority. [45594]

Mr. Dewar: There were 246,452 persons on the electoral roll of North Lanarkshire at 16 February 1997.

The number of chargeable dwellings, on 7 October 1996, was 128,980. North Lanarkshire budgeted to raise £71.8 million in council tax in 1997–98, an average of £556.30 per chargeable dwelling.

25. **Mr. Bercow:** To ask the Secretary of State for Scotland which committee of North Lanarkshire council is responsible for the direct labour organisation. [45596]

Mr. Dewar: The Construction Services Committee is responsible for the Direct Labour Organisation within North Lanarkshire.

Health Service

26. **Mr. Chisholm:** To ask the Secretary of State for Scotland when he will issue guidelines concerning primary care trusts and local healthcare co-operatives. [45597]

Mr. Dewar: I have no immediate plans to issue guidelines. Development of primary care trusts and local healthcare co-operatives is being taken forward through local discussion and meetings. I do not wish to impose any central blueprint on that process but we have set up a central organisational development team, with a £1 million budget, to help Health Boards develop LHCCs.

27. **Mrs. Ewing:** To ask the Secretary of State for Scotland if he will make a statement on the future configuration of national health service trusts in Scotland; and when he expects to introduce proposed legislation. [45598]

Mr. Dewar: Detailed proposals for new NHS Trust configurations are currently the subject of public consultation in each Health Board area. Subject to the outcome of public consultation, I expect to be in a position to take decisions about the new configurations in late summer. No new primary legislation is required to establish NHS Trusts in Scotland to a new configuration. Legislation required to implement some of the proposals set out in "Designed to Care: Renewing the National Health Service in Scotland" (Cm 3811) will be introduced when a suitable opportunity arises.

North Sea Oil and Gas

28. **Sir Robert Smith:** To ask the Secretary of State for Scotland what assessment he has made of the economic impact on Scotland of the Government's proposed changes in the North sea oil and gas tax regime. [45599]

Mr. Wilson: Any assessment will depend on the North Sea fiscal regime consultation document, which has yet to be issued. I am well informed on the importance of the oil and gas industry to the Scottish economy.

Export Initiatives

Mr. Salmond: To ask the Secretary of State for Scotland when he last met representatives of the Scottish Council Development and Industry to discuss export initiatives. [45595]

Mr. Wilson: My right hon. Friend the Secretary of State for Scotland and I meet the Scottish Council Development and Industry from time to time to discuss a range of economic development issues. The Scottish Council is also represented on the Scottish Export Forum, which I chair and which met only the other week.

Skye Toll Bridge

Mr. Charles Kennedy: To ask the Secretary of State for Scotland what account he took of Schedule 1 to the Skye Bridge Crossing Toll Order in allowing the sale of books of 20 discounted tickets for the Skye Toll Bridge. [46717]

Mr. McLeish: The Invergarry-Kyle of Lochalsh Trunk Road (A87) Extension (Skye Bridge Crossing) Toll Order (Variation) Order 1997 (S.I.1997/2941) was laid on 11 December 1997 and came into force on 1 January 1998. Under the terms of this Order, Schedule 1 to The Invergarry-Kyle of Lochalsh Trunk Road (A87) Extension (Skye Bridge Crossing) Toll Order 1992 (S.I.1992/1501) was varied to set lower base tolls for all categories of vehicles eligible for discounts and to provide for the sale of books of 20 non-transferable discount vouchers for motorcycles and cars. These variations implement the toll reductions announced by my right hon. Friend the Secretary of State on 4 July 1997, *Official Report*, columns *288–90*.

Ayrshire and Arran Health Board

Mr. Browne: To ask the Secretary of State for Scotland if he will estimate the amount of additional funding which will be allocated to Ayrshire and Arran Health Board in 1998–99. [47080]

Mr. Galbraith: Ayrshire and Arran Health Board received a base general revenue allocation in October 1997 of £229.344 million for 1998–99. Subsequent allocations totalling £12.393 million have since issued, of which £1.482 million is attributable to the extra resources made available for tackling waiting lists. Further allocations will issue in-year as appropriate.

NHS Workers

Mr. Browne: To ask the Secretary of State for Scotland what proposals he has for the timetable to establish a uniform rate of terms and conditions for NHS workers. [47079]

Mr. Galbraith: We have a UK-wide approach to reviewing conditions of service. The Government are considering the overall picture and the options for the way forward.

Dounreay

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland on what date the Nuclear Installations Inspectorate memorandum, a Summary of the Dounreay FCA Inspection Findings, was brought to his attention; what assurances he *(a)* sought and *(b)* received from the HSE that Dounreay was a suitable destination for the waste from Georgia; what action he took in response to the document; and if he will make a statement. [46784]

Mr. Dewar: The memorandum was brought to my attention by way of a letter dated 11 June 1998 from the Health and Safety Executive (HSE). I advised that the full report should be published and this was done on 15 June. The report highlighted a number of concerns in respect of the Fuel Cycle Area which led to a programme of improvements. The independent regulators are currently conducting a comprehensive audit of the management of safety, which inter alia will examine the effectiveness of the improvement programme.

The report of the audit will be made public later this year. The recommendations emerging from that audit will be considered fully by Ministers in due course.

The HSE was consulted before it was decided to accept the Georgian consignment and was satisfied that the material could be stored safely at Dounreay.

Small Business Loan Scheme

Mr. Alasdair Morgan: To ask the Secretary of State for Scotland, pursuant to his answer of 20 May 1998, *Official Report*, column *380*, if he will place a copy of the independent evaluation of the Small Business Loan Scheme in the Library. [47077]

Mr. Wilson: Yes. I have arranged for a copy to be placed in the Library.

Reconditioned Diesel Engines

Mr. Pickthall: To ask the Secretary of State for Scotland what representations he has received from the recycling industry about SRO3 in so far as it prevents the use of reconditioned diesel engines to produce bio-oil. [46806]

Mr. Wilson: Officials in The Scottish Office received a recent representation about this issue from Ormrod Diesels, Skelmersdale, Lancashire. The company was advised to raise their concerns again in any consultation following the Government review of renewables policy.

Health Service Review Panel (Neonatal Deaths)

Ms Squire: To ask the Secretary of State for Scotland (1) when the report by the independent review panel into neonatal deaths and disabilities at the Forth Park Hospital, Kirkcaldy, was passed to the Kirkcaldy Acute Hospital NHS Trust; [46789]

(2) when the findings of the independent review panel into neonatal deaths and disabilities at the Forth Park Hospital, Kirkcaldy, will be published; [46790]

(3) if the full report by the independent review panel into neonatal deaths and disabilities at the Forth Park Hospital, Kirkcaldy, will be released to the families directly concerned. [46791]

Mr. Galbraith: A draft of the Independent Audit Panel report commissioned by Kirkcaldy Acute Hospital NHS Trust and Fife Health Board was received by them on 9 February 1998. I understand that the final report is likely to be published within the next 2–3 weeks. The Trust and Board have indicated that all 34 families who submitted written complaints will receive a copy of the report.

Further Education

Mr. Welsh: To ask the Secretary of State for Scotland if he will make a statement on the Further Education Funding Council, with particular reference to *(a)* its membership, *(b)* its policy remit, *(c)* the openness and transparency of its operation and *(d)* its relationship with the colleges as regards long-term funding commitments. [47252]

Mr. Wilson: My right hon. Friend the Secretary of State intends to establish the Scottish Further Education Funding Council on 1 January 1999, or as soon as possible thereafter.

The post of chairman of the new Council was advertised earlier this month. Advertisements relating to membership will appear shortly.

The precise range of functions to be delegated to the new Council, and therefore its policy remit, are still under consideration. The new council will be expected to conform to the highest standards of openness and accountability which the Government require of all non-departmental public bodies and, in carrying out its functions, to establish effective working relations with the FE colleges.

Mr. Welsh: To ask the Secretary of State for Scotland if he will ensure that no staff member at a college or university in Scotland is made redundant or forced to take early retirement for purely financial reasons. [47250]

Mr. Wilson: Decisions on employment of staff are entirely a matter for colleges and universities.

Freshwater Fishing

Mr. Canavan: To ask the Secretary of State for Scotland what steps he is taking to improve access to freshwater fishing. [45577]

Mr. Macdonald: The Government will continue to encourage the provision of greater access for public angling consistent with sound management and conservation. We have also made it clear that action will be taken when access proposed as part of Protection Orders granted under the Freshwater and Salmon Fisheries (Scotland) Act 1976 fails to materialise or is withdrawn.

AGRICULTURE, FISHERIES AND FOOD

Pesticides

Mr. Nigel Jones: To ask the Minister of Agriculture, Fisheries and Food which approved pesticides are considered *(a)* systemic and *(b)* non-systemic. [46699]

Mr. Rooker: To classify all approved pesticides as systemic or non-systemic pesticides would incur disproportionate cost. Pesticides are approved only if they can be used safely and any resulting residues in crops are at an acceptably low level.

Mr. Nigel Jones: To ask the Minister of Agriculture, Fisheries and Food if he will list all pesticides containing organophosphates currently approved in the UK. [46698]

Mr. Rooker: I have placed a list of the organophosphate-based pesticide products currently approved by the Department for use in the United Kingdom in the Library of the House.

Dairy Farming

Mr. Healey: To ask the Minister of Agriculture, Fisheries and Food what factors underlie the compensation rates paid to *(a)* dairy farmers and *(b)* lowland suckler producers. [46458]

Mr. Rooker: Dairy farmers and lowland suckler producers may benefit from payments under a range of Schemes. Most of the terms and conditions of these Schemes are determined at the EU level.

If my hon. Friend has queries relating to a particular Scheme, I would be happy to address them.

Live Animal Exports

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer to the hon. Member for Broxtowe (Dr. Palmer) of 5 May 1998, *Official Report*, columns *303–04*, concerning live animal exports, if, in the case of pigs, he has received all the completed route plans certifying that the journeys took place in accordance with the statutory requirements. [44296]

Mr. Morley *[holding answer 8 June 1998]:* Central records are not kept which show the numbers of route plans returned. The arrangements in place are designed to follow up instances of non-return of route plans, so that either the returned plan is held at the Animal Health Divisional Office that issued it in case queries subsequently arise, or the failure to return the plan is logged against the record of the transporter concerned to enable enforcement action to be considered. We attach importance to making these arrangements as effective as possible and have recruited a local authority enforcement officer to assist us in this.

Bovine Tuberculosis

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food when he expects to receive the report and advice from the Expert Group under Professor Bourne's chairmanship regarding the implementation of the report by Professor Krebs on badgers and bovine tuberculosis. [47256]

Mr. Rooker: I expect to receive the Expert Group's first report, on the design of the culling experiment recommended by Professor Krebs, shortly.

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food when he will announce the results of his consultation following the publication of Professor Kreb's report on badgers and bovine tuberculosis. [47257]

Mr. Rooker: I am hoping to make an announcement before the House rises for the summer recess.

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food if he will report on the results of the Thornbury experiment. [46763]

Mr. Rooker: The policy employed in the area around Thornbury was not conceived as a scientific experiment but as a means of controlling the spread of tuberculosis from badgers to cattle. This involved the systematic removal of badgers from a defined geographical area around Thornbury, Gloucestershire during the period from 1975 to 1981, after which re-colonisation was allowed. The average incidence of TB in cattle herds fell from 5.6 per cent. in the 10 years prior to the clearance, to 0.45 per cent. in the 15 years following the clearance.

Professor Krebs' recent report on Bovine Tuberculosis in Cattle and Badgers concludes that, whilst the policy applied in the Thornbury area provides strong circumstantial evidence to suggest that badgers represent a significant source of *Mycobacterium bovis* infection in cattle, it does not prove a causal link, nor does it constitute a proper experimental basis to enable conclusions to be drawn about the effectiveness, or cost-effectiveness, of different badger culling strategies.

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food what validated results might be expected, and when, from the experiment proposed in the Krebs report. [46759]

Mr. Rooker: The purpose of the experiment proposed by Professor Krebs is to provide the data needed to evaluate the efficacy and cost-effectiveness of badger culling as a means of controlling TB in cattle. I am awaiting advice from the Expert Group which is working on the detailed design of the experiment, including the data which must be collected.

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food if he will meet Professor Stephen Harris of the University of Bristol School of Biological Sciences. [46764]

Mr. Rooker: I have no plans to meet Professor Harris in the near future. However, I met him last year with the Parliamentary Secretary, my hon. Friend the Member for Scunthorpe (Mr. Morley), who meets and corresponds with him regularly.

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food if he will list the scientific, methodological and humane objections which he has received to the proposed Krebs experiment. [46762]

Mr. Rooker: A number of such objections have been raised, and have been referred to the Expert Group to be taken into account during the work of designing the experiment. The objections featuring most frequently in correspondence have concerned the risks that denial of access to private land, or interference by badger rights activists or farmers illegally culling badgers, could undermine the statistical validity of the experiment; the numbers of badgers which could be killed; the possibility that lactating sows might be culled; and the fear that snares could be used to trap badgers. There have also been claims that the experiment is unnecessary both because badger culling has been shown not to work, and because it has been proved effective.

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food if he will estimate the range of increase expected in TB herd breakdowns in 1999. [46758]

Mr. Rooker: It is too early to make informed estimates of the number of TB herd breakdowns likely in 1999.

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food if he will list and summarise each of the major reports on badgers and bovine TB considered by his Department since 1970. [46756]

Mr. Rooker: There have been three major reports on badgers and bovine TB commissioned and considered by this Department since 1970:

The report from Lord Zuckerman in 1980 (Badgers, Cattle and Tuberculosis);

The report from Professor Dunnet in 1986 (Badgers and bovine tuberculosis); and

The report from Professor Krebs in 1997 (Bovine Tuberculosis in Cattle and Badgers).

Copies of these reports, each of which contains a summary of the main findings/recommendations, are available in the Library of the House.

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food if he will publish a detailed response to the letter to him dated 6 May about the Krebs report and the proposed badger culling experiment from Professor Stephen Harris of the University of Bristol School of Biological Sciences. [46761]

Mr. Rooker: I replied to Professor Harris's letter on 22 June, inviting him to discuss his concerns in detail with officials.

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food how many badgers proposed to be killed in the Krebs experiment are expected to be *(a)* snared and *(b)* trapped. [46760]

Mr. Rooker: We shall take no decisions on the conduct of the culling experiment until we have received advice from the Expert Group. This will include advice on the method or methods to be used to capture badgers.

Poultry

Mr. Todd: To ask the Minister of Agriculture, Fisheries and Food what measures are taken to ensure that poultry meat imported into the United Kingdom meets EU and United Kingdom rules and legislation; and what steps he will take to ensure fair competition in the UK poultry meat market. [46977]

Mr. Rooker: All fresh meat, including poultrymeat, imported into the UK, whether from other Member States or third countries, must have been produced in accordance with harmonised Community rules. These rules require all meat which is intended for sale for human consumption to fulfil the required public health standards. This means that it must be produced in EC approved establishments and, to signify this, must be stamped with a health mark before leaving the plant.

Ensuring that all Member States comply with their Community obligations in properly implementing and applying Community rules is the responsibility of the European Commission, whose Office of Veterinary and Phytosanitary Inspection carries out regular programmes of inspections visits to all Member States. The inspection, approval and monitoring of poultrymeat slaughterhouses in third countries are also the responsibility of the European Commission.

In addition, meat imported from third countries must be accompanied by agreed animal and public health certification which is issued at the plant of origin and must take place via approved Border Inspection Posts (BIPs) where they undergo veterinary checks to ensure that they comply with EU animal and public health legislation.

Livestock Support

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food if he will give the levels of *(a)* suckler cow, *(b)* ewe premium and *(c)* HLCA payments for beef and sheep per animal in cash prices and at 1997 prices for each of the last five years and his proposals for 1998–99. [23484]

Mr. Rooker *[pursuant to the reply, 8 June 1998, c. 455]:* The information requested is set out in the following table. This has been updated in respect of payment rates for 1997 and, where possible, for 1998.

Payment rates (£ per head)—sheep annual premium scheme, suckler cow premium scheme, hill livestock compensatory allowances

	1993	*1994*	*1995*	*1996*	*1997*	*1998*
Sheep annual premium:						
including LFA supplement						
Cash prices	24.21	22.21	26.95	19.04	16.76	n/a
1997 prices	27.32	24.28	28.47	19.64	16.76	n/a
excluding LFA supplement						
Cash prices	19.25	16.96	21.26	13.66	11.61	n/a
1997 prices	21.55	18.54	22.46	14.09	11.61	n/a

Payment rates (£ per head)—sheep annual premium scheme, suckler cow premium scheme, hill livestock compensatory allowances

	1993	1994	1995	1996	1997	1998[6]
Suckler cow premium:						
including extensification premia						
Cash prices	93.90	115.12	143.04	155.15	159.48	152.75
					146.52[1]	140.34[1]
1997 prices	105.12	125.83	151.10	160.03	159.48	n/a
					146.52[1]	
excluding extensification premia						
Cash prices	65.73	87.49	114.43	124.12	117.36	112.41
1997 prices	73.58	95.63	120.88	128.02	117.36	n/a
Hill Livestock Compensatory Allowances:						
SDA Beef Cow						
Cash prices	63.30	47.50	47.50	47.50	97.50[2]	47.50
1997 Prices	70.86	51.92	50.18	48.99	97.50	n/a
DA Beef Cow						
Cash prices	31.65	23.75	23.75	23.75	69.75[3]	23.75
1997 prices	35.43	25.96	25.09	24.50	69.75	n/a
SDA High Rate Ewe						
Cash prices	6.50	5.75	5.75	5.75	5.75	5.75
1997 prices	7.28	6.28	6.07	5.93	5.75	n/a
SDA Lower Rate Ewe						
Cash prices	3.60	3.00	3.00	3.00	3.00	3.00
1997 prices	4.03	3.28	3.17	3.09	3.00	n/a
DA Ewe Rate						
Cash prices	2.86	2.44	2.44	2.65	2.65	2.65
1997 prices	3.20	2.67	2.58	2.73	2.65	n/a

[1] Where stocking density is less than 1 livestock unit (LU) per hectare
[2] Where stocking density is 1 LU/ha or more, but less than 1.4 LU/ha
[3] Includes Beef special aid of £50.00
[4] Includes Beef special aid of £46.00
[5] 1997 cash prices for 1998 are not available. 1997 is the latest full year for which RPI figures are available
Note:
LFA = Less Favoured Area
SDA = Severely Disadvantaged Area
DA = Disadvantaged Area

HEALTH

Young Carers

Ms Shipley: To ask the Secretary of State for Health what assessment he has made of the impact of the implementation of the Carers (Recognition and Services) Act 1995 on young carers; and what estimate he has made of the number of assessments made of young carers under the Act. [46572]

Mr. Boateng: We continue to monitor the implementation of the Carers (Recognition and Services) Act, through commissioned research and as part of the social services inspection programme. Estimates of the number of young carers' assessments under the Act are not available.

Ms Shipley: To ask the Secretary of State for Health if support for young carers will be included in the national strategy for carers. [46568]

Mr. Boateng: The national strategy will be concerned with all carers. We take a close and active interest in the needs of children and young people who undertake responsibility for the well-being of a relative or friend with a disability or chronic illness.

Newspaper Rounds

Mr. Bob Russell: To ask the Secretary of State for Health what effect EC Directive 94/33 will have on the employment of young people in the home delivery of newspapers. [46983]

Mr. Boateng: None.

Nurses Day

Mr. Maclean: To ask the Secretary of State for Health what initiatives the Government took to promote the UN International Nurses Day on 12 May. [47220]

Mr. Milburn: We were involved in a number of initiatives to promote the United Nations International Nurses Day on 12 May, and during that week.

The Chief Nursing Officer for England, Mrs. Yvonne Moores, attended and supported the international gathering of global senior nurses at the 51st World Health Assembly in Geneva, organised by the International Council of Nurses on International Nurses Day.

To mark International Nurses Day, and the United Kingdom Presidency of the European Union, the Chief Nursing Officer for England, supported by her UK Chief Nursing Officer colleagues, hosted a "masterclass" for European Union Government Chief Nurses, in London

from the evening of 12 May to 14 May. The "masterclass" aimed to debate the nursing, midwifery and health visiting contribution to public health. The keynote address to the conference was given by my hon. Friend the Minister for Public Health. Other invited speakers included senior nurses and others from the World Health Organisation, the EU, the Commission and senior nurse colleagues from member states. A report of the "masterclass" is being prepared.

My right hon. Friend the Secretary of State and the Chief Nursing Officers for England, Scotland and Ireland, with many of the European Chief Nurses, attended the Florence Nightingale memorial service in Westminster Abbey on 14 May.

Departmental Cash Limits

Ms Southworth: To ask the Secretary of State for Health what changes will be made to the cash limits of his Department in 1998–99. [47439]

Mr. Dobson: Subject to Parliamentary approval, the cash limit for Class XI, Vote 1 (Hospital, community health, family health and related services, England) will be increased by £6,600,000 (from £31,385,613,000 to £31,392,213,000). This allows for a transfer of £6,600,000 from Class IX, Vote 1 (Department for Education and Employment: programmes and central services) to reflect the initial transfer of funding responsibilities for students in health care professions.

The cash limit for Class XI, Vote 2 (Department of Health, administration, miscellaneous health and personal social services, England) will be reduced by £1,130,000 (£75,000 running costs), from £1,097,507,000 to £1,096,377,000. This reduction allows for the transfer of responsibility for childcare and early years policy to Class IX, Vote 1 (Department for Education and Employment: programmes and central services) as announced by my right hon. Friend the Prime Minister on 27 March 1998, *Official Report*, column *296*.

The Department's gross running cost limit will be increased by £4,425,000 from £258,490,000 to £262,915,000 for additional work being carried out by the National Health Service Pensions Agency on missold pensions (£4,500,000) less part of the transfer mentioned above.

All increases will be offset by savings, increased receipts or transfers to or from other Votes and will not therefore add to the planned total of public expenditure.

Medical Negligence

Mr. Dalyell: To ask the Secretary of State for Health what policy conclusions he has drawn from the lecture on medical negligence presented by Lord Justice Sir Philip Otton at the Royal Society of Medicine on 20 June, with particular reference to problems facing junior doctors. [46787]

Mr. Milburn: Lord Justice Otton's speech makes a number of wide-ranging suggestions. My right hon. Friend the Secretary of State recently invited interested parties from both the National Health Service and legal spheres to submit ideas on how to reduce clinical negligence litigation, and how to manage better that which will inevitably occur. Lord Justice Otton's proposals will form part of that debate, but it is too early yet to draw any firm conclusions.

Residential Child Care Initiative

Mr. Dawson: To ask the Secretary of State for Health if he will estimate the proportion of staff who have qualified under the Residential Child Care Initiative and continue to work in local authority residential child care *(a)* nationally and *(b)* by local authority. [47001]

Mr. Boateng: The information requested is not available centrally. However, an evaluation of the residential child care initiative (RCCI) undertaken for the Department by the Tavistock Institute showed that 455 local authority staff were seconded under the initiative and 35 bursaries were awarded for staff in the voluntary sector. The research concluded

"that RCCI, considered with other changes taking place at a local level, was contributing to an overall increase in the proportion of qualified staff in residential child care".

The proportion of RCCI secondees who had not returned to the residential child care sector was found to be relatively small (13.5 per cent.).

Young People in Care

Mr. Dawson: To ask the Secretary of State for Health if he will make a statement on progress towards the establishment of a national organisation for young people in care. [46998]

Mr. Boateng: We are pleased to be able to report that we have agreed funding for an initial three year period to assist in the creation and establishment of a national organisation for young people in care and care leavers. The grant to the new organisation will be channelled through First Key—The National Leaving Care Advisory Service.

Residential Social Workers (Training)

Mr. Dawson: To ask the Secretary of State for Health what percentage of the recipients of the training support grants allocated for the training of residential social workers undertaking NVQ level 3 completed the course in each of the last two years; what was the average time taken to complete the course; and what steps are being taken to ensure that NVQ assessors are available. [46999]

Mr. Boateng: The sub-programme of the training support programme to train residential social care staff to National Vocational Qualification level 3 began in 1998–99. It is the responsibility of the assessment centres approved by awarding bodies for National Vocational Qualifications and employers to ensure the availability of assessors for the National Vocational Qualifications in care.

Health Services (Worcestershire)

Mr. Luff: To ask the Secretary of State for Health, pursuant to his answer of 18 June 1998, *Official Report*, columns *309–10*, concerning health services in

Worcestershire, if he will make it his policy to set a target date for deciding on service reconfiguration in the county; and if he will make a statement. [47253]

Mr. Milburn: No.

Anti-acne Drugs

Mr. Flynn: To ask the Secretary of State for Health what reports he has received of adverse reactions following the use of the anti-acne drug Roaccutane/Accutane; and if he will make a statement. [42061]

Ms Jowell *[pursuant to her reply, 18 May 1998, c. 267]*: I regret the number of prescriptions quoted in my previous reply was incorrect. This information was derived from data held by the Prescription Pricing Authority which cover only prescriptions written by general practitioners. There is no national scheme for gathering drug usage in hospitals; hence the estimate for the use of Roaccutane has been derived from sales figures. The majority of prescriptions for Roaccutane are written in hospitals; therefore the previous estimate of 11,000 prescriptions underestimates the true usage.

Information from the manufacturer provides an estimate of 136,563 prescriptions for Roaccutane covering the period 1993 to 1997 in the United Kingdom. These prescriptions cover both general practice and hospital usage. During this period, the Medicines Control Agency/Committee on Safety of Medicines have received a total of 280 reports covering 467 suspected adverse reactions reported in association with Roaccutane therapy. These reports cover a range of effects; the most frequently reported include skin and subcutaneous tissue reactions, musculoskeletal disorders and gastrointestinal disorders.

Roaccutane (oral isotretinoin) is available only on prescription for the treatment of severe acne which has failed to respond to antibiotics. It is recommended for use under the supervision of a consultant dermatologist. The product information for doctors and patients includes information on its adverse effects.

SOCIAL SECURITY

Average Earnings

Mr. Flynn: To ask the Secretary of State for Social Security, pursuant to her answer of 8 April 1998, *Official Report*, column *377*, what rates of real increase in average earnings for the years to September (i) 1998 and (ii) 1999 were derived from the data and evidence available at the time of the Pre-Budget report; and what would be the corresponding rates of real increase based on the data and evidence now available. [44820]

Mr. Denham *[holding answer 9 June 1998]*: At the time of the Pre-Budget Report the latest figures for average earnings showed growth of 4.3 per cent. and RPI excluding mortgage interest payments was forecast to be 3 per cent. in 1998 and 2.5 per cent. in 1999.

The latest figures now show average earnings growth running at 5.2 per cent. At Budget time the forecast for RPI excluding mortgage interest payments in 1998 was revised down to 2.75 per cent. and the forecast for 1999 was unchanged at 2.5 per cent.

Incapacity Benefit

Mr. Love: To ask the Secretary of State for Social Security how many recipients of incapacity benefit *(a)* nationally and *(b)* in Leaside District have had their case reviewed; how many of those have had their benefit stopped; how many have appealed; and how many of those appeals have been upheld in each of the last three years. [45095]

Mr. Denham *[holding answer 9 June 1998]*: The information is not available in the format requested. Such information as is available is set out in the table.

	1995–96	*1996–97*	*1997–98*
Great Britain			
Total number of decisions following application of the all work test (AWT)	914,656	1,270,284	1,237,982
Number disallowed following application of the AWT[2]	105,027	208,981	222,290
Number of appeals received against a decision on the AWT	40,665	91,550	n/a
Number of decisions in appellant's favour	4,122	31,036	n/a
Leaside District[3]			
Total decisions following application of the AWT	5,494	6,091	6,946
Number disallowed following application of the AWT[2]	438	1,380	1,192

[1] Includes some Severe Disablement Allowance cases and a few decisions following application of the Own Occupation Test of incapacity
[2] Includes disallowances following failure to return the all work test questionnaire or failure to attend medical examination without good cause
[3] Leaside District includes the Benefits Agency local offices of Edmonton, Wood Green and Tottenham
Sources:
100 per cent. count of the Incapacity Benefit Computer System, Benefits Agency and Independent Tribunal Service

Council Tax Relief

Mr. Dawson: To ask the Secretary of State for Social Security what factors and costings are taken into account in establishing the personal allowance for council tax relief for *(a)* single people and *(b)* couples. [47000]

Mr. Keith Bradley: The single person's and couple's rates of the personal allowance used in the calculation of Council Tax Benefit are intended to represent the cost of day to day living. The rates are uprated by Parliament annually. Additional allowances or premiums can be included in the calculation for those single people and couples identified as having extra needs, for example those who are long-term sick, elderly or with children.

Benefits Agency

Mrs. May: To ask the Secretary of State for Social Security what guidance she has issued to the Benefits

Agency on access to benefits for people with learning disabilities who are in the care of a health trust but who have been discharged from hospital beds. [47286]

Mr. Denham: There has been no special guidance issued to the Benefits Agency (BA) about access to benefits for people with learning difficulties who have been discharged from hospital beds but who remain under the care of an NHS Trust.

The BA is currently overhauling its leaflet programme in line with Active Modern Service. It is aimed to make the material simpler and much more customer focused, giving a better entry point into the Social Security system. The first set of products is due to be launched around October 1998.

There is a core series of leaflets which provide general information on disability benefits (FB2—Which benefit?, FB4—Young Peoples Guide to Social Security, and FB28—Sick or Disabled). Specific benefit leaflets to which these general leaflets refer, together with others on specific topics like being in hospital are also available (IS1 & IS20—Income Support, IB202—Incapacity Benefit, NI252—Severe Disablement Allowance, DS702—Attendance Allowance, DS704—Disability Living Allowance, NI6—Industrial Injuries Disablement Benefit and NI9—Going into hospital).

The Benefit Inquiry Line gives general disability benefit advice over the telephone while the Agency's network of local offices advises about any benefit or pension.

Benefit Integrity Project

Mr. Maclean: To ask the Secretary of State for Social Security how many people in Cumbria have *(a)* been disallowed benefit and *(b)* received increased benefit as a result of the Benefit Integrity Project. [45664]

Mr. Denham: The administration of the Benefit Integrity Project is a matter for Peter Mathison, the Chief Executive of the Benefit Agency. He will write to the right hon. Member.

Letter from Peter Mathison to Mr. David Maclean, dated 22 June 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking how many people in Cumbria have *(a)* been disallowed benefit and *(b)* received increased benefit as a result of the Benefit Integrity Project (BIP).

The information concerning the BIP is not available in the format requested. To provide geographical information routinely would incur high costs and disrupt the processing of ongoing casework.

As at 30 April 1998, a total of 172,026 cases, including 27,991 renewal cases have been selected for action under the BIP. At the same date a total of 81,221 cases have been examined. Of the total cases dealt with 1,864 have had their benefit increased, 63,380 have remained unchanged, 10,058 have had their benefit reduced and 5,919 have had their benefit stopped.

The total included 16,366 renewal cases of which 505 had their benefit increased, 8,407 have remained unchanged, 4,436 have had their benefit reduced and 3,018 have had their benefit stopped.

A monthly statistical report can be found in the House of Commons Library.

I hope you find this reply useful.

Written Answers to Questions

Wednesday 24 June 1998

TRADE AND INDUSTRY

Offshore Oil and Gas

Mr. Dafis: To ask the President of the Board of Trade if she will place in the Library copies of the correspondence her Department has received in the last six months concerning the implementation of the Environmental Impact Assessment Directive as it affects the offshore oil and gas industry. [46008]

Mr. Battle: Correspondence received by the Department in London and Aberdeen since December 1997 concerning the implementation of the Environmental Impact Assessment Directive as it applies to the offshore oil and gas industry covers a wide range of matters, including requests for and responses to the February draft of the Regulations which came into effect on 30 April and comments on Guidelines designed to help those involved in preparing or responding to environmental statements required under those Regulations. The consultation correspondence includes material from other government Departments, statutory advisers, local authorities, companies and industry representatives and environmental and other interest groups and, since neither of the consultation requests mentioned that responses would be copied for publication, it would be appropriate as a matter of courtesy to seek correspondents' permission before doing so. There is also some correspondence regarding the impact of the Regulations on future projects which may include commercially confidential material and, again, the correspondents' permission would be needed before such letters could be released. For these reasons, the copies requested could be provided only at disproportionate cost.

Export Controls

Mr. Cousins: To ask the President of the Board of Trade what export licensing controls exist in respect of the export of civil nuclear technology and equipment; and if existing procedures are under review. [46481]

Mrs. Roche: The UK's export controls on nuclear and nuclear-related goods are derived from international nuclear non-proliferation commitments and membership of international nuclear export control regimes, in particular the Nuclear Suppliers Group (NSG), whose members have agreed common guidelines for the transfer of nuclear and nuclear-related goods and technology. The NSG guidelines are reproduced as International Atomic Energy Agency document INFCIR 254, Parts I and II as amended.

These commitments are given effect in the relevant legislation, which in this case is Council Regulation (EC) No.381/94 on the export of dual use goods and the related Council Decision 94/942/CSFP as amended.

The Council Regulation—which has a much wider scope than civil nuclear equipment and technology—foresees a review three years after the date of its entry into force, which was 1 July 1995. The UK is working with EU partners on such a review. In addition, the UK works with NSG partners on the development of the NSG guidelines. No general review of these strict controls is currently being undertaken, but work is in hand in the NSG to examine ways in which specific issues such as the intangible transfer of technology may be addressed to ensure that the guidelines remain as effective as possible in a changing technological environment.

Nuclear Power Authorities (Visitors)

Mr. Cousins: To ask the President of the Board of Trade how many foreign visitors and delegations from which countries have been received by *(a)* the United Kingdom Atomic Energy Authority and *(b)* British Nuclear Fuels Limited since 1991. [46478]

Mr. Battle: I am advised by UKAEA that they received over 22,000 foreign visitors from countries throughout the world since 1991. I understand from BNFL that it would be an extensive exercise to check past visitors records: in 1997, the last complete year, they received 178,000 visitors to the Sellafield Visitors Centre alone.

Road Vehicles (Fuel)

Mr. Pike: To ask the President of the Board of Trade how many and what percentage of road vehicles are currently powered by *(a)* compressed natural gas,*(b)* liquid petroleum gas and *(c)* electricity in (i) the United Kingdom and (ii) other member states of the European Union; and if she will make a statement. [46728]

Mr. Battle: In 1997, 9,100 vehicles were registered as running on gas or gas and petrol. No breakdown between compressed natural gas and liquid petroleum gas is available. There were 17,400 electric vehicles. Taken together, gas and electric vehicles make up less than 1 per cent. of the vehicles in the UK. There are no comprehensive statistics for other EU member states.

Interest in alternatively fuelled vehicles is growing, especially among fleet operators and local authorities. DTI is supporting the development and use of such vehicles through the Foresight Vehicle LINK programme and the work of the Cleaner Vehicles Task Force.

Research Councils

Mr. Sawford: To ask the President of the Board of Trade what mechanisms are in place to monitor and audit funding awarded to universities through the research councils. [46841]

Mr. Battle: All Research Councils' expenditure is subject to audit by the National Audit Office (NAO).

Research Councils themselves have annual programmes of dipstick testing of the usage of their grants within higher education institutions (HEIs). These programmes are carried out jointly by Council staff and the Research Councils' Internal Audit Service. The NAO are currently conducting a value for money audit examining the procurement by HEIs of capital equipment funded by Research Council grants.

Plutonium

Mr. Llew Smith: To ask the President of the Board of Trade, pursuant to her answer to my hon. Friend the Member for Kirkcaldy (Dr. Moonie), of 2 June 1998, *Official Report*, column *162*, if she will indicate the differences in information reported on civil plutonium under the new arrangements as against previous practice. [46811]

Mr. Battle: The key differences are:

(i) Information under the new format is now reported to the International Atomic Energy Agency, and circulated to Member States by the Agency, in keeping with the requirements of the 'Guidelines for the Management of Plutonium'. These figures, which show holdings of plutonium at 31 December instead of at 31 March each year, are more widely distributed than before.

(ii) The new format provides clearer information on holdings of plutonium in various forms in a way which facilitates international comparisons on a consistent basis.

(iii) Separate information is now published on the amount of plutonium held in the United Kingdom on behalf of foreign customers.

(iv) Information relating to reactor discharges and dispatches by site, and to exports and imports of plutonium, is no longer being published.

Radiation (Information)

Ms Walley: To ask the President of the Board of Trade when she expects to publish the proposed consultation document on new radioactive emergency preparedness and public information regulations. [46736]

Mr. Battle: The Health and Safety Executive are at present developing consultative proposals for the Radiation (Emergency Preparedness and Public Information) Regulations (REPPIR) in consultation with the Nuclear Emergency Planning Liaison Group, the Nuclear Safety Advisory Committee and the Ionising Radiations Advisory Committee. They are now expected to be published in a consultative document in Autumn 1998. The HSE are aiming for as much commonality as possible with the Proposals for Regulations implementing the Directive on the control of major accident hazards involving dangerous substances which were published as a consultative document in May 1998.

Genetically Engineered Animals

Mr. Baker: To ask the President of the Board of Trade if she will make a statement on the legal status of patents for genetically engineered animals granted by the EU within the United Kingdom. [46562]

Mr. Battle *[holding answer 22 June 1998]:* There is currently no mechanism for patents to be granted by the EU but patents having effect in the United Kingdom can be granted by the European Patent Office based in Munich. The European Patent Office is not an EU institution.

Provided certain formal requirements are met, patents granted by the European Patent Office have the same legal status in the United Kingdom as patents granted in this country. Thus, a patent for a genetically engineered animal granted by the European Patent Office gives the same rights and can be challenged in our courts in the same way as patents granted here.

Sellafield

Mr. Boswell: To ask the President of the Board of Trade what assessment she has made of the current safety situation at the Sellafield nuclear installations, with respect to *(a)* operating buildings, *(b)* abandoned buildings and *(c)* waste storage facilities; and if she will make a statement. [46956]

Mr. Battle *[holding answer 22 June 1998]:* The management of safety at Sellafield is a matter for the operator of the site, BNFL, in accordance with the requirements of the UK's independent nuclear safety regulator, the Health and Safety Executive's Nuclear Installations Inspectorate (HSE's NII). Under the terms of its nuclear site licence, BNFL must demonstrate to HSE's satisfaction that all operations at Sellafield, including decommissioning of redundant plant and waste storage, are adequately safe. HSE undertakes rigorous monitoring and assessment of BNFL's safety management arrangements and has extensive powers to enforce any safety related actions it considers necessary.

Additional expert scrutiny of safety issues associated with the UK civil nuclear industry, including activities at the Sellafield site, is provided by the independent Nuclear Safety Advisory Committee (NuSAC). NuSAC publishes a biennial report setting out details of its work. Its current programme includes consideration of a number of issues relating to the Sellafield site.

Coal Mining

Mrs. Brinton: To ask the President of the Board of Trade (1) what plans she has for support from public funds for the United Kingdom deep coal mining industry; and what representations she has received on this matter; [47087]

(2) what proposals have been received from the private sector for support for the United Kingdom deep mining industry in relation to the use of coal for electricity generation; and if she will make a statement. [47088]

Mr. Battle *[holding answer 23 June 1998]:* We are making good progress on our energy review and the Government hope to make an announcement on this very shortly.

INTERNATIONAL DEVELOPMENT

Montserrat

Mr. Streeter: To ask the Secretary of State for International Development how much her Department intends to spend in Montserrat in *(a)* 1997–98 and *(b)* 1998–99. [46726]

Clare Short: The Department for International Development (DFID) spent £38.3 million on assistance to Montserrat and Montserratian evacuees in 1997–98. I will arrange for a table showing DFID expenditure on Montserrat in the last three years to be placed in the Library of the House.

Upon the release of the draft Sustainable Development Plan, I announced my intention to make up to a further £75 million available to Montserrat over the three years 1998–99 to 2000–01 in support of the Plan. Within this period, expenditure is expected to be highest during 1998–99.

The Gambia

Mr. McDonnell: To ask the Secretary of State for International Development if she will provide a breakdown of all aid to the Gambia funded by the British Government, since 1994. [47302]

Clare Short: British aid to the Gambia, including Commonwealth Development Corporation investments, between 1993–94 and 1996–97 totalled £9.58 million. Figures for 1997–98 are not yet available but the total was approximately £800,000. The table analyses the figures by financial year and economic sector.

The Gambia bilateral aid by sector[1]

£000

	Total DFID programme[2]	*CDC investments*	*Total*
Renewable natural resources			
Agriculture and livestock			
1993–94	15	750	765
1994–95	—	—	—
1995–96	—	—	—
1996–97	—	—	—
Energy			
1993–94	68	—	68
1994–95	105	—	105
1995–96	100	—	100
1996–97	86	—	86
Telecommunications			
1993–94	122	—	122
1994–95	179	—	179
1995–96	158	—	158
1996–97	137	—	137
Public Administration			
1993–94	582	—	582
1994–95	626	—	626
1995–96	392	—	392
1996–97	374	—	374
Housing			
1993–94	5	—	5
1994–95	0	—	0
1995–96	1	—	1
1996–97	0	—	0
Health and Population			
1993–94	458	—	458
1994–95	422	—	422
1995–96	655	—	655
1996–97	378	—	378
Education			
1993–94	586	—	586
1994–95	484	—	484
1995–96	593	—	593
1996–97	613	—	613
Other public & community services			
1993–94	22	—	22
1994–95	16	—	16
1995–96	2	—	2
1996–97	—	—	—
Construction			
1993–94	272	—	272
1994–95	115	—	115
1995–96	45	—	45
1996–97	33	—	33
Financial & Business Services			
1993–94	41	—	41
1994–95	6	—	6
1995–96	—	—	—
1996–97	3	—	3
Programme Aid			
1993–94	372	—	372
1994–95	9	—	9
1995–96	—	—	—
Unallocable			
1993–94	215	—	215
1994–95	267	—	267
1995–96	171	—	171
1996–97	103	—	103
Total	8,835	750	9,585

[1] This comprises DFID programme (excluding emergency aid and debt relief) plus CDC investments
[2] This is all Technical Co-operation

Sudan

Ms Oona King: To ask the Secretary of State for International Development what percentage of United Kingdom overseas development assistance given to Sudan has been for *(a)* long-term development, *(b)* short-term relief and *(c)* disaster preparedness in each year since 1992. [45988]

Clare Short: The table shows our assistance to Sudan between 1992–93 and 1996–97. Our long-term bilateral development aid programme (excluding the Joint Funding Scheme and other small grant schemes) was terminated in 1991. Since then no new financial aid has been provided. Projects supported under our relief and rehabilitation assistance include both immediate relief and work on disaster preparedness; there is no separate figure for the latter.

British Assistance to Sudan

£000

	1992–93	*1993–94*	*1994–95*	*1995–96*	*1996–97*
Financial aid	—	—	—	—	—
Grants and other aid in kind[1]	[2]546	396	373	332	360
of which:					
Joint funding scheme grants[1]	137	170	176	149	109

British Assistance to Sudan

£000

	1992–93	1993–94	1994–95	1995–96	1996–97
Debt relief	444	423	414	411	389
Emergency relief/rehabilitation[4]	8,967	14,700	11,950	5,252	3,784
Total DFID programme	9,956	15,519	12,737	5,996	4,534

[1] Includes Heads of Mission Gift Schemes; British Partnership Schemes; Overseas Pension Schemes; and Programme Management
[2] Includes residual training from the aid programme
[3] Support for UK NGOs working in partnership with indigenous NGOs and community groups to provide lasting benefits to poor and vulnerable people
[4] Includes disaster relief, emergency food aid, short-term refugee relief, disaster preparedness and rehabilitation projects

TREASURY

Computers

Mr. David Atkinson: To ask the Chancellor of the Exchequer what estimate he has made of the cost of making central Government computer systems euro compliant. [43941]

Mrs. Liddell: Government Departments have investigated the impact of the launch of the euro on their computer systems. Early indications are that these are limited. But the situation may change depending on the extent to which the euro is used in the United Kingdom while we are outside the euro zone. The situation will be closely monitored.

IT implications are unavoidable if the United Kingdom joins the single currency. The Chancellor of the Exchequer has not made an estimate of the cost of making these changes as the cost of adapting central Government computers would depend on the detailed arrangements governing the transition to the single currency.

Education Spending

Mr. Maude: To ask the Chancellor of the Exchequer (1) what level of education spending would be required in *(a)* 1999–2000, *(b)* 2000–01, *(c)* 2001–02 and *(d)* 2002–03 in order to ensure that it was 0.1 per cent. higher as a proportion of GDP than in 1998–99, assuming the economy grows by two and a quarter per cent. in 1998, two per cent. in 1999 and two and a half per cent. in 2000; [46434]

(2) what level of education spending would be required in *(a)* 1999–2000, *(b)* 2000–01, *(c)* 2001–02 and *(d)* 2002–03 in order to maintain it at the same proportion of GDP as in 1998–99, assuming the economy grows by two and a quarter per cent. in 1998, two per cent. in 1999 and two and a half per cent. in 2000. [46430]

Mr. Darling: The proportion of Gross Domestic Product (GDP) formed by education spending in 1998–99 can be derived from tables 3A.2 and 4.1 of the Economic and Fiscal Strategy Report (Cm 3978). Projected levels of spending in future years at a fixed proportion of GDP can be calculated for any set of assumptions on economic growth and inflation. Table 4.1 offers assumptions for both output and prices.

Mr. Maude: To ask the Chancellor of the Exchequer what level of education spending would be required in *(a)* 1999–2000, *(b)* 2000–01, *(c)* 2001–02 and *(d)* 2002–03 if the rate of increase were to be maintained at the same real terms rate as over the 10 years to 1997–98. [46431]

Mr. Darling: The rate of growth in spending on education over the ten years to 1997–98 can be derived from table 3.3 of the Public Expenditure Statistical Analyses 1998–99 (Cm 3901). The level of spending for future years can then be calculated by applying this rate of growth, and assumptions for increases in prices such as those in table 4.1 of the Economic and Fiscal Strategy Report (Cm 3978), to the figure for 1997–98.

Official Engagements

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer (1) if he will list his engagements for 15 May to 8 June; [45488]

(2) if he will list his engagements for 7 June to 15 June. [46395]

Mr. Gordon Brown *[holding answers 15 and 18 June 1998]:* I attended a number of meetings with ministerial colleagues and others, carried out my duties in the House of Commons, gave several speeches and undertook a number of engagements in my constituency.

Public Investment

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what estimates he has made of the current marginal benefits of different forms of public investment; and if he will make a statement. [46399]

Mr. Darling *[holding answer 18 June 1998]:* The Government believe that at present the marginal benefits of public investment are likely to be relatively high, reflecting under-investment in public infrastructure over recent years. This view is based on an assessment of the quality of service generated from existing public assets. Although all public investment projects are subject to detailed appraisal, the assessment of marginal benefits is in many cases made in non-financial terms because of the difficulty of assigning a monetary value to social returns.

As explained in Cm 3978, the Economic and Fiscal Strategy Report, a number of steps are being taken, including the establishment of the Investment in Britain Fund, to make up for past under-investment and to provide for the modernisation of Britain's public sector infrastructure.

The conclusions of the Comprehensive Spending Review will include detailed spending plans, taking account of the scope for worthwhile public investment projects. Departments will subsequently prepare their Departmental Investment Strategies. These will be

scrutinised closely to ensure best value for money and positive social returns. The Treasury will publish the Departmental Investment Strategies in Spring 1999.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his estimate of the level of net public investment as a share of gross domestic product for each year from 2002–03 to 2004–05;and if he will make a statement. [46378]

Mr. Darling *[holding answer 18 June 1998]:* Projections of public sector net investment in 2002–03 and 2003–04 as a share of gross domestic product are given in Table 4.5 of the Economic and Fiscal Strategy Report (June 1998). Figures for the year 2004–05 are not available.

Economic and Fiscal Strategy

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will restate Table 4.5, page 44, of the Economic and Fiscal Strategy report of June 1998, to show total tax receipts and social security contributions before netting-off tax credits; and if he will make a statement. [46390]

Mr. Darling *[holding answer 18 June 1998]:* Corrected Budget forecasts of tax credits as a per cent. of GDP were published on 27 March 1998, *Official Report*, columns *348–50.* There were no changes to these forecasts in the Economic and Fiscal Strategy Report.

The Working Families Tax Credit will make work pay for families. It will guarantee a minimum income and will ease both the unemployment and poverty traps.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will update Table 1.2, page 11, of the "Financial Statement and Budget Report" of March 1998, to include the new forecasts contained in the Economic and Fiscal Strategy report of June 1998. [46373]

Mr. Darling *[holding answer 18 June 1998]:* Forecasts of the public sector net cash requirement, general government net borrowing and the public sector current budget were published in Table 4.5 of the Economic and Fiscal Strategy Report. There have been no changes to the costings of the 1998 Budget measures, shown in Table 1.2. of the "Financial Statement and Budget Report", since the March Budget.

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer if he will recalculate tables 4.4, 4.5, 4.6 and 4.7 in the Economic and Fiscal Strategy report on the assumption that GDP grows *(a)* by 1.5 per cent. in 1998–99 and by 1.75 per cent. in 1999–2000, *(b)* by 1.25 per cent. in 1998–99 and by 1.5 per cent. in 1999–2000, *(c)* by 1.0 per cent. in 1998–99 and by 1.25 per cent. in 1999–2000, *(d)* by 0.75 per cent. in 1998–99 and by 1.0 per cent. in 1999–2000, *(e)* by 0.5 per cent. in 1998–99 and by 0.75 per cent. in 1999–2000, *(f)* by 0.25 per cent. in 1998–99 and by 0.5 per cent. in 1999–2000, *(g)* by 0.0 per cent. in 1998–99 and by 0.25 per cent. in 1999–2000, *(h)* by –0.5 per cent. in 1998–99 and by 0.0 per cent. in 1999–2000 and *(i)* by –1.0 per cent. in 1998–99 and by 0.0 per cent. in 1999–2000. [46856]

Mr. Darling *[holding answer 22 June 1998]:* Table 4.1 of the Economic and Fiscal Strategy Report set out the economic assumptions underlying the public finance projections. The effect of different growth rates on the public finances would depend on the composition of growth in the revised assumptions, and the reasons for the change in growth.

Public Spending

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what proposals he has to increase consultation about public service standards and associated public spending plans; and if he will make a statement. [46383]

Mr. Darling *[holding answer 18 June 1998]:* The Government are fully committed to seeking improved standards in public services and better value for the taxpayer. Proposals will be published in the forthcoming Comprehensive Spending Review and "Better Government" White Paper.

Mr. Boswell: To ask the Chancellor of the Exchequer if it is his policy to keep public expenditure in balance over the economic cycle. [47288]

Mr. Darling *[holding answer 23 June 1998]:* Meeting the golden rule means that, over the economic cycle, public sector current spending will be funded by current receipts, and not by borrowing.

Golden Rule

Mr. Gibb: To ask the Chancellor of the Exchequer, pursuant to his answer of 11 June 1998, *Official Report*, column *652*, which paragraph of Annex B contains the Treasury definition of capital expenditure for the purposes of the golden rule. [46462]

Mr. Darling *[holding answer 18 June 1998]:* Paragraph 2.18 of the November 1997 *Pre-Budget Report* made clear that the Government monitor progress against the golden rule using the public sector current balance. Paragraph B.53 of the March 1998 "Financial Statement and Budget Report" sets out the definition of the current balance; and paragraphs B.62 and B.63 deal with the measurement of capital spending.

Stability and Investment Report

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer on what date the final draft of "Stability and Investment for the Long Term", June 1998 (Cm 3978), was sent to be printed; and if he will make a statement. [46372]

Mr. Darling *[holding answer 18 June 1998]:* In accordance with normal procedure, the final draft of Cm 3978, "Stability and Investment for the Long Term", June 1998, was sent to the printers the day before publication, Wednesday 10 June 1998.

Local Authority Airports

Dr. Lynne Jones: To ask the Chancellor of the Exchequer if he will make a statement on the changes in the fiscal rules that will apply to public corporations with particular reference to local authority airport companies. [47035]

Mr. Darling: The Minister for Transport will be consulting shortly on the Government's plans for allowing financially sound local authority airports greater commercial flexibility, as announced in the Economic and

Fiscal Strategy Report (Cm 3798). The consultations will cover both the detailed criteria for selecting those airports that will benefit and the operation of the new regime.

The Economic and Fiscal Strategy Report also announced plans to give certain, largely self-funding, public corporations more flexibility to manage their spending between years, within agreed limits on external finance. Additional flexibilities may be available for some of these bodies in the light of the conclusions of reviews currently under way.

Wage Increases

Mr. Peter Bottomley: To ask the Chancellor of the Exchequer if he will estimate the employment effect of a direct increase in wages in the UK of 0.6 per cent.. [47237]

Mrs. Liddell: The impact on employment would depend on why wages increased, and how employers and employees responded to the increase in wages. For example, if an increase in wages reflected higher productivity it need have no employment consequences, and for those on low pay it could promote employee commitment, reduce staff turnover and thereby provide a boost to productivity.

Pay

Mr. Ruane: To ask the Chancellor of the Exchequer if he will list the average pay rates for each of the counties in England, Scotland and Wales in descending order. [47105]

Mrs. Liddell: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Chris Ruane, dated 24 June 1998:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on earnings for each of the counties in England, Scotland and Wales.

The latest information, from the New Earnings Survey April 1997, is contained in the attached tables.

I will arrange for a copy of the tables to be placed in the Library.

Commemorative Coins

Ms Lawrence: To ask the Chancellor of the Exchequer what plans Her Majesty's Government have to issue any new commemorative coins. [47674]

Mr. Gordon Brown: Her Majesty the Queen has been graciously pleased to approve my recommendation that a crown piece should be issued in 1999 in memory of Diana, Princess of Wales.

The memorial crown will be available from banks and post offices at its face value of five pounds by 1 July, the anniversary of the birthday of the Princess. In addition, collector versions in base and precious metal will be placed on sale from early in the year.

The proceeds arising from the issue of this coin will go towards the development and implementation of the proposals announced by the Diana, Princess of Wales, Memorial Committee in their preliminary advice to HM Government published today. Copies have been placed in the Library of the House.

CULTURE, MEDIA AND SPORT

Football (Racism)

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport what steps the Government have taken to eradicate racism in football. [46098]

Mr. Banks *[holding answer 18 June 1998]:* The Government are fully committed to eliminating racism from football. One of the priorities of the Football Task Force was to address this problem, and I welcome and fully support the practical recommendations made in the Task Force's report into racism. I have written to the bodies identified in the report, asking them how they intend to take forward the measures relevant to them and seeking a clear timetable for action.

There are two specific recommendations that fall to Government: that the Football Offences Act 1991 should be amended to make racist abuse by spectators an offence; and that schoolchildren should have access to playing fields on a regular basis.

The Government will be amending the Football Offences Act 1991 as soon as legislative priorities allow. In the meantime, the Home Office has written to all chief police officers in England and Wales reminding them of existing powers under the Public Order Act 1986, which makes it an offence to use threatening, abusive or insulting words or behaviour with the intention of causing harassment, alarm or distress to the person to whom such words or behaviour are directed.

The Government recognise that schoolchildren should have access to playing fields to enable them to participate in a range of sports. We recently announced how we will protect existing playing fields needed by schools and communities through new legislation requiring schools to seek consent for the sale of playing fields and tightening planning controls.

Listed Buildings (East Sussex)

Mr. Waterson: To ask the Secretary of State for Culture, Media and Sport how many listed buildings, by number and grade, there are in East Sussex. [46705]

Mr. Banks: The information requested is as follows:

Grade I : 142

Grade II* : 327

Grade II : 6,554

HOME DEPARTMENT

Nurses (Working Holiday Visas)

Dr. Starkey: To ask the Secretary of State for the Home Department (1) what plans he has to amend the working holiday visa scheme to allow greater flexibility in respect of the employment of overseas nurses; [46503]

(2) if he will make it his policy to grant all nurses on working holiday visas an unrestricted two-year visa. [46504]

Mr. Mike O'Brien: We would not wish to relax the working holidaymaker rules further while a mechanism already exists, through the work permit scheme, for non-European Economic Area nationals to be employed in cases of skills shortage.

Policing Costs (Hunts)

Mr. Pike: To ask the Secretary of State for the Home Department which police forces charge organisers of hunts for policing costs; and if he will make a statement. [46730]

Mr. Michael: This information is not held centrally. It is for chief officers of police to decide when to charge for providing a police service. No charge should normally be levied for officers deployed on the public highway.

Policing Costs (Football Matches)

Mr. Pike: To ask the Secretary of State for the Home Department what reports his Department has received from police forces in England regarding police charges for Premier League and Football League matches for police off the ground in reserve; and if he will make a statement. [46729]

Mr. Michael: I have received some correspondence from Lancashire Constabulary about the current discussions between the force and Burnley Football Club over charging for policing football matches. I have asked the Chief Constable of Lancashire to keep me informed of developments.

It is for chief officers of police to decide when to charge for providing a police service but, under Home Office guidelines, no charge should normally be levied for officers deployed on the public highway outside football grounds.

Police Grant

Mr. Rowe: To ask the Secretary of State for the Home Department if he will list the police grant funding for each county for each of the last three years. [46925]

Mr. Michael: The information requested, for each police force area, is set out in the tables.

Grants to police authorities 1998–99

	Police revenue grant Home Office[1]	*Police capital grant Home Office*	*Other grants Home Office, DETR, Welsh Office*[2]	*Total*
Avon and Somerset	83,927,594	1,566,000	27,278,834	112,772,428
Bedfordshire	31,236,004	771,000	9,994,769	42,001,773
Cambridgeshire	36,984,853	489,000	10,002,899	47,476,752
Cheshire	53,821,066	772,000	15,277,729	69,870,795
City of London[3]	26,477,399	327,000	177,990	26,982,389
Cleveland	41,170,866	575,000	21,209,685	62,955,551
Cumbria	30,260,401	902,000	11,380,660	42,543,061
Derbyshire	50,025,805	2,626,000	14,446,156	67,097,961
Devon and Cornwall	86,035,239	2,757,000	25,066,602	113,858,841
Dorset	34,746,553	2,590,000	7,067,204	44,403,757
Durham	40,023,104	1,177,000	17,830,699	59,030,803
Dyfed Powys	26,041,183	446,000	4,624,850	31,112,033
Essex	81,230,190	1,237,000	20,869,674	103,336,864
Gloucestershire	31,508,615	520,000	9,513,646	41,542,261
Greater Manchester	186,857,552	2,777,000	92,332,074	281,966,626
Gwent	34,264,750	505,000	10,655,542	45,425,292
Hampshire	97,238,361	1,864,000	27,452,615	126,554,976
Hertfordshire	48,351,349	1,266,000	12,093,894	61,711,243
Humberside	56,629,333	2,279,000	23,956,850	82,865,183
Kent	91,742,017	2,263,000	29,423,872	123,428,889
Lancashire	89,725,382	1,248,000	36,752,787	127,726,169
Leicestershire	50,703,781	760,000	16,842,869	68,306,650
Lincolnshire	30,484,260	591,000	8,717,227	39,792,487
Merseyside	119,155,917	2,311,000	66,838,552	188,305,469
Metropolitan Police	931,430,758	21,892,000	500,538,080	1,453,860,838
Norfolk	41,511,521	2,096,000	11,595,311	55,202,832
North Wales	37,433,926	1,144,000	7,921,811	46,499,737
North Yorkshire	38,763,861	2,392,000	9,754,998	50,910,859
Northamptonshire	32,265,805	882,000	9,604,730	42,752,535
Northumbria	104,638,004	5,154,000	53,549,389	163,341,393
Nottinghamshire	62,798,626	2,290,000	25,636,418	90,725,044
South Wales	81,831,031	2,333,000	31,177,721	115,341,752
South Yorkshire	84,510,546	1,958,000	39,017,083	125,485,629
Staffordshire	56,923,712	3,008,000	18,028,138	77,959,850
Suffolk	33,943,496	474,000	8,331,409	42,748,905
Surrey	40,650,166	1,036,000	11,857,143	53,543,309
Sussex	83,399,383	1,929,000	22,638,081	107,966,464
Thames Valley Police	112,357,211	2,627,000	29,219,795	144,204,006
Warwickshire	26,196,092	397,000	6,800,324	33,393,416
West Mercia	56,204,353	1,161,000	12,986,799	70,352,152
West Midlands	190,264,486	3,857,000	94,475,766	288,597,252

Grants to police authorities 1998–99

	Police revenue grant Home Office[1]	*Police capital grant Home Office*	*Other grants Home Office, DETR, Welsh Office*[2]	*Total*
West Yorkshire	142,946,412	2,189,000	67,021,624	212,157,036
Wiltshire	32,481,037	758,000	8,857,919	42,096,956
Grant not allocated	—	918,000	6,887,250	7,805,250
Total	3,649,192,000	91,114,000	1,495,707,468	5,236,013,468

[1] Excludes balances paid in respect of 1994–95 accounts

[2] Includes (i) Revenue support grant and SSA reduction grant (DETR and Welsh Office), (ii) loan charges grant paid on pre-1990 debt, (iii) grant paid under section 48 of the Police Act 1996

"Other grants" excludes Revenue support grant and SSA reduction grant—no separately identifiable figures for the City of London police

Grants to police authorities 1997–98

	Police revenue grant Home Office[1]	*Police capital grant Home Office*	*Other grants Home Office, DETR, Welsh Office*[2]	*Total*
Avon and Somerset	79,564,084	1,794,000	26,462,454	107,820,538
Bedfordshire	29,969,661	1,355,000	9,498,497	40,823,158
Cambridgeshire	34,517,288	774,000	9,093,929	44,385,217
Cheshire	51,102,862	1,109,000	14,762,185	66,974,047
City of London	27,475,936	341,000	238,128	28,055,064
Cleveland	37,523,242	599,000	19,710,565	57,832,807
Cumbria	30,037,318	473,000	11,571,687	42,082,005
Derbyshire	48,089,785	2,171,000	14,165,751	64,426,536
Devon and Cornwall	79,046,941	1,718,000	23,648,381	104,413,322
Dorset	33,804,583	1,043,000	7,125,967	41,973,550
Durham	36,512,965	558,000	16,645,209	53,716,174
Dyfed Powys	25,198,643	386,000	6,172,467	31,757,110
Essex	79,693,871	1,945,000	20,410,694	102,049,565
Gloucestershire	30,371,173	541,000	9,479,225	40,391,398
Greater Manchester	176,078,065	4,757,000	89,530,846	270,365,911
Gwent	32,424,045	494,000	11,215,416	44,133,461
Hampshire	90,616,243	1,565,000	25,533,904	117,715,147
Hertfordshire	47,465,812	1,044,000	11,723,789	60,233,601
Humberside	53,034,050	2,131,000	22,926,095	78,091,145
Kent	84,673,351	4,476,000	26,642,762	115,792,113
Lancashire	83,767,796	1,305,000	36,463,228	121,536,024
Leicestershire	49,336,277	853,000	16,719,152	66,908,429
Lincolnshire	30,788,473	1,102,000	9,504,990	41,395,463
Merseyside	113,660,328	3,941,000	66,460,163	184,061,491
Metropolitan Police	900,344,546	24,774,000	507,822,039	1,432,940,585
Norfolk	39,052,823	2,728,000	11,554,573	53,335,396
North Wales	30,218,410	917,000	9,573,069	40,708,479
North Yorkshire	95,656,644	1,803,000	9,261,993	106,721,637
Northamptonshire	35,695,797	1,236,000	9,165,383	46,097,180
Northumbria	35,797,195	4,851,000	50,697,139	91,345,334
Nottinghamshire	59,069,950	2,633,000	25,850,470	87,553,420
South Wales	77,732,137	3,110,000	30,982,512	111,824,649
South Yorkshire	79,345,830	2,840,000	37,649,917	119,835,747
Staffordshire	57,200,041	2,627,000	18,547,556	78,374,597
Suffolk	31,859,276	493,000	8,499,579	40,851,855
Surrey	44,807,788	2,054,000	15,605,884	62,467,672
Sussex	78,415,319	2,696,000	21,577,439	102,688,758
Thames Valley Police	104,631,315	3,175,000	26,502,111	134,308,426
Warwickshire	25,725,130	663,000	7,111,493	33,499,623
West Mercia	53,417,326	2,529,000	12,499,332	68,445,658
West Midlands	175,339,329	4,457,000	91,567,944	271,364,273
West Yorkshire	132,526,320	3,080,000	65,907,102	201,513,422
Wiltshire	31,042,893	1,031,000	9,481,651	41,555,544
Grant not allocated	—	—	—	—
Total	3,472,630,861	104,172,000	1,475,562,670	5,052,365,531

[1] Excludes balances paid in respect of 1994–95 accounts

[2] Includes (i) Revenue support grant and SSA reduction grant (DETR and Welsh Office), (ii) loan charges grant paid on pre-1990 debt, (iii) grant paid under section 48 of the Police Act 1996, (iv) payments to police authorities in respect of implications of the Firearms (Amendment) Act 1997

[3] "Other grants" excludes Revenue support grant and SSA reduction grant—no separately identifiable figures for the City of London police

Grants to police authorities 1996–97

	Police revenue grant Home Office[1]	*Police capital grant Home Office*	*Other grants Home Office, DETR, Welsh Office*[2]	*Total*
Avon and Somerset	77,278,260	2,351,000	25,030,505	104,659,765
Bedfordshire	28,811,092	1,167,000	9,252,820	39,230,912
Cambridgeshire	33,348,537	629,000	8,821,067	42,798,604
Cheshire	49,500,131	961,000	14,065,961	64,527,092
City of London[3]	27,831,884	421,000	203,269	28,456,153
Cleveland	36,816,273	740,000	18,685,068	56,241,341
Cumbria	28,688,560	585,000	11,833,101	41,106,661
Derbyshire	46,355,758	1,122,000	13,394,184	60,871,942
Devon and Cornwall	77,025,454	1,907,000	20,857,334	99,789,788
Dorset	32,474,611	933,000	8,637,944	42,045,555
Durham	35,827,979	870,000	15,495,893	52,193,872
Dyfed Powys	24,241,009	477,000	8,141,371	32,859,380
Essex	76,160,629	4,187,000	20,333,298	100,680,927
Gloucestershire	29,317,079	1,015,000	9,161,711	39,493,790
Greater Manchester	171,880,949	4,286,000	85,120,299	261,287,248
Gwent	31,333,758	680,000	13,283,631	45,297,389
Hampshire	88,068,573	2,911,00	23,858,689	114,838,262
Hertfordshire	45,304,535	1,375,000	11,870,184	58,549,719
Humberside	51,746,268	2,067,000	21,409,048	75,222,316
Kent	82,321,694	4,083,000	24,838,623	111,243,317
Lancashire	81,970,295	1,699,000	33,417,198	117,086,493
Leicestershire	47,395,525	1,982,000	16,268,004	65,645,529
Lincolnshire	29,232,699	1,465,000	8,738,292	39,435,991
Merseyside	112,588,958	3,474,000	61,947,845	178,010,803
Metropolitan Police	846,761,947	27,749,000	526,169,133	1,400,680,080
Norfolk	38,205,064	1,283,000	10,556,691	50,044,755
North Wales	34,681,073	1,079,000	12,075,475	47,835,548
North Yorkshire	34,961,340	1,800,000	8,078,083	44,839,423
Northamptonshire	29,320,943	876,000	8,653,157	38,850,100
Northumbria	94,046,011	5,110,000	47,052,716	146,208,727
Nottinghamshire	57,583,603	3,501,000	23,296,748	84,381,351
South Wales	75,246,910	3,644,000	35,309,366	114,200,276
South Yorkshire	77,594,905	3,530,000	35,241,579	116,366,484
Staffordshire	54,610,654	2,165,000	18,499,215	75,274,869
Suffolk	31,033,584	609,000	8,203,782	39,846,366
Surrey	42,090,281	3,021,000	14,904,094	60,015,375
Sussex	75,763,690	3,746,000	20,106,622	99,616,312
Thames Valley Police	101,658,543	4,046,000	25,702,435	131,406,978
Warwickshire	24,725,312	521,000	6,781,933	32,028,245
West Mercia	51,605,192	2,036,000	11,971,915	65,613,107
West Midlands	172,342,961	4,799,000	84,765,670	261,907,631
West Yorkshire	130,447,666	3,918,000	61,047,452	195,413,118
Wiltshire	30,427,811	747,000	8,703,276	39,878,087
Grant not allocated	—	—	—	—
Total	3,348,628,000	115,567,000	1,451,784,681	4,915,979,681

[1] Excludes balances paid in respect of 1994–95 accounts

[2] Includes (i) Revenue support grant and SSA reduction grant (DETR and Welsh Office), (ii) loan charges grant paid on pre-1990 debt, (iii) grant paid under section 48 of the Police Act 1996, (iv) grant for special constabulary, (v) funding for PFI projects

[3] "Other grants" excludes Revenue support grant and SSA reduction grant—no separately identifiable figures for the City of London police

MI5

Mr. Matthew Taylor: To ask the Secretary of State for the Home Department what records relating to the activities of MI5 after 1918 are planned to be released to the Public Record Office; what years these records will cover; when these records will be released; and if he will make a statement. [46798]

Mr. Straw: The Security Service has started work on a review of its files relating to the Second World War. I hope that it will be possible to release some, but not all, of these files by the end of this year. Consideration will then be given to reviewing the records surviving from the inter-war period. As I announced in the House on 25 February 1998, *Official Report*, column 346. I hope to make a statement before the summer recess on files held by the Security Service.

Traffic Police

Ms Hewitt: To ask the Secretary of State for the Home Department which police forces have required traffic officers to undertake non-traffic duties. [46936]

Mr. Michael: Traffic officers in all police forces in England and Wales undertake non-traffic policing duties. Road traffic offences and general criminal offences do not arise in clearly separate ways which can be independently enforced. It is an important part of the British policing

system that traffic officers deal with all crimes which occur on the roads and that police officers on general duties can take action against breaches of road traffic law.

Ms Hewitt: To ask the Secretary of State for the Home Department how many and what percentage of police officers worked on traffic duties in each of the past 20 years, in each police force. [46926]

Mr. Michael: The allocation of resources to particular functions and the deployment of officers are operational matters for individual chief constables. Road traffic offences do not necessarily occur separately. A large part of traffic officers' time is spent dealing with ordinary crime, or carrying out ordinary police duties. Conversely, officers on general beat duties are able to take prompt action against breaches of road traffic law. Any figures must be interpreted with care against that background.

It is possible to provide figures only since 1990. These are set out in the tables which I have placed in the Library. Information for 1997-98 is not yet available.

Departmental Reviews

Mr. Allan: To ask the Secretary of State for the Home Department if he will list, for each of the last four years, all departmental inquiries and reviews instigated by ministers which have been chaired by individuals outside his Department, and in each case if he will give the date of establishment and the name of the chairman. [46834]

Mr. Straw: The information requested is as follows:

Committee	*Established*	*Chairman*
Inquiry into the escape of IRA Prisoners from Whitemoor gaol	September 1994	Sir John Woodcock
Inquiry into Prison Security	December 1994	Sir John Learmont
Inquiry into Legislation against Terrorism	December 1995	Lord Lloyd of Berwick
Assessment and implications of centrifuge contamination in the Trace Explosive Section of the Forensic Explosives Laboratory at Fort Halstead	May 1996	Professor Brian Caddy
Scrutiny of evidence relating to the Hillsborough Disaster	June 1997	Lord Justice Stuart-Smith
Inquiry under the Police Act 1996 into matters arising from the death of Stephen Lawrence	August 1997	Sir William Macpherson of Cluny
Independent Commission on the Voting System	December 1997	Lord Jenkins of Hillhead
Review of Financial Regulation in the Crown Dependencies	January 1998	Mr. Andrew Edwards

Victims of Crime

Mr. Beith: To ask the Secretary of State for the Home Department what assessment he had made of the merits of allowing victims of crime to present a statement to the police on the impact of the crime on their lives; and if he will make a statement on pilot schemes which have involved victims' statements. [46750]

Mr. Michael: Pilot schemes testing the use of 'victim statements' have been running in six police force areas since the end of 1996. Evaluation of the pilots is currently in hand, though a final report is not expected before the end of the summer. An assessment of the merits of the scheme will be made in the light of that report.

Electronic Tagging

Mr. Clappison: To ask the Secretary of State for the Home Department, pursuant to his answer of 15 June 1998, *Official Report*, column *71*, in respect of the offender who circumvented the strap of the equipment provided by the Digital Products Corporation, which company was responsible for monitoring the electronic tag; what plans he has for the same or similar equipment to be used in future; and what assessment he has made of whether other straps are susceptible to similar attempts at circumvention. [46986]

Ms Quin: Securicor Custodial Services was responsible for monitoring the offender who circumvented the tag. The type of equipment in question made use of first generation technology and I understand that Securicor has no plans to use such equipment again. All electronic monitoring equipment in England and Wales is tested, prior to its authorisation for use, against the technical criteria specified by the Home Office, which includes an assessment of the susceptibility of the equipment to tampering.

Witness Support

Mr. Dismore: To ask the Secretary of State for the Home Department if he will make a statement on arrangements for supporting witnesses in magistrates' courts. [47009]

Mr. Michael: We are committed to providing a more co-ordinated service to witnesses through the implementation locally of 'National Standards of Witness Care in the Criminal Justice System'.

Schemes supporting witnesses and other users of magistrates courts already exist in many parts of the country. Some are run by National Association for the Care and Resettlement of Offenders, some by Victim Support, while others have been established as a result of local initiatives. The possibility of improving support for users of magistrates courts is currently under consideration against the backdrop of the Government's Comprehensive Spending Review. We hope it will be possible to announce the outcome of this consideration later in the year.

Firearms

Mr. Cox: To ask the Secretary of State for the Home Department what is the total number of firearms that have been handed in under the Firearms Amendment Act 1997. [46976]

Mr. Michael: The prohibition of large-calibre handguns under the Firearms (Amendment) Act 1997 came into effect on 1 July 1997 and owners of such handguns were required to dispose of them lawfully by 30 September 1997. By the end of that period, 116,644 large-calibre handguns had been surrendered to the police. In addition, although at that time they had yet to be prohibited, 26,371 small-calibre pistols were surrendered

voluntarily by their owners to the police under the terms of the Government's ex gratia payment scheme. A further 19,183 small-calibre pistols were surrendered to the police between 1 and 28 February 1998 following the implementation of the Firearms (Amendment) (No. 2) Act 1997, which extended the original prohibition to small-calibre pistols. As a result, the total number of handguns surrendered to the police in England, Wales and Scotland was 162,198. The table shows the number of handguns surrendered by police force area.

Handguns surrendered under the Firearms Acts 1997

	1997 Act			*1997 (No. 2) Act*	
Constabulary/police	*Large calibre*	*Small calibre (ex gratia)*	*Total*	*Small calibre*	*Combined total*
England and Wales					
Avon and Somerset	3,227	566	3,793	702	4,495
Bedfordshire	992	232	1,224	150	1,374
City of London	73	30	103	30	133
Cambridgeshire	1,176	365	1,541	253	1,794
Cheshire	2,250	361	2,611	367	2,978
Cleveland	700	242	942	123	1,065
Cumbria	863	150	1,013	274	1,287
Derbyshire	1,791	476	2,267	287	2,554
Devon and Cornwall	3,625	573	4,198	892	5,090
Dorset	2,207	545	2,752	348	3,100
Durham	1,020	313	1,333	108	1,441
Dyfed Powys	1,320	234	1,554	239	1,793
Essex	4,840	1,268	6,108	658	6,766
Gloucestershire	1,102	280	1,382	318	1,700
Greater Manchester	3,834	1,093	4,927	595	5,522
Gwent	1,112	289	1,401	163	1,564
Hampshire	3,757	766	4,523	649	5,172
Hertfordshire	1,998	435	2,433	241	2,674
Humberside	1,169	352	1,521	216	1,737
Kent	3,745	822	4,567	603	5,170
Lancashire	2,280	671	2,951	340	3,291
Leicestershire	2,515	377	2,892	202	3,094
Lincolnshire	1,308	338	1,646	162	1,808
Merseyside	2,907	650	3,557	408	3,965
Metropolitan Area 1	699	177	876	89	965
Metropolitan Area 2	2,852	629	3,481	499	3,980
Metropolitan Area 3	3,264	749	4,013	473	4,486
Metropolitan Area 4	4,176	868	5,044	820	5,864
Metropolitan Area 5	3,324	573	3,897	631	4,528
Norfolk	2,224	554	2,778	350	3,128
Northamptonshire	1,048	333	1,381	226	1,607
Northumbria	1,823	459	2,282	279	2,561
North Wales	1,267	287	1,554	263	1,817
North Yorkshire	3,105	794	3,899	126	4,025
Nottinghamshire	3,571	555	4,126	628	4,754
South Wales	2,862	784	3,646	337	3,983
South Yorkshire	2,125	663	2,788	219	3,007
Staffordshire	2,942	641	3,583	364	3,947
Suffolk	1,598	527	2,125	216	2,341
Surrey	3,114	668	3,782	680	4,462
Sussex	3,286	502	3,788	530	4,318
Thames Valley	3,806	807	4,613	1,013	5,626
Warwickshire	832	215	1,047	176	1,223
West Mercia	2,588	608	3,196	491	3,687
West Midlands	5,011	825	5,836	640	6,476
West Yorkshire	3,702	654	4,356	588	4,944
Wiltshire	1,352	320	1,672	204	1,876
Sub total for England and Wales	110,382	24,620	135,002	18,170	153,172
Scotland					
Central Scotland	289	103	392	17	409
Dumfries and Galloway	236	83	319	33	352
Fife	293	76	369	61	430
Grampian	657	149	806	85	891
Lothian and Borders	1,253	245	1,498	194	1,692
Northern	958	307	1,265	173	1,438
Strathclyde	1,922	633	2,555	378	2,933
Tayside	654	155	809	72	881
Sub total for Scotland	6,262	1,751	8,013	1,013	9,026
Overall total for England, Wales and Scotland	116,644	26,371	143,015	19,183	162,198

Domestic Violence

Mr. Cox: To ask the Secretary of State for the Home Department what was the number of reported incidents of domestic violence in England and Wales during 1997. [46987]

Mr. Michael: Recorded crime statistics relate to offence type, not to the relationship between the victim and the offender. There is therefore no definitive figure for the number of violent crimes which are domestic in nature.

The most reliable nationwide estimate is provided by the British Crime Survey (England and Wales). The most recent survey suggested that, in 1995, there were one million incidents of domestic violence.

Prison Population

Mr. Flynn: To ask the Secretary of State for the Home Department what is the projected prison population for each of the next 10 years. [46581]

Ms Quin *[holding answer 19 June 1998]:* Projections are currently available through to 2005. A projection which assumes that trends in sentencing which have been observed over the last 20 years continue, is as follows:

	Annual averages
1998	65,000
1999	69,600
2000	72,200
2001	73,700
2002	75,800
2003	78,000
2004	80,400
2005	82,800

Alternative scenarios are available which give a prison population by 2005 of 92,600 (custody rates and sentence lengths increase at about the rate observed between 1992 and 1996) or of 64,400 (custody rates and sentence lengths remain at 1997 level). The projection does not take into account the effect of Home Detention Curfew, which is included in the Crime and Disorder Bill [*Lords*]. The effect of the Home Detention Curfew, when implemented, is estimated to bring a reduction in the prison population, below what it would otherwise be, of between 3,000 to 4,000.

The most recent projections were published in Home Office Statistical Bulletin 2/98 "Revised Projections of Long Term Trends in the Prison Population to 2005" on 29 January 1998. A copy of the bulletin is available in the Library. The bulletin describes the methodology of the projection in more detail.

Rehabilitation of Offenders

Mr. Clappison: To ask the Secretary of State for the Home Department what estimate he has made of the need for places in rehabilitation units for offenders made subject to drug treatment and testing orders. [47064]

Mr. George Howarth: The purpose of piloting the drug treatment and testing order in three areas will be to evaluate its cost, effectiveness and the demand for it from the courts. It is not possible at this stage to estimate with any accuracy what the need will be for places in rehabilitation units for offenders made subject to the order.

Mr. Clappison: To ask the Secretary of State for the Home Department how many places were available for the rehabilitation from illegal drugs of offenders aged 15 to 21 years whose offending is linked to drugs and who are considered to be in need of treatment by the courts or criminal justice agencies *(a)* on 1 May 1997 and *(b)* at the latest available date. [47066]

Mr. George Howarth: This information is not held centrally. In general, places in rehabilitation units are not reserved for specific categories of patients, such as those referred by the courts.

Law Commission Reports

Mr. McWalter: To ask the Secretary of State for the Home Department what consideration his Department is giving to Law Commission reports; and if he will make a statement. [47814]

Mr. Straw: I very much value the work done by the Law Commission and welcome the close working relationship between the Commission and the Department. The Home Office has the responsibility for considering the Law Commission's reports on the criminal law, although other Departments often have an interest in their proposals. Law Commission reports are normally considered by an interdepartmental working group of officials representing all the interested departments. The Law Commission plays a valuable role in assisting and advising these working groups.

The consultation paper "Violence: Reforming the Offences Against the Person Act 1861", which described the Government's proposals for reform based on the Law Commission's recommendations in their report "Offences Against the Person and General Principles" (LC 218), was issued in February. This was based on the work of an interdepartmental working group on which the Law Commission was represented. The Law Commission reports on Involuntary Manslaughter (LC 239) and Corruption (LC 248) are currently under consideration by similar interdepartmental working groups which include the Law Commission. The Criminal Law Commissioner is also advising an Interdepartmental Working Group considering the Misuse of Public Office.

The Law Commission's work on Hearsay also contributed to the work of the Vulnerable and Intimidated Witnesses Group which recommended that an interdepartmental working group be set up to consider the Law Commission's report on Hearsay (LC 245) in the broader context, taking account of the discussion in the report "Speaking Up For Justice". This working group will commence work shortly and will have the benefit of Law Commission membership.

Criminal Cases Review Commission

Mr. Campbell-Savours: To ask the Secretary of State for the Home Department how many applications for case review have been received by the Criminal Cases Review Commission in each month since its establishment. [46406]

Mr. Michael: The Criminal Cases Review Commission was empowered to investigate possible miscarriages of justice in England, Wales and Northern Ireland from 31 March 1997. Thirty two applications had been made to the Commission before that date, and 252 cases were transferred to the Commission from the Home Office and Northern Ireland Office. The numbers of applications received each month since then are as follows:

	Number
1997	
April	129
May	108
June	76
July	96
August	102
September	92
October	76
November	97
December	58
1998	
January	80
February	85
March	97
April	105
May	96

Mr. Campbell-Savours: To ask the Secretary of State for the Home Department how many case workers have been employed by the Criminal Cases Review Commission in each month since its establishment. [46407]

Mr. Michael: The numbers of case review managers (caseworkers) employed by the Criminal Cases Review Commission who have started work each month since the Commission was established, and the total strength, are as follows:

	Start work	*Total strength*
1997		
January	0	0
February	3	3
March	6	9
April	1	10
May	0	10
June	4	14
July	2	16
August	1	17
September	3	20
October-December	0	20
1998		
January	2	22
February	1	23
March	1	24
April-May	0	24
June	2	26

In addition, one further case review manager is due to join the Commission this month. This will bring the Commission's total case review manager strength to 27.

Mr. Campbell-Savours: To ask the Secretary of State for the Home Department (1) if he will review the number of staff available to the Criminal Cases Review Commission for the review of cases; [46408]

(2) what proposals he has to increase the budget of the Criminal Cases Review Commission to deal with increases in casework. [46409]

Mr. Michael: We are considering with the Commission its current resource requirements.

Mr. Campbell-Savours: To ask the Secretary of State for the Home Department if he will list all staff by grade employed by the Criminal Cases Review Commission. [46410]

Mr. Michael: The Criminal Cases Review Commission has 14 members and at present employs nine executive staff (including the Chief Executive, the Director of Finance and Personnel, two Legal Advisers, the Head of Information, the Investigations Adviser and the Operations Manager); 26 case review managers; and 15 administrative and support staff.

Football Hooligans

Mr. Swayne: To ask the Secretary of State for the Home Department what new measures he will take to prevent known football hooligans travelling overseas; and if he will make a statement. [46565]

Mr. Michael: Under the Football Spectators Act 1989, the courts may impose a restriction order on anybody who is convicted of a football-related offence in Great Britain or in certain countries overseas, including France. A restriction order means that the offender is required to report to a police station on the day of a football match abroad involving a team from England or Wales. My right hon. Friend has encouraged the use of restriction orders and their number has increased from 9 at the beginning of the year to 71 now.

This week the House has agreed to include measures in the Crime and Disorder Bill [*Lords*], increasing the maximum penalty which can be imposed by the courts for breaches of a restriction order under the Football Spectators Act 1989 from one month's imprisonment to six. The police will also have a power of arrest without warrant where a person subject to a restriction order has committed the offence of failing to report to a police station on the day of an international football match overseas, or is about to commit that offence, or where the police have reasonable grounds for believing that he is about to commit it.

We will give urgent consideration to what other steps may be required for the future.

PRIME MINISTER

Radioactive Waste

18. **Mr. Chaytor:** To ask the Prime Minister what plans he has to establish a national policy for the safe storage of radioactive waste. [45944]

The Prime Minister: My hon. Friend will be aware of the Select Committee on Science and Technology's inquiry in another place into Nuclear Waste Management. The Government have welcomed the Select Committee's inquiry. We await its report, which is expected in the autumn, and will undertake widespread consultation before coming to a final view on the way forward.

HEALTH

Child Protection Registers

Mr. Cox: To ask the Secretary of State for Health how many children were on child protection registers on 1 May. [46530]

Mr. Boateng: The latest figures for children and young people on child protection registers in England are for 31 March 1997 and show a total of 32,400 children.

Community Health Councils

Mr. Etherington: To ask the Secretary of State for Health what plans he has to ensure that all community health councils represented in a locality are consulted about initiatives in *(a)* health action zones and *(b)* primary care groups; and if he will make a statement. [46525]

Mr. Milburn: Community health councils have the statutory right to be consulted on proposals for any substantial development of the health service in the council's district and on any proposals to make substantial variation in the provision of such service.

Mr. Etherington: To ask the Secretary of State for Health if he will issue directions to *(a)* health authorities, *(b)* hospitals and *(c)* ambulance trust boards to ensure the right of a local representative from each community health council represented in the locality to be given (i) observer status or (ii) full speaking rights at the board meetings; and if he will make a statement. [46522]

Mr. Milburn: The Public Bodies (Admission to Meetings) (National Health Service Trusts) Order 1997 came into force on 6 February 1998, bringing NHS trusts in line with health authorities and requiring them to hold their board meetings in public.

Best practice guidance is currently being prepared for NHS boards to help them implement the new Order. It will also address the best ways to involve community health councils in board meetings.

Voluntary Organisations

Mr. Nigel Jones: To ask the Secretary of State for Health which components of the NHS will have the power under the new arrangements set out in the White Paper, The New NHS (Cm 3807), to make grants to voluntary organisations in connection with the provision by them of services. [46508]

Mr. Milburn: My right hon. Friend the Secretary of State and health authorities may at present make grants to voluntary organisations for the provision of health and social services. We will be considering in due course whether primary care trusts might also be allowed to exercise this function.

Trauma Patients

Mr. Nigel Jones: To ask the Secretary of State for Health what training is given to doctors to assist in diagnosing patients suffering from trauma. [46512]

Mr. Milburn: Undergraduate medical students are required to acquire a knowledge and understanding of both mental and physical aspects of trauma. The diagnosis and management of trauma is also likely to form part of specialist training programmes in several different medical specialties and also for vocational training for general practice. The content and standard of postgraduate medical training is the responsibility of the medical Royal Colleges and their Faculties.

Gas-fired Power Stations

Mrs. Brinton: To ask the Secretary of State for Health if he will estimate the effect on national mortality and morbidity rates of a further five year moratorium on gas-fired power stations. [46580]

Ms Jowell *[holding answer 19 June 1998]:* My right hon. Friend the President of the Board of Trade announced in December 1997 that she proposed to defer decisions on outstanding or new applications for power station consents while a review of energy sources for power generation was underway. This review is near completion and I understand that an announcement will be made shortly. Any changes to emissions from power stations will be taken into account as part of the review of the national air quality strategy which will be completed by the end of this year.

Lupus Disease

Mr. Efford: To ask the Secretary of State for Health (1) what estimate he has made of the number of people currently suffering from Lupus disease in the United Kingdom; [46967]

(2) what training is given to doctors to assist with the diagnosis of Lupus disease. [46968]

Mr. Milburn: The Department has not made any estimate of the number of people suffering from Lupus, but research evidence indicates that there are possibly about 20,000 to 30,000 sufferers in the United Kingdom at any one time.

It is for health authorities to assess the health care needs of their populations, which will include an assessment of the number of people suffering from conditions such as Systemic Lupus Erythematosus.

The training of doctors in the diagnosis and treatment of disease is primarily the responsibility of relevant educational and professional bodies, such as the medical Royal Colleges.

Asbestos-related Illness

Mr. Cox: To ask the Secretary of State for Health how many people were treated within the NHS in the last 12 months who were suffering from asbestos-related illnesses. [47108]

Ms Jowell: Information on in-patient treatment for asbestos-related illnesses for the latest year available, 1995–96, is shown in the table. It is based on finished consultant episodes (FCEs), which represent the number of episodes of care under individual consultants. The same person may be counted more than once if they have more than one episode of care.

Ordinary admissions and day cases combined: completed episodes by selected primary diagnoses (given by ICD-10 codes) National Health Service hospitals in England, 1995–96

	Primary diagnosis	*FCEs*
J61	Pneumoconiosis due to asbestos and other mineral fibres	154
C45.0	Mesothelioma of pleura	972
J92.0	Pleural plaque with presence of asbestos	61

Note:
Data are grossed for both coverage and unknown/invalid clinical data
Source:
Hospital episode statistics, Department of Health

Healthy Schools Initiative

Mr. Jim Cunningham: To ask the Secretary of State for Health what plans he has to extend the healthy schools initiative on a national basis. [46860]

Ms Jowell: It is the aim of the healthy schools initiative for all schools to become healthy schools. To achieve this we plan to establish as quickly as possible a national healthy school award with clear criteria on what constitutes a healthy school, and for which all schools will be able to apply. We are currently setting up eight pilots where health authorities and local education authorities will work together in devising models that other areas can follow. These pilots will also inform the development of the criteria for the healthy schools award.

Mr. Jim Cunningham: To ask the Secretary of State for Health what strategies he is developing under the healthy schools initiative to improve safety for children travelling to and from school. [46859]

Ms Jowell: The outline criteria for a healthy school include a requirement for schools to develop strategies to improve the safety of children travelling to and from school. Money will be available from the healthy schools initiative for projects on this subject and we will be working closely with colleagues in the Department for Education and Employment and the Department for the Environment, Transport and the Regions.

Analgesics

Dr. Tonge: To ask the Secretary of State for Health what representations he has received concerning the volume of analgesics available for over the counter sale by *(a)* pharmacies and *(b)* other retail outlets. [45859]

Mr. Milburn: In November 1996 a public consultation exercise was carried out on the availability of over the counter analgesics from pharmacies and general retail outlets, including proposals to restrict availability to reduce toxicity in overdose. Consumer and patient organisations, professional bodies and industry provided full and detailed responses which were carefully considered.

As a result of these representations, new measures have been introduced to restrict pack sizes for paracetamol and aspirin containing medicines available for over the counter sale by pharmacies to 32 tablets or capsules, and by general retail outlets to 16 tablets or capsules. These measures will take effect on 16 September 1998, following a transition period of 1 year during which the new smaller packs are being introduced.

DEFENCE

Clothing

Mr. Andrew George: To ask the Secretary of State for Defence what assessment he has made of the proportion of garments currently purchased on behalf of his Department by the Defence Clothing and Textile Agency which are manufactured within the United Kingdom. [46194]

Mr. Spellar: This is a matter for the Chief Executive of the Defence Clothing and Textiles Agency (DCTA). I have asked the Chief Executive to write to the hon. Member.

Letter from Michael Roycroft to Mr. Andrew George, dated 24 June 1998:

I am replying to your Question to the Secretary of State for Defence about the proportion of garments currently purchased on behalf of his Department by the Defence Clothing & Textiles Agency (DCTA), which are manufactured within the United Kingdom, as this matter falls within my area of responsibility as Chief Executive of the DCTA.

As stated in my Agency's letter to you of 24 April, some 80% of the garments purchased on behalf of the Department by the DCTA are through contracts placed in the UK. I am unable to say precisely how many of the garments are actually manufactured within the UK because prime contractors can vary the amount of work with sub-contractors during the contract. In the uniform area, the contractor is required to produce at least 10% of the items in his own premises, which generally means in the UK.

I am sorry to have to give, what you may see as, an unhelpful reply but the base information is not collected.

Defence Estate

Mr. Hancock: To ask the Secretary of State for Defence when the current rules on disposal of the Defence Estate were agreed by his Department and the Treasury; what was the basis for their introduction; and what were the changes from the previous policy. [46748]

Mr. Spellar: The current rules on disposal of the Defence Estate were agreed between my Department and the Treasury on 9 July 1996. They were introduced to take into account new issues and policies that had arisen since the publication of the previous rules.

Changes to the previous policy were as follows: fuller guidance on the position of former owners; guidance on the definition of market value; advice that departments should consult other departments and non-departmental public bodies when major disposals were contemplated; additional guidance on methods of sale; and the removal of the requirement for prior Treasury approval for certain types of disposal.

Departmental Property (Harrow)

Mr. McNulty: To ask the Secretary of State for Defence if he will list each property owned by his Department in the Harrow, East constituency; and in each case what proposals exist for their utilisation. [46917]

Mr. Spellar: My Department owns three properties in the Harrow, East constituency: RAF Bentley Priory, RAF Stanmore Park and Kingsbury Territorial Army Centre.

RAF Bentley Priory is the HQ of 11/18 Group, responsible for UK Air Defence and Air Maritime Patrol; it is the base for the RAF Inspectorate of Flight Safety and it is a major communications hub. There are no plans to change its role. RAF Stanmore Park is occupied by the RAF pending a completion of new accommodation at RAF Bentley Priory; once vacated, the site will be placed for sale on the open market.

The Kingsbury Territorial Army Centre is used by TAVRA as a Territorial Army Centre, and by the Army Cadet Force and Air Training Corps. Currently there are no plans to change its role.

RAF Stanmore Park

Mr. McNulty: To ask the Secretary of State for Defence how many of the RAF houses adjoining RAF Stanmore Park are empty; what plans there are for those homes in the future; and if he will make a statement. [46916]

Mr. Spellar: My Department currently has 26 empty properties adjoining RAF Stanmore Park. Twelve are awaiting refurbishment, five are allocated to incoming families and the remaining nine are ready for allocation. There is a continuing Service requirement for these houses.

Spring Quarry, Corsham

Mr. Matthew Taylor: To ask the Secretary of State for Defence what functions are carried out in the underground site at Spring Quarry in Corsham Wiltshire; how many staff are employed there; what is the size of the site; and what plans his Department has for the disposal of any of the site. [46839]

Mr. Spellar: Spring Quarry comprises 35 acres on the surface with a similar area underground. No functions are carried out on the site, it is vacant and has been declared surplus. No staff are employed at this site. Inspections and maintenance are carried out by contractors.

My Department is currently co-operating with North Wiltshire District Council (NWDC) and Wiltshire County Council in an EU Funded KONVER Study to identify potential uses for the site. NWDC has expressed an interest in acquiring the property and my Department is in discussion with Council Officials about the principle terms of this proposal, prior to entering detailed negotiations.

If a private treaty sale to the Council does not take place, it is likely that the property will be sold on the open market.

Atomic Weapons Establishment

Mr. Matthew Taylor: To ask the Secretary of State for Defence, pursuant to his answer of 11 May 1998, *Official Report*, columns *1–2*, if he will place in the Library a list of unclassified audit reports produced by the Directorate of Quality Assurance since January 1998, indicating the title of each report and the date on which each was produced. [46810]

Mr. Spellar: I am today placing a list in the Library of the House.

FOREIGN AND COMMONWEALTH AFFAIRS

UN Resolutions

Mr. Baldry: To ask the Secretary of State for Foreign and Commonwealth Affairs how many resolutions the United Kingdom has initiated in the United Nations Security Council during the last 12 months; and if he will list those adopted by the Security Council. [45465]

Mr. Tony Lloyd: The United Nations Security Council adopted 61 resolutions between 9 June 1997 and 9 June 1998. The United Kingdom initiated (in the sense of producing the first draft for consultation) 18 resolutions during this period, all of which were adopted. These were:

Resolutions adopted between 9 June 1997 and 9 June 1998

Number	*Subject*
1112	Bosnia
1115	Iraq and Kuwait
1117	Cyprus
1120	United Nations Transitional Administration Eastern Slavonia (UNTAES)
1129	Iraq
1131	Western Sahara
1132	Sierra Leone
1133	Western Sahara
1134	Iraq
1137	Iraq and Kuwait
1143	Iraq
1146	Cyprus
1148	Western Sahara
1153	Iraq
1154	Iraq and Kuwait
1156	Sierra Leone
1162	Sierra Leone
1171	Sierra Leone

Sierra Leone

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his oral answer of 6 May 1998, *Official Report*, columns 721–30, on arms sales to Sierra Leone, for what reasons he did not mention the briefing on Sandline International made available to Baroness Symons before she answered questions in the House of Lords on 10 March. [46059]

Mr. Robin Cook *[holding answer 15 June 1998]:* I responded fully and accurately to all questions put to me in the House on 6 May. None were about Baroness Symons.

In any case, the briefing provided for Baroness Symons for 10 March 1998 in no way detracts from the clear statement I made on 6 May 1998 that at no point was any ministerial approval given for the activities of Sandline, nor was there any ministerial discussion of the activities of Sandline, or any meeting between Ministers and Sandline.

I announced on 18 May 1998, *Official Report*, column 607, that Sir Thomas Legg would conduct a full and independent investigation and that the report would be made public. He will have full access to all relevant documents, including briefing provided to Ministers.

Trinidad and Tobago

Mr. Hancock: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) if he has urged the Government of Trinidad and Tobago to allow international scrutiny of prisoners subject to the death penalty; [46745]

(2) what representations he has made to the Government of Trinidad and Tobago concerning their withdrawal from the American Convention on Human Rights; [46747]

(3) what assessment he has made of the effect of the withdrawal of Trinidad and Tobago from the American Convention on Human Rights on the human rights situation in that country. [46746]

Mr. Tony Lloyd: Together with our EU partners, we have made representations to the Government of Trinidad and Tobago expressing our deep disappointment at the announcement of their denunciation of the American Convention on Human Rights and the first Optional Protocol to the International Covenant on Civil and Political Rights, and re-accession to the latter with a reservation on death penalty issues. We also urged Trinidad and Tobago to reconsider their decision before the denunciations take effect.

Until 26 August 1998, Trinidad and Tobago remain party to the first Optional Protocol to the International Covenant on Civil and Political Rights which allows for individual petition on all matters covered by the Covenant. After this date, individuals will not be able to petition on death penalty issues. The Government of Trinidad and Tobago have argued that the right of individuals sentenced to death are adequately protected in their domestic appeals system, which includes the right of appeal to the Judicial Committee of the Privy Council.

The Gambia

Mr. McDonnell: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the recent detention of civilians by the Government in The Gambia; and what representations have been made by his Department to the Government in The Gambia about these detentions. [47305]

Mr. Tony Lloyd: We are concerned at the recent detention of civilians by the government of The Gambia. The detainees were released on bail by a High Court ruling on 8 June 1998.

Our High Commission in Banjul has made a number of representations to the government of The Gambia about these detentions. On 9 June our High Commissioner undertook a demarche on behalf of the European Union expressing concern at recent events and seeking assurances that the government remain committed to the constitution.

Mr. McDonnell: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans his Department has to launch an investigation into human rights abuses in The Gambia since 22 July 1994. [47303]

Mr. Tony Lloyd: We, together with our European Union partners and the Commonwealth, closely monitor human rights in The Gambia, and regularly bring any concerns to the attention of the Government of The Gambia. The Commonwealth Ministerial Action Group was set up in November 1995 and has had The Gambia and its human rights record on its agenda ever since.

Mr. McDonnell: To ask the Secretary of State for Foreign and Commonwealth Affairs what action has been taken by the Commonwealth Ministerial Action Group to promote democratic practices in The Gambia, with particular reference to reversing the ban on the former main political parties and political personalities promulgated in Decree No. 89 of 1996. [47306]

Mr. Tony Lloyd: The Gambia has been considered by the Commonwealth Ministerial Action Group (CMAG) at each of the group's meetings since its inception in Auckland in 1995. At the Commonwealth Heads of Government Meeting in October 1997, Heads of Government agreed that CMAG should continue to monitor the situation in The Gambia with a view to promoting full compliance with the Harare principles. At their last meeting on 2–3 March CMAG asked the Commonwealth Secretary General to monitor the situation in The Gambia and to keep CMAG informed.

CMAG has repeatedly urged the Government of The Gambia to remove Decree 89 and demonstrate its stated commitment to human rights and rule of law.

Mr. McDonnell: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he or his officials have had with *(a)* the OAU and *(b)* the Commonwealth on human rights abuses in The Gambia. [47304]

Mr. Tony Lloyd: We have had no discussions with the OAU on human rights abuses in The Gambia.

We have raised concerns about human rights in The Gambia at each of the Commonwealth Ministerial Action Group's meetings since its inception in Auckland in 1995.

European Court of Human Rights

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 18 June 1998, *Official Report*, column *303*, if he will make a statement on each of the 53 cases before the European Court of Human Rights which have been declared admissible and are awaiting examination of the facts. [47205]

Mr. Tony Lloyd: The cases are as follows:

one case concerning the independence and impartiality of a Court in Guernsey which refused the applicant permission for a change of use of a packing shed in which he had made his home;

two cases concerning the fairness of the trial of two 11-year old boys for murder, and in particular the fact that the trial was held in public in an adult court, and also the role of the Secretary of State in fixing the minimum period of their detention;

six cases concerning the refusal of planning permission for gipsies to live in their caravans on land which they own;

one case concerning the threatened expulsion of an Indian national who is the wife of the first applicant and the mother of the other applicants, aged 18 months and 3 months;

one case concerning the refusal of legal aid for a criminal appeal in Scotland;

one case concerning the lawfulness of the applicant's detention with a view to deportation, the adequacy of the reasons given and the alleged absence of an effective review of the lawfulness of the detention, given the national security issues invoked;

one case concerning the separation of the applicant from her baby when she was in detention on remand;

three cases concerning the independence and impartiality of a court-martial;

one case concerning the suicide in prison of the applicant's son, who had a history of mental illness;

one case concerning the alleged negligence of the social services in removing a child from her mother, and the exclusion of liability for such negligence;

one case concerning the alleged negligence of the social services in failing to take the applicants into care as children, despite being aware of the neglect and abuse to which they were exposed at home, and the exclusion of liability for such negligence;

one case concerning the absence of legal aid in Guernsey to pursue a civil action for false imprisonment;

one case concerning the absence of a public hearing in arbitration proceedings;

one case concerning the issuing of a national security certificate by the Secretary of State for Northern Ireland, thus excluding the applicant from the protection of the provisions against religious and political discrimination contained in fair employment legislation;

three cases concerning the non-disclosure of material by the prosecution in criminal proceedings, on the ground of public interest immunity;

one case concerning the alleged absence of a right to a court review of the applicant's detention in mental hospital, where they are serving life sentences following criminal convictions;

one case concerning the refusal of legal recognition of a change of sex;

one case concerning the absence of legal recognition of a change of sex;

three cases concerning the derecognition of trade unions by certain employers;

one case concerning hunt saboteurs whose behaviour was sanctioned as "contra bonos mores";

one case concerning the arrest and imprisonment of the applicant, a Spanish citizen, on his arrival in the United Kingdom, in connection with non-payment of maintenance arrears, and the proceedings relating thereto;

two cases concerning the automatic exclusion of bail for persons detained on remand on suspicion of certain serious offences, when they have previously been convicted of one of such offences;

one case concerning the refusal to grant a woman who gave up work to look after her young son and incapacitated husband an additional tax allowance which is available to men with an incapacitated wife;

17 cases concerning detention for non-payment of the community charge.

British Embassy, Berlin

Mr. Jim Cunningham: To ask the Secretary of State for Foreign and Commonwealth Affairs when the Private Finance Initiative contract for the British Embassy in Berlin will be signed; and if he will make a statement. [47798]

Mr. Fatchett: The Private Finance Initiative contract for the British Embassy in Berlin was signed on 22 June and the commercial arrangements completed yesterday, 23 June.

The Embassy will be built to a design by the British architects Michael Wilford and Partners, winners of the 1995 Embassy Design Competition, on the site of the pre-war British Embassy in Wilhelmstrasse. Under the contract Arteos, a German consortium, will finance, construct and then manage the building for 30 years. Building work will start in July and the building will be handed over by the end of February 2000.

Bosnia

Mr. Jim Cunningham: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the approval of an export licence for the supply of bomb disposal equipment to the Ministry of the Interior, Sarajevo Canton, Bosnia. [47799]

Mr. Tony Lloyd: The Government recently approved the export of a complete disruptor set and a box of 100 cartridges to the Ministry of the Interior, Sarajevo Canton, in Bosnia to enable local police bomb disposal teams to defuse bombs placed in the city by criminal and terrorist elements. Given the threat which these improvised explosive devices pose to civilians who are trying to rebuild normal, unthreatened lives in the city, we were glad to be able to approve this export as an exception to our interpretation of the EU arms embargo on the former Yugoslavia. This decision does not affect the Government's continued support of the EU common position on arms exports to the former Yugoslavia.

ENVIRONMENT, TRANSPORT AND THE REGIONS

MFV Gaul

Mr. Alan Johnson: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish the National Maritime Institute report commissioned by the Department of Trade entitled, "Investigation into the Stability of MFV 'Gaul' in a Seaway (project 207001)", Reference MF 92/12/08-MS 92/12/09. [44388]

Ms Glenda Jackson: A copy of the report has been placed in the library.

Non-domestic Ratepayers

Mr. Stunell: To ask the Secretary of State for the Environment, Transport and the Regions to what extent the Departmental Review of the ratings structure for non-domestic ratepayers will take into account the objectives of sustainability, security and diversity of supply for electricity supply; and if he will make a statement. [46529]

Mr. Raynsford: We have recently consulted on options for allowing a measure of local discretion over the business rate. At the same time, we are considering whether, from 1 April 2000, those industries—including the electricity industry—which currently have their rates bills set by a formula, should have their rates determined on the basis of valuation like any other business. We hope to announce our decisions on these issues later in the summer. In doing so, we will fully consider their impact on the electricity industry.

Pedestrian Areas

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the Government's policy towards extended pedestrian-only areas in city centre and suburban areas. [46707]

Ms Glenda Jackson: The decision to pedestrianise areas of a city, town or suburban centre is a matter for individual local highway authorities, rather than central Government. The Government welcome the improved safety, convenience and environmental benefits that a well designed scheme can bring to local communities. Government advice in Planning Policy Guidance Note 6, Town Centres and Retail Developments, encourages local authorities to give greater priority to pedestrians, including pedestrianisation in town centres. Detailed advice has also been given on planning, design and legal implications in restricting vehicle access to pedestrianised areas, in the Department's Local Transport Note 1/87, "Getting the Right Balance".

Local Government

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions what consultations the Government have embarked upon with local government representatives following the publication of "Leading the Way—A New Vision for Local Government". [46710]

Ms Armstrong: My right hon. Friends the Prime Minister and the Deputy Prime Minister and I have had meetings with representatives of the Local Government Association at which we discussed our proposals for modernising local government, on which we have also consulted councils, business and others.

Departmental Reviews

Mr. Allan: To ask the Secretary of State for the Environment, Transport and the Regions if he will list, for each of the last four years, all departmental inquiries and reviews instigated by ministers which have been chaired by individuals outside his Department; and in each case if he will give the date of establishment and the name of the chairman. [46831]

Angela Eagle: Details of five inquiries established by my Department, including their date of establishment and the name of the chairman, were given in the answers by my right hon. Friend the Chancellor of the Duchy of Lancaster on 23 April 1998, *Official Report*, columns *687–90*, and the then Chancellor of the Duchy of Lancaster on 25 May 1995, *Official Report*, columns *716–20*.

A total of fourteen DETR reviews established since 1 May 1997 were included in the answer given by my right hon. Friend the Prime Minister on 27 April 1998, *Official Report*, columns *14–17*. Information on reviews between 1 June 1994 and 1 May 1997 cannot be provided except at disproportionate cost.

Water Pollution

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions (1) what assessment he has made of the danger to public health posed by the contamination of the water supply by *(a)* viral, *(b)* retroviral, *(c)* bacterial and *(d)* toxic agents; [46939]

(2) what steps the Government have taken to minimise the incidence of pollution of the water supply by *(a)* viral, *(b)* retroviral, *(c)* bacterial and *(d)* toxic agents; [46937]

(3) what steps he has undertaken to assure the prompt reporting of contamination of the water supply by *(a)* viral, *(b)* retroviral, *(c)* bacterial and *(d)* toxic agents. [46940]

Angela Eagle: The Water Supply (Water Quality) Regulations 1989 set standards for some 55 parameters, including microbiological and toxic parameters, which water suppliers must meet. In addition, water supplies must not contain any other substances at concentrations which would be detrimental to public health. The overall quality of water supplies in England and Wales is very high with 99.7 per cent. of over 3 million routine tests meeting the standards in 1996.

The standards are enforced by the Drinking Water Inspectorate. Each of the tests which contravene the standards is assessed by the Inspectorate. There is no evidence that contraventions found during routine tests endanger public health because the standards for parameters of health significance are set with a wide margin of safety. The Inspectorate requires the water supplier to take action as quickly as possible in respect of any contravention that is not trivial and is likely to recur.

Water suppliers are required to notify the Inspectorate immediately of any incident in which the quality of water supplies might be affected. Ninety five incidents were notified in 1997 and most were relatively minor happenings. All incidents are investigated by the Inspectorate. The Inspectorate checks that the water supplier has taken appropriate action to minimise the risk to public health, takes enforcement action against the water supplier when appropriate, and, in exceptional cases when water unfit for human consumption has been supplied, brings a prosecution against the water supplier under Section 70 of the Water Industry Act 1991.

Aircraft Noise

Mr. Rowe: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to review legislation regarding the control of aircraft noise. [46934]

Ms Glenda Jackson: We are examining airport and aircraft noise policy generally in the context set by the wider Integrated Transport Policy review. The case for new legislation on aircraft noise is being considered and proposals will be made in due course.

Airports

Mr. Rowe: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to undertake a review of airports policy; and if he will make a statement. [46935]

Ms Glenda Jackson: The consultation paper "Developing an Integrated Transport Policy" stated the Government's intention to review policy to examine how airports can play their full part in meeting both the transport and environmental needs of their region, including through better integration of surface access to airports with our wider transport policies. We shall announce our conclusions in the forthcoming Integrated Transport White Paper, which will provide the framework and the starting point for subsequent work on airports policy.

Road Humps

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of evidence that road humps cause increases in vehicle exhaust pollution. [46984]

Ms Glenda Jackson: In 1994, my Department commissioned the Transport Research Laboratory (TRL) to carry out a literature review of research that had been carried out world-wide into the effects that traffic management schemes (including traffic calming) might have on vehicle emissions. These results are summarised in Traffic Advisory Leaflet 4/96 "Traffic Management and Emissions", copies of which have been placed in the Library. A further research project is specifically examining the effects of traffic calming measures, including different types of road humps. The results of this work will be available in November 1999.

Seat Belts

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions (1) what is his estimate of the number of coaches currently in service built with anchorage points able to accommodate seat belts as part of the integral design; [46738]

(2) what is his estimate of the number of coaches currently in service which were not built to accommodate seat belts. [46737]

Ms Glenda Jackson: Precise figures are not available. In coaches registered since 1988, certain exposed seats would have been designed to take belts, and it is likely that other seating positions in these vehicles would have been similarly constructed even though belts were not fitted at the time of manufacture. Older vehicles are less likely to have been designed for seat belts. While this does not necessarily mean that seat belts cannot be fitted to these vehicles, it may be necessary to carry out structural modifications to ensure that seat belts and anchorages can be satisfactorily installed.

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what recent changes there have been in the advice his Department gives on the positioning of seat belts; and what were the reasons for each change. [46795]

Ms Glenda Jackson: We have not changed our advice relating to the correct positioning of seat belts. However, we have recently made it clear that belts in minibuses, buses and coaches with a lap strap that sits anywhere between the wearer's pelvis and the upper quarter of the thigh should be treated as acceptably positioned for the purposes of the forthcoming MOT check. This is generally in line with the positioning permitted by the latest amendment to the European seat belt directive.

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what tests his Department has *(a)* carried out and *(b)* evaluated concerning the ability of vinyl-covered pipe lagging around tubular frames on bus seats to protect seat-belt users in an impact. [46740]

Ms Glenda Jackson: None. The requirements for padding are based on characteristics related to energy absorption, regardless of the material used.

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what evidence his Department has evaluated which supports the use of seat belts over the legs as safe practice; and if he will make a statement. [46739]

Ms Glenda Jackson: Ideally, a lap belt, or the lap section of a three point belt, should lie across the pelvis. However, bearing in mind the differences between seat shapes and between one wearer and another, it is inevitable that there will be some variation in the way the strap lies across the body. In cases where a belt cannot lie across the pelvis, it has long been accepted that it is far better for it to lie across the strong upper thigh rather than the vulnerable abdominal region.

Health and Safety Inspectors

Mr. Pike: To ask the Secretary of State for the Environment, Transport and the Regions how many Health and Safety inspectors have been employed in each of the last five years. [46753]

Angela Eagle: The table shows the number of inspectors employed by the Health and Safety Executive.

Year (1 April)	*Inspectors*
1994	1,572.5
1995	1,477.6
1996	1,466
1997	1,442.2
1998	1,437.4

Note:

Figures given are full time equivalent counts: part time staff were counted as half units until 1 April 1995; since then they are counted on the basis of the proportion of a full week that they work

Council Tax (Empty Dwellings)

Dr. Cable: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to remove council tax exemption from empty dwellings. [47032]

Mr. Raynsford: The consultation paper 'Improving local financial accountability' invited views on whether there is a case to change the council tax. The deadline for responses was 1 June. Our proposals will be set out in a White Paper this summer.

Central European Time

Dr. Cable: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the implications for energy saving of a change to Central European Time. [47240]

Angela Eagle: I understand from my right hon. Friend the Home Secretary that there are no plans for the United Kingdom to adopt Central European Time. The 1989 Green Paper *"Summertime: A Consultation Document"* concluded that a move to CET could result in marginal energy savings, but that these would be subject to larger uncertainties.

Homelessness

Dr. Cable: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to increase the utilisation of empty buildings for housing the homeless. [47131]

Mr. Raynsford: The Government are committed to making better use of empty buildings as part of our strategy for planning for household growth in the future and at the same time protecting our environment.

We will continue to encourage local authorities to play a key role in this by developing empty property strategies. About 200 authorities have strategies in place or under development. My Department is currently funding the Empty Homes Agency to work with authorities to bring more empty commercial property back into housing use and to assist rural authorities in drawing up successful strategies.

We have made extra money available to local authorities for renovating and improving stock through the Capital Receipts Initiative. Capital funding is also available through the Housing Investment Programme, the Single Regeneration Budget and the Housing Corporation's Approved Development Programme.

Child Safety Week

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions what initiatives his Department will take to promote Child Safety Week on 22 to 28 June. [47201]

Ms Glenda Jackson: Child Safety Week makes a valuable contribution to DETR's road safety education efforts. 1998 will be the 5th year that the Department has supported the Child Accident Prevention Trust's (CAPT) Child Safety Week. It is an important event which helps raise awareness of road safety issues among parents, carers and children. The Department encourages all those concerned with child safety to become involved. The week provides an opportunity to remind parents of the need to ensure that their children are safe when out walking, cycling or playing. It reminds adults that they need to take care as drivers—to reduce their speeds and ensure that babies and children are safely secured in their vehicle.

We recently organised a conference to disseminate our recent research on road safety education to practitioners in this field. We have also recently issued a booklet providing a summary of recent research on child road safety education funded by the Department; one of the projects on which we have worked closely with CAPT aims to provide advice to new parents on all aspects of child safety. A copy of the booklet will be available in the Library.

My Department has made a grant of £5,000 to CAPT to support the road safety element of their publicity.

Regional Development Agency (Merseyside and North West)

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions what will be the size of the board for the Regional Development Agency in the new combined Merseyside and North West Region; and how many representatives will be from Cumbria. [47216]

Angela Eagle: The RDA board for the North West will have 12 members. Members will not be appointed as representatives, but on merit for the particular expertise and background they offer. Although there will not be a specific allocation of seats for Cumbria, one of the factors taken into account when selecting members for the board will be geographical spread.

Closed Railway Tracks

Mr. Pike: To ask the Secretary of State for the Environment, Transport and the Regions how many miles of closed railway tracks, in England are open as *(a)* footpaths, *(b)* cycle tracks, *(c)* bridleways; what estimate he has made of the number of miles of track which could be used for *(a)* to *(c)*; and if he will make a statement. [47203]

Ms Glenda Jackson: Over the years, a substantial mileage of closed railway lines has been sold to local authorities, but details of use as footpaths, cyclepaths or bridleways are not available. 220 miles have recently been transferred to Sustrans for cyclepaths. Those sections of line still in BR ownership and not held for public transport schemes are short (about 70 miles split between more than 100 sites) and are unlikely to be of significant use for these purposes.

Local Authorities (Planning Guidance)

Mr. Rowe: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the *(a)* powers, *(b)* responsibilities and *(c)* budget to be delegated to local councils as part of the proposals for greater decentralisation set out in the document "Planning for Communities: Transitional Arrangements for Regional Planning Guidance and Development Plans". [47068]

Mr. Raynsford: Under the proposals set out in "The future of Regional Planning Guidance" consultation paper published in January, responsibility for the production of draft Regional Planning Guidance (RPG) will be transferred to the regional planning conferences of local authorities. Following an independent public examination of the draft RPG, final guidance will be formally issued by the Secretary of State. As these arrangements are non-statutory, no powers can be transferred to local authorities. There is no separate budgetary provision. However, we have already indicated that the main additional costs of holding the public examination will be met directly by my Department. The preparation of development plans remains the statutory responsibility of local authorities.

North Wales Railway Line

Mr. Ruane: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the electrification of the North Wales railway line. [47114]

Ms Glenda Jackson: The electrification of the North Wales railway is a commercial matter for Railtrack. I understand that studies have been carried out by Railtrack

in conjunction with the relevant train operating companies but that electrification is not a commercially viable option at the present time.

Road Hauliers

Mr. Swayne: To ask the Secretary of State for the Environment, Transport and the Regions what measures he will take to ensure fair competition for UK hauliers when cabotage restrictions end on 1 July. [47192]

Ms Glenda Jackson: Although formal cabotage restrictions end on 1 July, cabotage operations have been possible, under cover of permits, since 1990. To date, no adverse effects on UK operators have been observed. We have no reason to believe this will change. At the same time, UK hauliers have begun to increase their activities abroad and are well placed to benefit from this further liberalisation of the market.

Drugs Misuse (London)

Mrs. Ann Winterton: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the powers which a future London Assembly will have to develop a comprehensive drugs misuse strategy for the capital. [47342]

Mr. Raynsford: In April 1998, the President of the Council presented the Government's 10-year strategy for tackling drugs misuse "Tackling drugs to Build a better Britain". The strategy will be overseen and coordinated by Keith Hellawell, the UK Anti-Drugs Coordinator, and coordinated locally by Drug Action Teams. DATs must, through consultation with the other DATs in their region, ensure that their plans have a strategic regional coherence. Where appropriate, they are encouraged to liaise with relevant regional tiers of Government. In London, it is expected that the Mayor and Assembly would work closely with DATs to ensure that factors specific to the capital are reflected in the application of the strategy.

Sites of Special Scientific Interest

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions if he will list by region the sites of special scientific interest which have been damaged by falling water table levels in the last 12 months; and which water companies abstract water in each local area. [47345]

Angela Eagle: The Environment Agency published in May 1998 a submission to Government entitled *A Price Worth Paying*, which is in the Library of the House. Annex 1 of that document lists sites of special scientific interest which the Agency, in consultation with English Nature and the Countryside Council for Wales, considers to be affected by water company abstractions. The listing gives the name of the site, together with the county and the Environment Agency region in which it is situated. In most cases, the water company concerned can be identified from that information, but the Agency region can provide further details in cases of doubt.

Irish Sea

Mr. Ruane: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will list the number and type of oil spills or leaks which have been reported in the Irish Sea in each of the past 10 years; [47124]

(2) how many incidents of ships illegally flushing out their tanks in the Irish Sea were reported in each of the past 10 years; [47125]

(3) if he will list the number and type of radioactive pollution incidents in the Irish Sea in each of the past 30 years; [47126]

(4) if he will list the total tonnages of *(a)* treated and *(b)* untreated sewage that was pumped into the Irish Sea in each of the past 10 years; [47127]

(5) if he will list the number and type of pollution incidents on each of the rivers that flow into the Irish Sea for each of the past 10 years; [47128]

(6) if he will list the *(a)* type, *(b)* size and *(c)* location of known armament dumpings in the Irish Sea; [47129]

(7) if he will list the estimated total tonnage of fertilisers which were washed from the land into the Irish Sea for each of the past 10 years. [47130]

Angela Eagle: The Digest of Environment Statistics No 19, 1997 (London, the Stationery Office, ISBN 0–11–753399–8) and the corresponding publications for earlier years set out in chapters 3 and 4 the available statistics, *inter alia,* on oil spills (incidents reported size, effects and costs incurred), prosecutions and convictions of ships for oil spills, urban waste water treatment plants (discharges into freshwaters, estuaries and coastal waters), water pollution incidents and prosecutions, and direct and riverine inputs (including plant nutrients) from the UK to coastal waters around the UK. Some of these statistics are for England and Wales only. None of them include statistics for the Isle of Man or the Republic of Ireland.

The Nuclear Installations Inspectorate of the Health and Safety Executive produces quarterly reports of incidents involving releases of radioactivity, copies of which are in the Library. No significant incidents in the Irish Sea itself can be identified.

The then Minister for the Armed Forces gave the available details of known dumping of munitions around the United Kingdom by United Kingdom organisations in a written answer on 19 January 1996, *Official Report,* column *842*.

EU Environment and Transport Councils

Dr. Whitehead: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the outcome of the Joint Environment and Transport Council held in Luxembourg on 17 June. [47675]

Mr. Prescott: I chaired the joint Transport and Environment Council in Luxembourg on 17 June. This was an historic occasion, as it was the first time the Councils of EU Transport and Environment Ministers had come together formally to discuss a wide range of issues. I am happy to report a successful outcome, taking forward the mandate on the Environment from the Cardiff European Council the previous day. I am also pleased that

Cardiff gave an impetus to environmental integration, and that the Transport, Agriculture and Energy Councils were invited to start the process.

The joint Council unanimously agreed Conclusions which recognise the vital social and economic role of transport but agree that there are adverse environmental effects which mean that current trends in traffic growth are unsustainable. The Conclusions emphasise the importance of an integrated approach, and call for a wide range of policies and measures at Community and Member State level, including national action plans, to promote sustainable mobility. The Conclusions also establish a process for the future, providing for the Commission to report to the Council on developments in the integration of environment and transport, and for the Council to meet again in joint session from time to time, to take stock of progress.

Dr. Whitehead: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the outcome of the Transport Council held in Luxembourg on 17 and 18 June. [47676]

Dr. Strang: I chaired the final Transport Council of the UK Presidency in Luxembourg on 17–18 June. My hon. Friend the Minister for Transport in London represented the United Kingdom.

All our objectives were met. The Council adopted two negotiating mandates, reached a common position on one legislative measure and agreement on four others (pending receipt of the European Parliament's opinion), agreed two sets of Conclusions, and held useful discussions in some important areas.

Safety was a key theme. As Chairman, I presented a paper by the UK Presidency on Transport Safety in the European Union. Following discussion of this paper by Ministers, the Commission accepted an invitation to produce a first report in 1999 on transport safety across all modes in the EU.

Two important negotiating mandates were adopted by the Council. The first of these authorised the Commission to start negotiations, on behalf of the European Community and the Member States, towards the establishment of a new pan-European international organisation, to be known as the European Aviation Safety Authority (EASA). The second mandate authorised the Commission to negotiate Community membership of the European Organisation for the Safety of Air Navigation (EUROCONTROL).

The Council reached a common position on a draft regulation amending Regulation 2299/89 on a code of conduct for computerised reservation systems (CRSs) in air transport.

The Council reached Conclusions welcoming a draft regulation amending Regulation 295/91 on Denied Boarding compensation in scheduled air transport and calling for a decision on it at an early Council. The proposed amendment would strengthen the rights of passengers who are denied boarding to overbooked aircraft.

The Council also reached Conclusions supporting action at global level through the International Civil Aviation Organisation (ICAO) on the limitation of emissions of oxides of nitrogen (NO_x) from jet aircraft engines, though noting that the possibility of Community legislation remains open if ICAO fails to agree worldwide rules. Council also reached broad agreement, pending receipt of the European Parliament's opinion, on the main elements of a draft directive to limit the use of re-certificated civil jet aircraft, usually modified by the fitting of "hush-kits". Council agreed that the draft directive be transformed into a regulation, to facilitate early implementation.

The Council reached broad agreement on draft directives on roadside inspection of commercial vehicles, and on harmonisation of examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway, pending receipt of the European Parliament's opinions.

The Council continued the discussion begun at the Informal Council in April on the Commission Communication proposing step-by-step opening of the rail freight market.

The Commission reported on progress with developing legislative proposals to extend working time rules to the road transport sector.

In maritime transport, the Council reached broad agreement, pending receipt of the European Parliament's opinion, on a directive requiring safety inspection of passenger ferries, the last of a series of measures brought forward in the wake of the 1994 "Estonia" tragedy. The Council also debated the Commission's Green Paper on ports and maritime infrastructure. There was widespread support for the Commission giving priority to further work on principles for port and maritime infrastructure charging and financing, including an inventory of public funding, and on a regulatory framework for port services.

There was also a first exchange of views on two recent Commission proposals on the crewing of vessels operating regular passenger and ferry services within and between member states.

During the Council, on behalf of the European Community, Commissioner Kinnock and I signed a tripartite agreement, with the Directors-General of EUROCONTROL and the European Space Agency, on a European contribution to a Global Navigation Satellite System.

Mr. Singh: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the outcome of the Environment Council held in Luxembourg on 16 and 17 June. [47764]

Mr. Meacher: The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions, my hon. Friend the Member for Wallasey (Angela Eagle), chaired the final Environment Council of the UK's Presidency in Luxembourg on 16–17 June. My right hon. Friend the Deputy Prime Minister also attended the Council.

I am delighted to report an extremely successful Council. All of our objectives were met, with the Council agreeing Member States' share of the EU's Kyoto target, reaching four common positions, agreeing five sets of Conclusions and having useful discussions in a number of other areas.

The Council gave highest priority to securing agreement on how the EU would share out the 8 per cent. reduction of greenhouse gases agreed at Kyoto. After protracted and difficult negotiations which involved a continual series of bilaterals lasting throughout the Council, ministers reached agreement on this, and on Conclusions on the closely related issue of common and co-ordinated policies and measures for implementing these targets. Reaching agreement on climate change was one of the UK Presidency's main environmental objectives and I am delighted that we have achieved our goal. On negotiations with the industry to reduce CO_2 from passenger cars, the Council agreed Conclusions welcoming the European car industry's improved offer, but agreed that more work was needed before agreement could be reached.

The Council agreed common positions on four proposals. We agreed a directive setting legally binding limits for airborne levels of four major pollutants which will greatly increase protection for people particularly sensitive to air pollution. We also took further steps towards eliminating acid rain by agreeing a directive which will significantly reduce the sulphur content of heavy fuel and gas oil. Council also reached agreement on a directive establishing a system for licensing and inspection of zoos, so securing one of the UK's main objectives for its Presidency. We also agreed a revised European Environment Agency regulation.

The Council also reached a very considerable degree of common understanding on the proposal for a Water Framework Directive which should allow a common position to be reached once the European Parliament's opinion is available. This is a major environmental proposal which will establish the general orientation of Community water policy over the next 30 years.

Conclusions were agreed preparing the EU's position for the Fourth Pan-European Conference of Environment Ministers in Denmark later this month, on the Community's Biodiversity Strategy and on the follow-up to the Bergen-Northsea Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues.

We also held the first ministerial discussions on a number of important proposals. The debates on proposals to reduce emissions from Heavy Goods Vehicles (part of the Commission's Auto-Oil Programme) and the revision of a directive on the deliberate release of genetically modified organisms will enable the Austrian Presidency to make progress with both of these over the next six months. The Commission will revise its proposal in the light of a very useful debate on eco-labelling. The Council also briefly discussed the Commission's proposal to end the Austria and Luxembourg bans on genetically modified maize, although no decision will be taken on this issue until after the European Parliament has delivered its opinion on 14 July.

The Commission presented its Communication on Environment and Enlargement which will be discussed further by the Council during the Austrian Presidency.

My right hon. Friend the Deputy Prime Minister reported on the Conclusions on the environment agreed by Heads of Government at the European Council in Cardiff on 16 June. These Conclusions establish a new framework for integrating environmental issues into all European policy decisions. Responding to the Spanish Minister's report on the toxic waste spill near Doñana National Park in southern Spain, my right hon. Friend the Deputy Prime Minister, who visited the area on 5 June, proposed that there should be a review of current provisions for responding to disasters of this nature and, if these proved unsatisfactory, that there should be a conference to discuss possible alternatives. The Commission responded positively to this proposal and will report on their findings in the Autumn.

At the outset of the Presidency, the UK set itself an ambitious environmental agenda, with six areas identified as priorities (climate change, air quality, biodiversity, enlargement, fisheries and transport). I am delighted to report that, with the Conclusion of this Council, we have achieved our objectives in all those areas.

WALES

Cataract Operations

10. **Mr. Barry Jones:** To ask the Secretary of State for Wales what measures he is taking to tackle waiting lists for cataract operations. [45908]

Mr. Win Griffiths: An additional £20 million will be spent in 1998–99 on reducing in-patient and day case waiting lists to below the level which the Government inherited. This supports the Government's commitment to reduce waiting lists over the lifetime of this Parliament by 100,000.

Each Health Authority has been asked to provide details of their plans to reduce overall waiting lists, which would include those for cataract operations, by 19 June.

Health Service

11. **Mr. Spring:** To ask the Secretary of State for Wales what representations he has received concerning the restructuring of the health service in Wales. [45909]

Mr. Win Griffiths: My right hon. Friend and I have received in excess of 2,800 representations on this matter from hon. Members, interested groups and organisations and members of the public. We have also received approximately 15,000 petition signatures and I have held a number of meetings with hon. Members and others. Representations have advocated a variety of courses of action involving the retention or merger of various existing NHS trusts.

12. **Mr. Ruffley:** To ask the Secretary of State for Wales what plans he has to increase NHS provision in Wales. [45910]

Mr. Win Griffiths: The Government have committed additional resources to NHS Wales in 1998–99. Total provision is £2.480 billion which is £138.5 million more than in 1997–98. My right hon. Friend will announce his plans for 1999–2000 in due course.

Child Care Strategy

13. **Ann Clwyd:** To ask the Secretary of State for Wales if he will make a statement on the child care strategy for Wales. [45911]

Mr. Win Griffiths: I refer my hon. Friend to the answer I gave to my hon. Friend the Member for Monmouth (Mr. Edwards) on 22 June 1998, *Official Report*, column *388*.

Heart Surgery

14. **Mr. Rhodri Morgan:** To ask the Secretary of State for Wales what proposals he has received for the development of heart transplant surgery in Wales. [45912]

Mr. Win Griffiths: The University Hospital of Wales, Cardiff has produced a business case for introducing adult heart transplantation. The Department, in consultation with health authorities, is currently considering the proposals.

25. **Ms Julie Morgan:** To ask the Secretary of State for Wales if he will make a statement on the future of open heart surgery in Wales. [45924]

Mr. Win Griffiths: Reducing the number of deaths from coronary heart disease is one of the 15 national health gain targets and I remain committed to the provision of high quality cardiac services for the people of Wales.

Agricultural Subsidies

16. **Mr. Dafis:** To ask the Secretary of State for Wales how many farmers in Wales have had their 1997 applications for *(a)* sheep annual premium, *(b)* suckler cow premium, *(c)* hill livestock compensatory allowance and *(d)* beef special premium rejected; and if he will make a statement. [45914]

Mr. Win Griffiths: The numbers of 1997 applications currently rejected are Sheep Annual Premium (172); Hill Livestock Compensatory Allowance (414) and Beef Special Premium (27). It is also anticipated that 150 applications will be rejected under the Suckler Cow Premium Scheme.

Taken together the number of rejections is of the order of 1.3 per cent. of total applications received.

Training

17. **Mr. Llwyd:** To ask the Secretary of State for Wales what representations he has received during the past three months from training providers in Wales; and if he will make a statement. [45915]

Mr. Hain: My right hon. Friend and I have received 15 letters from training providers over the period. In addition, I have met representatives of the West Wales Training Forum.

Agri-environment Scheme

18. **Mr. Martyn Jones:** To ask the Secretary of State for Wales what progress he has made in implementing an all-Wales agri-environment scheme. [45916]

Mr. Ron Davies: I have approved the Working Group's recommendations for the technical details for the new scheme and these details have now been forwarded to the European Commission. I am proposing to make an announcement at the 1998 Royal Welsh Show.

EU Structural Funds

19. **Ms Lawrence:** To ask the Secretary of State for Wales if he will make a statement on the recent visit of the President of the European Union Commission to Wales, in relation to structural funds. [45918]

Mr. Hain: President Santer and my right hon. Friend discussed the economic and social conditions across Wales. He reinforced the fact that continued structural fund support is crucial to the ongoing regeneration of these areas, particularly in the peripheral West and Valleys areas. These needs were underlined by the plight of the rural economy in Wales, as particularly demonstrated by low agricultural incomes.

20. **Mr. Touhig:** To ask the Secretary of State for Wales if he will make a statement on his discussions on the structural funds with the President of the European Commission. [45919]

24. **Mr. Ruane:** To ask the Secretary of State for Wales what discussions he held with the President of the European Commission during his recent visit to Wales on objective 1 status for west Wales and the valleys. [45923]

27. **Mr. Rowlands:** To ask the Secretary of State for Wales if he will make a statement on the Cardiff European Union summit as it affects his responsibilities, with particular reference to issues relating to objective 1 status. [45926]

Mr. Hain: Discussions at the Cardiff European Council are not expected to have a direct outcome on future structural fund eligibility.

On 15 June the European Council discussed issues of economic reform; the future of Europe as well as enlargement and the Agenda 2000 package. Eligibility for Structural Funding and financial issues are likely to be discussed by Member States towards the end of the year.

Multilateral Agreement on Investment

21. **Mr. Chaytor:** To ask the Secretary of State for Wales what assessment he has made of the implications for the work of the Welsh Assembly of the current text of the Multilateral Agreement on Investment. [45920]

Mr. Ron Davies: The purpose of the MAI is to prevent discrimination against investors on the grounds of nationality. I do not expect this to constrain the work of the National Assembly for Wales.

Hospital Waiting Lists

22. **Mr. Gray:** To ask the Secretary of State for Wales what representations he has received concerning hospital waiting lists in Wales. [45921]

Mr. Win Griffiths: Other than in respect of individual cases, none. Reducing the time people have to wait for treatment, within the emphasis on emergency care, remains a priority for the Government. The additional £20 million for waiting lists announced in the budget will be targeted at reducing lists to below the level which the Government inherited.

Devolution

23. **Mr. Laurence Robertson:** To ask the Secretary of State for Wales if he will make a statement on the Government's response to the Welsh Affairs Committee's first report on the impact of the Government's devolution proposals on economic development and local government in Wales (HC 329). [45922]

Mr. Ron Davies: The Government's response to the Welsh Affairs Committee's report, "The Impact of the Government's Devolution Proposals on Economic Development and Local Government in Wales" was published on 1 June 1998. A copy has been placed in the Library of the House.

National Assembly

26. **Mr. Wigley:** To ask the Secretary of State for Wales what discretion elected members of the National Assembly will have in relation to the location of temporary and permanent homes of the national assembly. [45925]

Mr. Ron Davies: They will have discretion to the extent that financial and other commitments permit.

Domestic Energy

Mr. Simon Hughes: To ask the Secretary of State for Wales what are his Department's policies to ensure the minimum waste of domestic energy. [45913]

Mr. Win Griffiths: Domestic energy efficiency features prominently in the Department's housing, environmental and economic policies particularly with a view to securing affordable warmth, lower running costs and reductions in CO_2 emissions.

Tallow Trade

Mr. Barry Jones: To ask the Secretary of State for Wales in what locations in Wales the tallow trade is practised; and if he will make a statement. [45003]

Mr. Win Griffiths: This information is not held centrally. Tallow is produced when animal carcases are rendered. All rendering plants, of which there is only one in Wales, are required to be approved under the Animal By-Products Order 1992 to process ruminant waste. The State Veterinary Service carries out regular announced and unannounced visits to check compliance with this legislation.

Brown-field Sites

Mr. Barry Jones: To ask the Secretary of State for Wales what estimate he has made of the potential for building new housing developments on brown-field sites; and if he will make a statement. [45880]

Mr. Win Griffiths: Planning Guidance (Wales): Planning Policy, May 1996, makes clear that it is for local planning authorities to take account of the scope and potential for rehabilitation, conversion, clearance and redevelopment of land in their areas. In particular, local authorities should take account of the contribution reclaimable or reclaimed urban land can make to the overall provision of land for housing. Local authorities are able to identify suitable sites through the development plan process. The joint Housing Land Availability Studies co-ordinated and published by the Land Authority for Wales can help identify such sites.

We are also encouraging registered social landlords to build more of their developments on brownfield sites. Such schemes are being encouraged by Tai Cymru in the form of a 50 per cent. grant towards the cost of technical site investigations.

National Museum Curator

Mr. Wigley: To ask the Secretary of State for Wales what discussions there have been between his Department and the National Museum of Wales concerning the desirability for applicants for the post of curator of the National Museum of Wales having some knowledge of Wales, its history and its people. [46704]

Mr. Ron Davies: Decisions on the appointment of a new Director for the National Museums and Galleries of Wales (NMGW) are a matter for the Council of the NMGW. I understand that a first-hand knowledge of Wales has been included in the description of personal attributes for the post-holder, and that this will therefore be taken into account in making the appointment.

Gas-fired Power Stations

Mr. Barry Jones: To ask the Secretary of State for Wales what assessment he has made of the impact of the moratorium on gas-fired power stations on Wales; and if he will make a statement. [47419]

Mr. Hain: Welsh Office officials have been maintaining close contact with the power station developers in Wales. The President of the Board of Trade will shortly be making an announcement on the Review of Energy Sources for Power Stations.

Cottage Hospitals

Mrs. Ann Winterton: To ask the Secretary of State for Wales what representations he has received concerning the closure of cottage hospitals in Wales. [45917]

Mr. Win Griffiths: Since 1 May 1997, I have received a number of representations about proposals by health authorities for the closure of hospitals in Wales. Such proposals are the responsibility of health authorities and are referred to me for decision only if they cannot be agreed with the local Community Health Council. To date I have received no such referrals.

Town Centre Regeneration

Mr. Gareth Thomas: To ask the Secretary of State for Wales what plans he has to assist town centre regeneration in Wales. [45902]

Mr. Ron Davies: My Department encourages its agencies, local authorities and others to take a holistic approach to the regeneration of town centres by drawing up strategies in partnership with the private and voluntary sectors and with community groups. These strategies should, amongst other things, identify appropriate sources of funding from a number of different schemes offering support for town centre regeneration.

AGRICULTURE, FISHERIES AND FOOD

Antibiotics (Resistance)

Mr. Martyn Jones: To ask the Minister of Agriculture, Fisheries and Food what plans he has to implement the recommendations made by the House of Lords Science and Technology Select Committee in its report on Resistance to Antibiotics and other Antimicrobia agents (Seventh report of Session 1997–98 (HL81)). [46927]

Mr. Rooker: The Select Committee's Report is being carefully considered jointly with Health Ministers. The Government will respond to the Committee when this consideration has been completed.

Badgers

Mr. Peter Bottomley: To ask the Minister of Agriculture, Fisheries and Food if he will estimate the numbers and costs of badgers killed in official programmes each year since 1970. [46757]

Mr. Rooker: Official badger removal operations did not start until 1975. The number of badgers removed and sent for post-mortem each full year since 1975 is as follows:

Year	*Number of badgers*
1975	100
1976	203
1977	183
1978	208
1979	357
1980	346
1981	200
1982	691
1983	995
1984	1,265
1985	1,120
1986	785
1987	733
1988	778
1989	727
1990	810
1991	990
1992	1,054
1993	1,094
1994	1,683
1995	1,509
1996	1,911
1997	2,447

The Department does not have annual figures for the cost of removing badgers. However, the overall cost of the Department's Wildlife Unit, whose principal role was to visit farms in England and parts of Wales, and survey, trap, kill and submit for post-mortem inspection badgers taken in official programmes, was £1.67 million in 1997. Ignoring the cost of minor duties, such as collecting other dead badgers for post-mortem examination, this is equivalent to almost £700 per badger taken.

Departmental Reviews

Mr. Allan: To ask the Minister of Agriculture, Fisheries and Food if he will list, for each of the last four years, all departmental inquiries and reviews instigated by ministers which have been chaired by individuals outside his Department; and in each case if he will give the date of establishment and the name of the chairman. [46827]

Mr. Morley: Details of relevant inquiries from June 1994 are as follows:

Committee	*Date established*	*Chairman*
Committee on Ethical Implications of Emerging Technologies in the Breeding of Farm Animals	[1]April 1993	The Reverend Professor Michael Banner MA DPhil
Dairy Produce Quota Tribunal for England and Wales	June 1994	Sir Michael Kerry QC
The Nitrate Vulnerable Zone Independent Review Panel	May 1995	Mr. Terrence Etherton QC
The Common Fisheries Policy Review Group	March 1995	Mr. John Goodlad (from September 1995)
Independent Scientific Review on Tuberculosis in Cattle and Badgers	14 November 1996	Professor John Krebs FRS
Assessment of the Radiological Implications of Dumping in Beaufort's Dyke and Other Coastal Waters from the 1950s	30 July 1997	National Radiological Protection Board
The Advisory Group on Quarantine	2 October 1997	Professor Ian Kennedy LLD
Bovine Spongiform Encephalopathy Inquiry	22 December 1997	Lord Justice Phillips
Review of Salmon and Freshwater Fisheries	8 April 1998	Professor Lynda Warren
Review of Public Analyst Arrangements	April 1998	Mr. Alan Turner OBE

[1] Report published February 1995

Calf Processing Scheme

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the future of the calf processing scheme. [47255]

Mr. Rooker *[holding answer 23 June 1998]:* The Government issued a consultation paper on 7 May 1998 on the proposition that this scheme should terminate on 30 November 1998 when its application ceases to be compulsory. The consultation period ends on 2 July and the Government will consider their position in the light of responses received.

Drift Nets

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food when the ban on drift net fishing announced by the European Union will come into force; how it will be policed; what penalties will be imposed on fishing fleets which breach the ban on drift net fishing; and if he will press for a world wide ban on drift net fishing. [45858]

Mr. Morley: After 31 December 2001 it will be illegal for EU fishermen to use high seas drift-nets for tuna, swordfish and similar species. As with other fisheries on the high seas, responsibility for enforcement and dealing

with infringements will be a matter for the flag state. A United Nations Resolution, which the United Kingdom fully supports, already calls for a moratorium on high-seas drift-nets.

EDUCATION AND EMPLOYMENT

Disaffected Children

Mr. Stephen Twigg: To ask the Secretary of State for Education and Employment when his Department will respond to the Fifth report of the Education and Employment Committee, Session 1997–98 (HC 498) on Disaffected Children. [47826]

Mr. Blunkett: The Department has produced its response to the Select Committee's Report on Disaffected Children. A copy of the response has been sent to the Education and Employment Select Committee. A copy will be placed in the Library.

Grammar Schools

Mr. Green: To ask the Secretary of State for Education and Employment what estimate he has made of the cost of holding ballots on the future of grammar schools in *(a)* Kent, *(b)* Lincolnshire, *(c)* Medway, *(d)* Slough, *(e)* Southend, *(f)* Torbay, *(g)* Trafford, *(h)* Buckinghamshire and *(i)* Bexley. [47090]

Mr. Byers: Ballots will be held only when 20 per cent. of local parents seek one. The cost will depend on how many ballots parents seek. Where parents seek ballots, every effort will be made to ensure that costs are kept to a minimum and value for money is secured.

Universities (Scotland)

Mr. Green: To ask the Secretary of State for Education and Employment what estimate he has made of the number of students from England who will attend Scottish universities in 1998–99. [47089]

Dr. Howells: The Department does not publish forecasts of entrants by country of domicile or by country of study.

SOCIAL SECURITY

Focus Groups

Mr. Mullin: To ask the Secretary of State for Social Security if she will place in the Library a copy of the focus group work which she has commissioned since 1 May last year, indicating the cost in each case. [45459]

Mr. Field: We have today placed in the Library a list containing the information requested.

Lone Parents

Mr. Burns: To ask the Secretary of State for Social Security, pursuant to her answer of 21 April 1998, *Official Report*, columns *604–45*, if she will update her answer as regards how many lone parents who gained employment are now in receipt of income support and have no earnings, and include those who gained employment in the period *(a)* 1 March to 31 March and *(b)* 1 April to 30 April. [45191]

Mr. Keith Bradley *[holding answer 15 June 1998]*: The number of lone parents who obtained employment between the following dates, and who are now in receipt of Income Support and have no earnings are as follows:

Period	*Number of lone parents who obtained employment/ increased hours*	*Number of lone parents who obtained employment/ increased hours, but who are now in receipt of Income Support and have no earnings*
21 July-22 October 1997	518	87
23 October-30 November 1997	391	86
1 December-31 December 1997	141	28
1 January-31 January 1998	228	32
1 February-28 February 1998	240	36
1 March-31 March 1998	280	26
1 April-30 April 1998	219	14

Notes:

1. The figures given for the number of lone parents who have found employment include those lone parents who have increased their hours while participating in the New Deal for Lone Parents
2. The figures given for the number of lone parents who have found employment but are now on Income Support with no earnings represent information as of 16 June 1998

It is not possible to draw conclusions about exit rates from employment of lone parents on the New Deal for Lone Parents as the data from the New Deal for Lone Parents are insufficient to calculate exit rates. The interim evaluation results of the New Deal for Lone Parents show that the programme has had an encouraging and marked effect on the rate at which lone parents move off Income Support; the programme has reduced the number of lone parents on Income Support in the New Deal areas by between one and two percentage points.

The final evaluation report, which will be available in Autumn 1999, will compare the outcomes for lone parents in the eight prototype New Deal for Lone Parents areas with those in the control areas.

Budget Changes

Mr. Amess: To ask the Secretary of State for Social Security how many couples with children aged *(a)* under 11 years and *(b)* 11 years and above, claiming income support after 5 April, will be better off as a result of changes announced in the Budget and due to take effect in April 1999 by (i) up to £2.50, (ii) £2.51 to £5, (iii) £5.01 to £7.50, (iv) £7.50 to £10 and (v) £10.01 and above per week; and how many will remain unaffected. [46001]

Mr. Keith Bradley: The changes announced in the Budget which are due to take effect from April 1999 consist of a £2.50 increase in Child Benefit for the eldest child, and a £2.50 increase in the Family Premium in

Income Support, Jobseeker's Allowance, Housing Benefit and Council Tax Benefit. The information requested on the numbers affected by this change is in the tables.

Couples in receipt of income support (IS)/jobseeker's allowance (JSA) with children under the age of eleven

	Numbers affected		
Weekly gain	*Receiving IS/JSA at April 5*	*New IS/JSA awards after April 5*	*Total*
Unaffected	0	0	0
Up to £2.50	175,000	135,000	315,000
£2.51 to £5	0	0	0
£5.01 to £7.50	0	0	0
£7.51 to £10.00	0	0	0
Over £10.00	0	0	0
Total	175,000	135,000	315,000

Couples in receipt of income support (IS)/jobseeker's allowance (JSA) with youngest child aged eleven years and above

	Numbers affected		
Weekly gain	*Receiving IS/JSA at April 5*	*New IS/JSA awards after April 5*	*Total*
Unaffected	0	0	0
Up to £2.50	75,000	30,000	105,000
£2.51 to £5	0	0	0
£5.01 to £7.50	0	0	0
£7.51 to £10.00	0	0	0
Over £10.00	0	0	0
Total	75,000	30,000	105,000

Notes:

1. Caseloads are rounded to the nearest 5,000. Caseloads have been projected to the end of 1998–99. Caseloads may not sum to the total because of rounding

2. The analysis covers changes to Social Security benefits announced in the Budget and which are due to take effect in April 1999. All other Budget measures, such as increases in the child personal allowances for the under elevens and changes to the Married Couples Tax Allowance, have been excluded

3. Post April 5 case is defined as someone whose IS claim began after April 5, or who was on IS before April 5 but not as part of a couple with children

Source:

Based on data taken from the May 1996 Income Support Quarterly Statistical Inquiry uprated to 1998–99 prices, benefits and earnings level and calibrated to the forecasts underlying the 1998 Departmental report

Mr. Amess: To ask the Secretary of State for Social Security how many couples with children aged *(a)* under 11 years and *(b)* 11 years and above, claiming income support after 5 April will be better off as a result of the changes announced in the Budget and due to take effect in November by (i) up to £2.50, (ii) £2.51 to £5, (iii) £5.01 to £7.50, (iv) £7.50 to £10 and (v) £10.01 and above per week; and how many will remain unaffected. [45996]

Mr. Keith Bradley: The changes announced in the Budget which are due to take effect from November consist of a £2.50 increase in personal allowances for children under eleven in Income Support, Jobseeker's Allowance, Housing Benefit, Family Credit and Council Tax Benefit. The information requested on the numbers affected by this change is in the tables.

Couples in receipt of income support (IS) jobseeker's allowance (JSA) with children under the age of eleven

	Numbers affected		
Weekly gain	*Receiving IS/JSA at April 5*	*New IS/JSA awards after April 5*	*Total*
Unaffected	0	0	0
Up to £2.50	70,000	60,000	135,000
£2.51 to £5.00	65,000	45,000	110,000
£5.01 to £7.50	30,000	20,000	50,000
£7.51 to £10.00	10,000	5,000	15,000
Over £10.00	5,000	*	5,000
Total	175,000	135,000	315,000

Couples in receipt of income support (IS)/jobseeker's allowance (JSA) with youngest child aged eleven years and above

	Numbers affected		
Weekly gain	*Receiving IS/JSA at April 5*	*New IS/JSA awards after April 5*	*Total*
Unaffected	75,000	30,000	105,000
Up to £2.50	0	0	0
£2.51 to £5.00	0	0	0
£5.01 to £7.50	0	0	0
£7.51 to £10.00	0	0	0
Over £10.00	0	0	0
Total	75,000	30,000	105,000

Notes:

1. Caseloads are rounded to the nearest 5,000, * denotes a caseload of less than 5,000. Caseloads have been projected to the end of 1998–99. Caseloads may not sum to the total because of rounding

2. Post April 5 case is defined as someone whose IS claim began after April 5, or who was on IS before April 5 but not as part of a couple with children

Source:

Based on data taken from the May 1996 Income Support Quarterly Statistical Inquiry uprated to 1998–99 prices, benefits and earnings level and calibrated to the forecasts underlying the 1998 Departmental report

Mr. Amess: To ask the Secretary of State for Social Security how many couples with children aged *(a)* under 11 years and *(b)* 11 years and above, working more than 16 hours per week after 1 June will be better off after the changes announced in the Budget and due to take effect in April 1999 by (i) up to £2.50, (ii) £2.51 to £5, (iii) £5.01 to £7.50, (iv) £7.50 to £10 and (v) £10.01 and above per week; and how many will remain unaffected. [46000]

Mr. Keith Bradley: The changes announced in the Budget which are due to take effect from April 1999 consist of a £2.50 increase in Child Benefit for the eldest child, and a £2.50 increase in the Family Premium in Income Support, Jobseeker's Allowance, Housing Benefit

and Council Tax Benefit. The information requested on the numbers affected by this change is in the tables.

Couples with children under the age of eleven

Weekly gain	*Numbers affected*
Unaffected	0
Up to £2.50	3,220,000
£2.51 to £5	0
£5.01 to £7.50	0
£7.51 to £10.00	0
Over £10.00	0
Total	3,220,000

Couples with youngest child aged eleven years and above

Weekly gain	*Numbers affected*
Unaffected	0
Up to £2.50	1,405,000
£2.51 to £5	0
£5.01 to £7.50	0
£7.51 to £10.00	0
Over £10.00	0
Total	1,405,000

Notes:

1. Caseloads are rounded to the nearest 5,000
2. The analysis covers changes to Social Security benefits announced in the Budget and which are due to take effect in April 1999. All other Budget measures, such as increases in the child personal allowances for the under elevens and changes to the Married Couples Tax Allowance, have been excluded
3. Caseload information reflects the position for all couples with children, working more than 16 hours per week, at the end of 1998–99

Source:

Based on data taken from the 1995–96 Family Resources Survey uprated to 1998–99 prices, benefits and earnings levels and calibrated to the forecasts underlying the 1998 Departmental report.

Mr. Amess: To ask the Secretary of State for Social Security how many couples with children aged *(a)* under 11 and *(b)* 11 years and above, working more than 16 hours per week after 1 June will be better off after the changes announced in the Budget and due to take effect in November by (i) up to £2.50, (ii) £2.51 to £5, (iii) £5.01 to £7.50, (iv) £7.50 to £10 and (v) £10.01 and above per week; and how many will remain unaffected. [45995]

Mr. Keith Bradley: The changes announced in the Budget which are due to take effect from November, consist of a £2.50 increase in the personal allowance for children under eleven in Income Support, Jobseeker's Allowance, Housing Benefit, Council Tax Benefit and Family Credit. The information requested on the number affected by this change is in the tables.

Couples with children under the age of eleven

Weekly gain	*Numbers affected*
Unaffected	2,855,000
Up to £2.50	150,000
£2.51 to £5	130,000
£5.01 to £7.50	65,000
£7.51 to £10.00	20,000
Over £10.00	*
Total	3,220,00

Couples with youngest child aged eleven years and above

Weekly gain	*Numbers affected*
Unaffected	1,405,000
Up to £2.50	0
£2.51 to £5	0
£5.01 to £7.50	0
£7.51 to £10.00	0
Over £10.00	0
Total	1,405,000

Notes:

1. Caseloads are rounded to the nearest 5,000, * denotes a caseload of less than 5,000
2. Caseload information reflects the position for all couples with children, working more than 16 hours per week, at the end of 1998–99.

Source:

Based on data taken from the 1995–96 Family Resources Survey uprated to 1998–99 prices, benefits and earnings levels and calibrated to the forecasts underlying the 1998 Departmental report

Disability Living Allowance

Dr. Cable: To ask the Secretary of State for Social Security how many of the disabled persons who have had their disability living allowance award disallowed or reduced over the last 18 months following *(a)* a review and *(b)* an appeal were suffering from (i) M.E., (ii) mental health illness, (iii) multiple sclerosis, (iv) Alzheimer's disease and (v) rheumatoid arthritis. [46425]

Mr. Denham: The information is not available in the format requested. Some relevant figures are given in the table:

People with a Disability Living Allowance award reduced in the last 18 months

Main disabling condition	*Reduced at review*	*Reduced at appeal*
M.E.[1]	—	—
Mental Health illness[2]	2,840	—
Multiple Sclerosis	480	—
Dementia[3]	—	—
Arthritis[4]	4,200	—

[1] Category includes Chronic Fatigue Syndrome as well as ME and post viral syndrome

[2] Figures include: mental subnormality; psychosis (including schizophrenia and manic depression); psychoneurosis (including anxiety, depression, phobia and hysteria); personality disorder; behavioural disorder (including enuresis and hyperactivity) and severely mentally impaired

[3] Category includes senile, pre-senile, Alzheimers and traumatic dementia

[4] Category includes rheumatoid and osteo arthritis

Notes:

1. 5 per cent. data. Numbers too small to be reliable have been omitted
2. Figures relate to decisions made in the 18 months ending 31 May 1998

Source:

Analytical Services Division

Gender Impact Assessments

Jackie Ballard: To ask the Secretary of State for Social Security if he will place in the Library copies of gender impact assessments which have been undertaken in respect of legislation introduced in this Parliament; if he will make it his policy to do so in respect of future legislation; and if he will make a statement. [47021]

Ms Ruddock: The gender perspective in policy making is being addressed through the cross-Departmental mainstreaming initiative which the Ministers for Women launched on 18 May. We have consulted widely in the formulation of new guidelines. These guidelines will require Departments to:

consider how policy proposals affect women;

consult with women's organisations where appropriate; and

to take action where the differential impact is not justifiable.

The Ministers for Women intend to publish an Annual Report to Parliament setting out progress on mainstreaming the women's perspective into Government policy-making. The first report will be published after the end of this financial year.

Written Answers to Questions

Thursday 25 June 1998

ENVIRONMENT, TRANSPORT AND THE REGIONS

Queen Elizabeth II Bridge

Sir Sydney Chapman: To ask the Secretary of State for the Environment, Transport and the Regions when ownership of the Queen Elizabeth II bridge and the Dartford Tunnels will transfer to the Government; if the transfer will be earlier than scheduled; and what difference there has been between the revenue received from toll charges and the forecast made when the bridge was sanctioned. [46755]

Ms Glenda Jackson: The concession for the Dartford crossings is likely to end, on current projections and subject to ongoing assessments of maintenance requirements, towards the end of 2000. Tolling can then continue for a further year for the accumulation of a maintenance fund. This estimated timetable is 3 years shorter than was envisaged at the start of the Dartford River Crossing's concession in July 1988. In real terms, toll revenue has been over 20 per cent. higher than expected.

Gender Impact Assessments

Jackie Ballard: To ask the Secretary of State for the Environment, Transport and the Regions if he will place in the Library copies of gender impact assessments which have been undertaken in respect of legislation introduced in this Parliament; if he will make it his policy to do so in respect of future legislation; and if he will make a statement. [47028]

Angela Eagle: I refer the hon. Member to the reply given by my hon. Friend the Parliamentary Under-Secretary of State for Women yesterday, 24 June 1998, *Official Report*, columns *557–58*.

Environment Agency (Penrith Office)

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions how many Environment Agency staff in Carlisle have been made redundant because of the move to Penrith. [47232]

Angela Eagle: None.

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions how many new jobs will be created in Penrith because of the move to Penrith of the Environment Agency Regional Office. [47224]

Angela Eagle: The Penrith Office will be staffed by existing Environment Agency employees from elsewhere in the North West Region. There are no plans for additional posts at this stage.

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the resources which the Environment Agency will put into the local economy in Penrith and the surrounding area when its new headquarters are fully functioning. [47231]

Angela Eagle: No estimate has been made.

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions what is the total number of jobs in the new Environment Agency office in Penrith. [47228]

Angela Eagle: 118.

Eurostar Sleeper Carriages

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions what is to happen to the Eurostar sleeper carriages. [47274]

Ms Glenda Jackson: Following the termination of the lease referred to in my answer to my hon. Friend the Member for Tamworth (Mr. Jenkins) on 16 June 1998, *Official Report*, column *126*, the partially built rolling stock became the responsibility of the manufacturer, GEC Metro Cammel. If this rolling stock is sold on by the manufacturer there is a profit sharing arrangement which could result in a return to the taxpayer.

London Underground (Muggings)

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions how many mugging offences against passengers on London Underground services were reported in the last 12 months. [47339]

Ms Glenda Jackson: The safety and security of passengers is a top priority for London Underground. It works in partnership with the British Transport Police to reduce the incidence of crime on the network. I understand from London Transport that 462 robberies were recorded in the period from June 1997 to June 1998, a reduction of 8 per cent. on the previous year.

Crop Irrigation

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to restrict the use of water for irrigating crops. [47514]

Angela Eagle: Under proposals set out in *The Review of the Water Abstraction Licensing System in England and Wales—Consultation Paper* which we published on 19 June, all forms of irrigation where water is moved from a source and applied to land would have to be licensed, unless the abstracted quantities are below a threshold amount which would be set to reflect the local water resource position. Currently, only abstraction for spray irrigation requires a licence.

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to remove entitlement to compensation if an abstraction water licence for irrigating crops is revoked or varied. [47515]

Angela Eagle: As set out in *The Review of the Water Abstraction Licensing System in England and Wales—Consultation Paper* which we published on 19 June, we are minded to remove, from a date to be determined, compensation for losses arising from the revocation or variation of any abstraction licence which has been granted without time limit if the Secretary of State is satisfied that the proposed action is necessary in order to protect the associated water environment from significant damage.

Lake District National Park

Mr. Collins: To ask the Secretary of State for the Environment, Transport and the Regions (1) how he proposes to consult residents and businesses within the Lake District National Park following the publication of his conclusions about transport strategy in the area; [47463]

(2) if *(a)* the viability of local businesses, *(b)* the prospects for local jobs and *(c)* the nature of village life in the area will be taken into account in his Department's review of transport strategy within the Lake District National Park; and if he will make a statement; [47464]

(3) which organisations and individuals representing residents and businesses within the Lake District National Park *(a)* have been consulted, *(b)* will be consulted and *(c)* have chosen to express a view on his Department's transport strategy for the area; [47465]

(4) when he expects to announce his conclusions concerning transport policy within the Lake District National Park; and if he will make a statement. [47466]

Angela Eagle: The Deputy Prime Minister has asked me to look at the transport problems faced by the Lake District and to see what the Government can do to help build on the work which has already been done by a local partnership including Cumbria County Council, the National Park Authority, the Countryside Commission and the Cumbria Tourist Board. I visited the Lake District National Park on 15 May to meet the local partners and to see the problems and opportunities first hand. The Government are committed to an integrated approach, linking matters such as jobs, housing, transport and other services in rural areas, to foster a living sustainable countryside.

Any new proposals will need to build on the existing transport strategy, for which consultation mechanisms already exist. A number of individuals and organisations representing local interests have put forward their views on the transport problems and solutions in the Lake District National Park. I will be reporting my findings to the Deputy Prime Minister shortly. We will then need to consider the way forward with the local partners.

Fishing Vessel Losses

Mr. Andrew George: To ask the Secretary of State for the Environment, Transport and the Regions how many fishing vessels have been lost from Cornish ports since 1995; how many men were lost in each case; and who owned the vessels. [47462]

Ms Glenda Jackson: The Marine Accident Investigation Branch has produced a list showing Cornish fishing vessel losses between 1995 and 1997, the most recent years for which records are available.

Date of accident	*Name of vessel*	*Fatalities*	*Owner*
6 November 1995	Provider	3	Mr. G. Adams
25 July 1996	Lars William	—	Mr. D. J. Evans
15 August 1996	Flem Art	—	Mr. C. K. Curtis
16 August 1996	Rachel and Daniel	—	W. Harvey and Sons
24 December 1996	New Dawn	—	Mr. A. J. McFarlane
11 March 1997	Gorah Lass	3	Mr. P. W. Benney
30 March 1997	William G	—	Mr. D. P. Smith
19 September 1997	Lynn-Well	—	Tarbert Shellfish Co. Ltd.
11 November 1997	Margaretha Maria	4	Mr. G. Adams
5 December 1997	Southover Scorpio	—	Mr. G. A. Tomlinson

This list includes vessels which were operated from Cornish ports but were not necessarily registered there.

Mr. Andrew George: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to raise the 'Margaretha Maria'; and what investigations are taking place to identify the cause of the loss of the vessel. [47461]

Ms Glenda Jackson: The Marine Accident Investigation Branch has no plans to raise the vessel. It is currently analysing the material obtained on the survey and is satisfied that it has obtained sufficient evidence to determine how the vessel was lost.

Mr. Andrew George: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from the widows of the men lost aboard the 'Margaretha Maria'. [47460]

Ms Glenda Jackson: One representation has been received from the hon. Member on behalf of Mrs. Todd.

Wetlands

Mr. Gerald Howarth: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to introduce legislation to ban the use of lead shot over wetlands; and if he will make a statement. [47096]

Angela Eagle: I refer the hon. Member to the answer given by my right hon. Friend the Minister for the Environment to my hon. Friend the Member for Shipley (Mr. Leslie) on 18 December 1997, *Official Report*, column 276.

Asbestos

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions how many deaths have been caused through white asbestos in each of the last five years. [47410]

Angela Eagle: The number of cases specifically caused by white asbestos cannot be determined from available statistics which do not distinguish between types of asbestos. However, there is good evidence that blue and brown asbestos is significantly more hazardous than white.

Asbestos causes three fatal diseases: mesothelioma, lung cancer and asbestosis. The number of deaths from all types of asbestos exposure for mesothelioma and asbestosis in the last five years for which complete data are available are as follows:

Year	Mesothelioma	Asbestosis
1991	1,011	163
1992	1,082	150
1993	1,140	172
1994	1,241	174
1995	1,317	164

The number of lung cancers cannot be accurately determined, but indirect evidence suggests that there are at least as many cases as for mesothelioma.

These figures represent deaths from exposure probably between 15 and 45 years ago when the use of asbestos was more widespread and when legislative controls were less stringent than now.

Stagecoach

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions if he will launch an inquiry into the proposed acquisition of a stake in Virgin Rail by Stagecoach. [47561]

Ms Glenda Jackson: The proposed acquisition by Stagecoach of a 49 per cent. shareholding in Virgin Rail will require approval by the Franchising Director under the terms of Virgin's franchise agreements and by the Rail Regulator under the terms of the licences issued by him. It may also constitute a merger under the terms of the Fair Trading Act 1973 and the Director General of Fair Trading will be considering this. If it is a qualifying merger, he will provide advice to the Secretary of State for Trade and Industry as to whether it should be referred to the Monopolies and Mergers Commission or whether undertakings should be sought in lieu of such a reference.

ATTORNEY-GENERAL

Lockerbie

Mr. Dalyell: To ask the Attorney-General how many members of his Department are currently working on Lockerbie. [47293]

The Attorney-General: The conduct of the criminal investigation into the Lockerbie tragedy is in the hands of my noble and learned Friend the Lord Advocate. The conduct of the ongoing litigation before the International Court of Justice is a responsibility which my noble and learned Friend the Lord Advocate shares with my right hon. Friend the Foreign Secretary. Officials from my office are involved in consideration and discussion of the matter as appropriate.

Departmental Reviews

Mr. Allan: To ask the Attorney-General if he will list, for each of the last four years, all departmental inquiries and reviews instigated by ministers which have been chaired by individuals outside his Department; and in each case if he will give the date of establishment and the name of the chairman. [46836]

The Attorney-General: Two such reviews have been established by me or my predecessor during the past four years. They are:

Review	Date	Chairman
Possible merger of SFO and CPS Fraud Divisions	July 1994	Rex Davie
Review of Crown Prosecution Service	June 1997	Right hon. Sir Iain Glidewell

Legal Aid

Mr. Pickthall: To ask the Attorney-General, pursuant to the answer of 28 April 1998, *Official Report*, columns *65–67*, on legal aid, if he will list for the named barristers the amount of public funds they gained from prosecution costs over the same period. [42265]

The Attorney-General *[holding answer 19 May 1998]:* The number of prosecuting authorities in England and Wales makes it impracticable for my officials to make inquiries of each in order to aggregate payments made to each counsel. Such inquiries have therefore been confined to the four main prosecuting authorities only, namely the Crown Prosecution Service, the Serious Fraud Office, the Department of Trade and Industry and HM Customs and Excise. Figures are for gross fees inclusive of VAT. Because of the system operated for the payment of prosecution fees, the figures represent sums actually paid to counsel during the period in question, which is a different basis to that reflected in the answer given by the Parliamentary Secretary, Lord Chancellor's Department on 28 April 1998, *Official Report*, columns *65–67*, which were calculated on a last payment basis.

The sums paid by way of prosecution fees to the barristers named during the financial year 1996–97 by the authorities mentioned above is as follows:

	£
R. Alun Jones QC	0
Malcolm Swift QC	4,230
Peter Rook QC	99,421
Edmund Lawson QC	17,918
Stephen Batten QC	11,876
Anthony Arlidge QC	0
Michael Hill QC	15,319
Ronald Thwaites QC	0
Andrew Trollope QC	0
Stuart Stevens	91
Oliver Blunt QC	52
Stephen Leslie QC	0
Winston Roddick QC	27,048
Peter Feinberg QC	0
Timothy Raggatt QC	81,120
Anthony Berry QC	258
Clare Montgomery QC	50,231
Peter Doyle	940
Patrick Harrington QC	65,909
P. James Richardson	0

DEFENCE

Manning Levels

Mr. Blunt: To ask the Secretary of State of State for Defence (1) if he will list the *(a)* current establishment and *(b)* actual current manning levels of (i) the Royal Air Force as a whole, (ii) pilots, navigators and ground crew assigned to (1) squadron duty, (2) strike attack, (3) offensive support, (4) reconnaissance, (5) maritime patrol, (6) air defence, (7) air transport (including air-to-air refuelling), (8) support helicopters and (9) search and rescue, (iii) Royal Air Force Regiment and (iv) Royal Auxiliary Air Force; [47546]

(2) if he will list the *(a)* current establishment and *(b)* actual current manning levels of (i) the Army as a whole, (ii) Royal Armoured Corps regiments, (iii) infantry battalions, (iv) Army Air Corps regiments, (v) Royal Artillery regiments, (vi) Royal Engineer regiments, (vii) Royal Signals units, (viii) Royal Logistics Corps units, (ix) Adjutant Generals Corps, (x) Formation Headquarters and (xi) the Territorial Army; [47545]

(3) if he will list the *(a)* current establishment and *(b)* actual current manning levels of (i) the Royal Navy as a whole, (ii) the Fleet Air Arm, (iii) the Royal Marines, (iv) the Royal Marine Reserve and (v) the Royal Naval Reserve. [47547]

Dr. Reid: I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

Service Children's Education

Mr. Borrow: To ask the Secretary of State for Defence what are the key targets for 1998–99 for the Chief Executive of Service Children's Education. [48004]

Mr. Spellar: The Chief Executive has been set the following Key Targets for 1998–99.

1. Exceed the 1997–98 UK LEA average percentage pass rate (measured as a percentage of pupil entries) gaining A* to C grade in 5 or more subjects at GCSE by 4 per cent.; 1998–99 target is 44.3 per cent.
2. Exceed 1997–98 UK LEA average percentage pass rate (as measured as a percentage of subject entries) at grades A* to C at A level by 2 per cent.; 1998–99 target is 54 per cent.
3. Maintain an overall percentage pass rate for GNVQ Intermediate Level; 1998–99 target is 92 per cent.
4. Achieve the following results at standard assessment tasks and tests (SATs) at each of ages 7, 11 and 14 in: (a) English (b) Maths (c) Science.

Percentage

Subject	*KS1*	*KS2*	*KS3*
English			
Teacher Assess	87	68	67
Reading Test/Task	87	—	—
Writing Test/Task	89	—	—
Test/Task	—	71	73
Maths			
Teacher Assess	89	71	71
Test/Task	89	73	68
Science			
Teacher Assess	90	72	73
Test/Task	n/a	78	74

5. Achieve as a minimum a "satisfactory" standard in each OFSTED school inspection.
6. Implement the SCE elements of the MOD scheme(s) for the provision of nursery education overseas.

Note:

This target seeks to ensure the completion of the introduction of free nursery education in line with UK provision.

7. To achieve a percentage reduction in real terms in pupil per capita costs (measured against total Agency resource costs) of 2.5 per cent.
8. Achieve an index of satisfaction with SCE within the Army Continuous Attitude Survey above 358 overall and above 400 for Germany.

Note:

The "Army Continuous Attitude Survey" is an independent customer survey of the views of Army Personnel.

9. Ensure the percentage of inquiries and/or requests answered within 10 working days of receipt is at least 90 per cent.

United Kingdom Hydrographic Office

Mr. Rapson: To ask the Secretary of State for Defence what key targets have been set for the United Kingdom Hydrographic Office Defence Agency for 1998–99. [48024]

Mr. Spellar: The key targets set for the UK Hydrographic Office in 1998–99 are as follows:

1. To process and promulgate priority safety information within stated timescales from receipt of data.
2. To achieve 100 per cent. of the endorsed and funded Defence Programme to cost, quality and timeliness targets as defined in Tasking Authorisation Forms (TAFs).
3. To meet short-notice Defence operational requirements within agreed timescales.
4. Implement by 30 September 1998 new performance indicators (PIs) of product availability and service levels for response times as perceived from our customers' perspective for improving safe navigation.
5. To break even taking one year with another.
6. To achieve an average Return on Capital Employed (ROCE) during the plan period of 7.5 per cent.
7. To achieve efficiency savings of 13.5 per cent. of controllable costs (based on controllable costs for FY95–96) by 31 March 2001.

Agency Newsletters

Mr. Matthew Taylor: To ask the Secretary of State for Defence what are the current security classifications of the newsletters produced for the staff of *(a)* the Army Base Repair Organisation, *(b)* the Army Personnel Centre and *(c)* the RAF Training Group;, how often each is produced; and when each was first produced. [46815]

Mr. Spellar: This is a matter for the Chief Executives of the Agencies concerned. I have asked them to write to the hon. Member.

Letter from Jim Drew to Mr. Matthew Taylor, dated 25 June 1998:

I am replying to your Question to the Secretary of State for Defence about newsletters produced by three Defence Agencies. This mater, as far as the Army Base Repair Organisation (ABRO) is concerned, falls within my area of responsibility as Chief Executive.

The ABRO Newsletter, "ABRO News", is unclassified. It was first produced in August 1994. Until 1997 it was produced every other month. In 1997 three issues were produced and there has been one issue thus far in 1998.

Letter from Tony Stables to Mr. Matthew Taylor, dated 25 June 1998:

I am replying to your Question to the Parliamentary Under Secretary of State for Defence about the production of newsletters, as this matter falls within my area of responsibility as Chief Executive of the Royal Air Force Training Group Defence Agency.

The RAF Training Group does not currently produce an Agency-wide newsletter, but a variety of such publications are issued by our individual units to their own staff, giving up to date information on all matters of interest. They are unclassified and published at varying intervals. The original dates of issue are as varied as the publications themselves; however, most of them have been launched, or relaunched in their present format, since the formation of the Agency in April 1994.

Letter from Alex Stevenson to Mr. Matthew Taylor, dated 25 June 1998:

I am replying on behalf of the Chief Executive of the Army Personnel Centre (APC), in his absence on business, to your Question to the Secretary of State for Defence about the security classification and production of an APC newsletter, as this matter falls within the responsibility of this Agency.

The APC has produced two types of newsletter, both of which have been published without security classifications to ensure they received the widest possible circulation among the intended readership. Seven issues of an internal newsletter for staff of the APC and its predecessor organisations were published at irregular intervals between April 1996 and September 1997 to report major developments in the APC Implementation Programme. Production of a successor internal newsletter is currently being considered. An external newsletter for APC customers was first produced in December 1997 and has been published quarterly to all Field Army units worldwide. Two issues have been published to date and a third will be published in July.

Chemical and Biological Weapons

Mr. Key: To ask the Secretary of State for Defence in what ways he is co-operating with the US Defence Secretary in the devising and development of *(a)* protective equipment and *(b)* vaccines to defend (i) United States and British troops and (ii) civilian populations from chemical and biological weapons. [46544]

Mr. George Robertson *[holding answer 22 June 1998]:* I have recently agreed with the US Defence Secretary that we should increase co-operation to combat chemical and biological weapons. This will further deepen the existing close collaboration in this area.

The UK is already party to a trilateral Memorandum of Understanding (MOU) with the United States and Canada on chemical and biological defence. Under the auspices of this MOU, we have developed a joint approach to chemical and biological defence and collaboration across the full range of defensive measures, including protective equipment and vaccines. In addition, the three countries are seeking to harmonise our policy and procedures for dealing with the threat from chemical and biological weapons. We also plan to participate in a joint vaccine programme which will develop licensed vaccines for all three countries.

The defence of the civilian population is a matter for my right hon. Friend the Home Secretary.

Mount McKinley Rescue

Mr. Hoyle: To ask the Secretary of State for Defence if he will make a statement on the rescue of the two British Army climbers from Mount McKinley in Alaska. [47559]

Mr. Spellar: On Thursday 18 June a 10 man team of soldiers from the 1st Battalion, the Princess of Wales Royal Regiment, had split into two groups in an attempt to climb Mt. McKinley in Alaska. A team of six were attempting the summit, whilst three soldiers remained in a mountain hut at 14,000ft to provide support. The tenth solider had already left the mountain suffering from altitude sickness.

At 19,300ft as they attempted to cross a snow buttress, the leading group of three soldiers, who were roped together, fell 300ft. Two of them sustained injuries which prevented them from taking any further part in the expedition. Whilst the two injured soldiers remained at 19,000 ft with two fit members of the team, the other two descended to a rescue hut to raise the alarm. During the descent they encountered two American civilian climbers who had both fallen and had sustained serious injury. One of the soldiers remained with the Americans whilst the other continued down the mountain to alert the rescue services.

The High Altitude Rescue Team from the US Army Base at Fort Wainwright were alerted by the National Park Rangers at 2 o'clock on the morning of Friday 19 June. However, due to heavy cloud formations, strong winds and temperatures of 30 degrees below zero, a helicopter rescue was not possible. Later that day one of the injured soldiers who had been unconscious but had now recovered, needed to be evacuated to a lower altitude. He was accompanied by a fit member of the team. However, during the descent, the climbers became disoriented and both fell a considerable distance down a steep slope. During the fall one of the soldiers suffered a broken ankle. Both were rescued and taken to the hut at 14,000 ft, still unable to be lifted out by helicopter due to poor conditions.

The two soldiers remaining at 19,000 ft were now isolated by bad weather which prevented their rescue until Monday 21 June. During this period they endured four difficult nights at high altitude, in freezing conditions, with very little food. On 21 June a special high altitude Lama helicopter lifted both soldiers from the mountain to a base camp where they were transferred to another helicopter and air lifted to hospital in Anchorage. In total, four soldiers were hospitalised, one has sustained a broken ankle, two have frostbite, and one, who has since been released, had minor injuries.

We owe a debt of gratitude to the National Park Rangers and the US Emergency Services for performing such a gallant act of rescue. In addition, the many mountaineers who assisted on the mountain in the recovery of our soldiers are to be thanked. We should also congratulate our soldiers, who finding themselves in extremely difficult circumstances, relied upon their high quality training to survive this hostile and life threatening situation.

Eurofighter

Mr. Gordon Prentice: To ask the Secretary of State for Defence what percentage of the Eurofighter aircraft by value is sourced from *(a)* the United Kingdom, *(b)* Germany, *(c)* Spain and *(d)* Italy. [46978]

Mr. Spellar: Workshare entitlements, based on the number of aircraft each country is purchasing are: United Kingdom 37.42 per cent., Germany 29.03 per cent., Spain

14.03 per cent. and Italy 19.52 per cent. Any imbalances that arise between production activity levels and entitlements will be addressed during the life of the programme using mechanisms established in the Memoranda of Understanding signed by the partner nations in December 1997.

AWE, Aldermaston

Mr. Matthew Taylor: To ask the Secretary of State for Defence how many quarterly analysis reports produced by the Directorate of Quality Assurance at the Atomic Weapons Establishment, Aldermaston since January 1995 are currently unclassified. [46796]

Mr. Spellar: Fourteen.

Mr. Matthew Taylor: To ask the Secretary of State for Defence how many directorates currently exist at the Atomic Weapons Establishment, Aldermaston. [46797]

Mr. Spellar: Eleven.

Mr. Matthew Taylor: To ask the Secretary of State for Defence, pursuant to his answer of 11 May 1998, *Official Report*, columns *1–2*, how many reports produced by the Weapon Diagnostic Division of the Atomic Weapons Establishment between 1979 and 1994 are currently unclassified. [46809]

Mr. Spellar: Twenty five of the reports produced by the Weapon Diagnostic Division of the Atomic Weapons Establishment between 1979 and 1994 are currently unclassified.

Strategic Defence Review

Mr. Blunt: To ask the Secretary of State for Defence when he currently expects to publish the strategic defence review; and when he ceased to expect to publish the review in the first half of the year. [47517]

Mr. George Robertson: I expect to be able to publish a White Paper on the outcome of the Strategic Defence Review shortly. The timetable has been kept under review and it is only in the last two weeks that it has become clear that we could not publish in the first half of the year.

TRADE AND INDUSTRY

Small Businesses

Mr. Baldry: To ask the President of the Board of Trade if she will make a statement on the targets the Government have set for their policies on smaller businesses, indicating the timetable for such targets. [47427]

Mrs. Roche: The Government are currently refining their detailed policy framework for small businesses.

The resulting strategy will be set out in the Competitiveness White Paper to be published in the Autumn.

Berlin Airlift

Ms Stuart: To ask the President of the Board of Trade what plans the Post Office has to issue a set of stamps to commemorate the Berlin Airlift. [47426]

Mr. Ian McCartney: The Post Office's stamp programme for 1999 has been designed to celebrate the Millennium: no special anniversaries will be commemorated. The Post Office recognises the importance of the Berlin Airlift anniversary and plans to issue a special commemorative label with associated philatelic products to honour the event. With the support of the Ministry of Defence, the Post Office is planning a high profile launch to maximise interest and publicity.

Gender Impact Assessments

Jackie Ballard: To ask the President of the Board of Trade if he will place in the Library copies of gender impact assessments which have been undertaken in respect of legislation introduced in this Parliament; if he will make it his policy to do so in respect of future legislation; and if he will make a statement. [47022]

Mr. Ian McCartney: I refer the hon. Member to the reply given by my hon. Friend the Parliamentary Under-Secretary of State for Women on 24 June 1998, *Official Report*, columns *557–58*.

Minimum Wage

Mr. Peter Bottomley: To ask the President of the Board of Trade, pursuant to her oral statement of 18 June 1998, *Official Report*, columns 507–19, what research underlay her statement that there would be no employment effects consequent on her minimum wage proposals; and what factors underlie the estimates made by the Low Pay Commission. [47236]

Mr. Ian McCartney: The Government's assessment was based on a wide range of econometric studies. The independent Low Pay Commission, which undertook a comprehensive consultation exercise and examined a wide body of published research on the effect of national minimum wages, concluded that a national minimum wage set at a sensible level, as we propose, should not have an adverse effect on employment.

Mr. Peter Bottomley: To ask the President of the Board of Trade if the minimum wage legislation will allow a worker to agree to be paid *(a)* nothing, *(b)* a rate between nothing and the minimum and *(c)* nothing for some hours or functions and the minimum for other hours or functions. [47322]

Mr. Ian McCartney: We have accepted the Low Pay Commission's recommendation that workers will be paid at least the national minimum wage for all hours worked and for all hours when they are at work and available for work. All workers will be covered by the minimum wage legislation apart from the genuinely self-employed and voluntary workers.

Supermarkets (Anti-competitive Practices)

Mr. Breed: To ask the President of the Board of Trade what plans she has to prevent supermarkets engaging in anti-competitive practices; and if she will make a statement. [47193]

Mr. Nigel Griffiths: Under UK competition legislation, the Director General of Fair Trading is responsible for monitoring markets and considering allegations of anti-competitive behaviour, abuse of monopoly power or restrictive trade practices.

Anyone with evidence of anti-competitive practices should forward this to the Director General.

Insider Dealing

Mr. Gordon Prentice: To ask the President of the Board of Trade how many DTI investigations have been conducted into alleged insider share dealing since 1987; and how many have resulted in a successful prosecution. [47200]

Mr. Nigel Griffiths: There have been 125 separate appointments of inspectors under section 177 of the Financial Services Act 1986 since 1987, some of which are ongoing. Successful prosecutions have followed from 11 of these appointments. This excludes 9 successful prosecutions, 6 by the DTI, where inspectors were not appointed.

Aerospace Investment

Mr. Jim Cunningham: To ask the President of the Board of Trade how much has been invested in research and development in the aerospace industry by the *(a)* private sector and *(b)* Government in each of the last three years. [46217]

Mr. Battle *[holding answer 16 June 1998]:* Expenditure on aerospace research and development performed within UK businesses for the last three years for which data are available is as follows:

£ million

	Government[1]	*Funded by Private sector*[2]	*Total*
1994	240	620	860
1995	242	643	886
1996	216	596	812

[1] Government funded R&D includes payments of launch investment which can generate returns to Government through levies on sales. Government funded also includes a small contribution from the European Union.

[2] Includes funds from overseas business

Source:

ONS Business Enterprise Research and Development (BERD) survey

Business Franchising

Mr. Jenkins: To ask the President of the Board of Trade what research her Department has *(a)* commissioned and *(b)* evaluated into the role of business franchising as a means of facilitating small firm growth. [47145]

Mrs. Roche: The Department has commissioned the following research on business franchising:

In 1993–94 Professor John Stanworth of the International Franchise Research Centre, University of Westminster, evaluated the impact of franchising on small and medium-sized enterprises (SMEs). The report, entitled "The Impact of Franchising on the Development Prospects of SMEs in the United Kingdom" was published in 1994.

In 1995–96 Professor D. A. Kirby of Durham University Business School, Ms J. Waites of the Franchise Company, Stockton and Mr. J. Bagri carried out research on "Franchising as a Business Development Strategy" for the Department. The final report was published in 1996.

Both reports are available in the Library of the House.

As a result of the Department's research, a publication entitled "An introduction to Franchising—Franchising Your Business" has been produced. This is aimed at those considering franchising their business, and complements an existing booklet for those considering purchasing a franchise.

Smaller Quoted Companies

Mr. Loughton: To ask the President of the Board of Trade (1) what has been the changes in the proportion of United Kingdom gross domestic product contributed by smaller quoted companies in each of the last 10 years; [47081]

(2) what proportion of United Kingdom export sales were made by smaller quoted companies in each of the last five years. [47082]

Mrs. Roche *[holding answer 23 June 1998]:* The information requested is not available from official sources.

Lord Archer

Mr. Gordon Prentice: To ask the President of the Board of Trade what was the cost of her Department's investigation into the share transactions relating to Anglia TV in 1994; how many inspectors were assigned to the case; and how long it took. [46982]

Mr. Nigel Griffiths: On 8 February 1994 two independent inspectors were appointed under S.177 of the Financial Services Act 1986 to investigate dealings in the securities of Anglia Television Group Plc between 10 January and 21 January 1994. They submitted their report on 19 July 1994. Their fees and disbursements amounted to about £215,000 (including VAT).

Mr. Gordon Prentice: To ask the President of the Board of Trade if her Department's inspectors investigating the dealing by Lord Archer in Anglia TV shares in 1994 interviewed Sir Nicholas Lloyd; and if she will make a statement. [46577]

Mr. Nigel Griffiths: It is not the Department's practice to give details of witnesses in insider dealing investigations.

Cigarette Exports

Mr. Rowe: To ask the President of the Board of Trade how many cigarettes manufactured in the United Kingdom were exported and to which countries in each of the last five years; and if she will make a statement. [46921]

Mrs. Roche: The values of UK exports of cigarettes to the main destinations in each of the last 5 years are given in the following table. The statistics on UK trade do not distinguish between cigarettes that are manufactured in the United Kingdom and those manufactured elsewhere.

UK exports of cigarettes, 1993–97
Main export markets

Market	*£ million*
1993	
1 Hong Kong	188.8
2 Singapore	78.8
3 Saudi Arabia	54.2
4 Taiwan	48.9
5 Netherlands	22.4
6 Benin	16.3
7 Dubai	12.1
8 Djibouti	11.8
9 Greece	10.4
10 Kuwait	9.1
Rest of World	114.6
World	567.5
1994	
1 Netherlands	137.3
2 Hong Kong	130.6
3 Germany	73.5
4 Singapore	71.3
5 Saudi Arabia	49.6
6 Taiwan	46.5
7 Philippines	46.2
8 Belgium-Lux	33.0
9 Benin	18.2
10 Russia	15.1
Rest of World	151.1
World	772.4
1995	
1 Netherlands	251.5
2 Hong Kong	124.0
3 Philippines	96.7
4 Germany	91.6
5 Singapore	83.1
6 Saudi Arabia	50.2
7 Taiwan	46.9
8 Belgium-Lux	44.9
9 Benin	30.8
10 Russia	14.6
Rest of World	190.2
World	1,024.4
1996	
1 Netherlands	248.8
2 Hong Kong	135.3
3 Singapore	132.4
4 Germany	93.4
5 Philippines	71.7
6 Belgium-Lux	58.3
7 Saudi Arabia	51.2
8 Taiwan	42.3
9 South Korea	23.8
10 Russia	23.2
Rest of World	197.5
World	1,077.8
1997	
1 Netherlands	246.9
2 Singapore	130.8
3 Belgium-Lux	84.9
4 Germany	81.6
5 Hong Kong	69.4
6 Philippines	59.2
7 Saudi Arabia	42.4
8 Taiwan	33.6
9 South Korea	28.0
Russia	26.9
Rest of World	272.1
World	1,075.7

Source:

Overseas Trade Statistics of the United Kingdom, HM Customs and Excise

SCOTLAND

Pilot Schemes

Mr. Burstow: To ask the Secretary of State for Scotland if he will list the pilot schemes announced since 1 May 1997 by his Department that involve local authorities in a lead or partnership capacity; if he will list each of the local authorities involved in each case; and what revenue and capital funding each local authority will receive through the pilot in (i) 1997–98, (ii) 1998–99, (iii) 1999–2000 and (iv) 2000–01. [46041]

Mr. Macdonald *[holding answer 15 June 1998]:* There are a large number of pilot schemes across my Department involving local authorities. The information requested is not held centrally and the costs of providing it in full would be disproportionate. In most cases, the total sums involved in each scheme are less than £50,000; many involve no additional funding. The following are amongst the larger schemes for which my Department is responsible.

1. £16 million has been allocated to a pilot Rough Sleepers Initiative over 3 years 1997–98 to 1999–2000; and £9 million to a pilot Empty Homes Initiative in 1997–98 and 1998–99. The schemes are a mix of revenue and capital expenditure.
2. The Mental Health Development Fund involves funding of £3 million per year between 1998–99 and 2000–2001 for partnership schemes which demonstrate the breaking down of barriers to co-ordinated care and support.
3. The Alternatives to Exclusion Grant Programme involves funding of £3 million over 3 years to reduce the incidence of exclusion from school; the scheme mainly involves revenue funding; 18 councils will participate.
4. £1.3 million has been allocated to the New Deal for Communities Programme in 1998–99, to help neighbourhoods with high concentrations of deprivation. Edinburgh and Glasgow Councils will be involved in the pilots and more councils are to be designated.
5. The Public Libraries Challenge Fund of £250,000 was established on a pilot basis for 1997–98 only; 6 authorities received capital funding.

Farmers (Payments)

Mr. Charles Kennedy: To ask the Secretary of State for Scotland what percentage of payments due in December 1997 to farmers *(a)* were paid late and *(b)* have not been paid to date; and if he will make a statement. [46944]

Mr. Macdonald: Under the Arable Area Payments Scheme in Scotland 98.6 per cent. of applicants received payments due by 31 December 1997 (representing 98 per cent. by value). As at 1 June 0.05 per cent. of applicants are yet to receive payments (representing 0.05 per cent. by value).

Further Education

Mr. Welsh: To ask the Secretary of State for Scotland what recent discussions he has had with the Association of Scottish Colleges regarding funding; what plans he has to give additional funding to the further education sector in 1999–2000; and if he will make a statement. [47249]

Mr. Wilson *[holding answer 23 June 1998]:* I met with representatives of the Association of Scottish Colleges on 7 May and addressed the Association's Annual Conference on 12 June. On both occasions funding was discussed.

No decisions about funding for the sector in 1999–2000 can be made until the Government's Comprehensive Spending Review is completed. This Government have already increased the resources available to the further education sector in 1998–99 by £11.4 million over the planned figures of the previous Administration.

Mr. Welsh: To ask the Secretary of State for Scotland if he will make a statement on *(a)* the future of Clydebank College and *(b)* the imminent redundancy of lecturing staff there. [47251]

Mr. Wilson *[holding answer 23 June 1998]:* The Board of Management of Clydebank College is currently implementing a series of recommendations contained in a report by independent consultants, the object of which is to restore the College's financial health and viability.

The College's cost base is well above the norm for the further education sector. While any redundancies are regrettable, the college recognises that it is necessary to make significant cost reductions in order to secure its future as a major provider of further education within the local area.

When I visited Clydebank College on 14 May I announced the establishment of a £2 million restructuring fund for the further education sector into which I invited the College to apply.

Gaelic Broadcasting

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland, pursuant to his answer of 23 March 1998, *Official Report*, column *44*, if he has now received the consultants' report on Opportunities for Gaelic Broadcasting in the Digital Era; if he will place a copy in the Library; and if he will make a statement. [47407]

Mr. Wilson: The consultants' report on Gaelic broadcasting in the digital era has been received. I will arrange for a copy to be placed in the Library. The report will be issued as part of a consultation exercise on how a dedicated Gaelic television channel can best be established.

WALES

Railways

Mr. Barry Jones: To ask the Secretary of State for Wales what plans he has to improve the *(a)* Wrexham-Birkenhead rail line, *(b)* Central Wales line and *(c)* Wrexham-Shrewsbury-Hereford-Cardiff line; and if he will make a statement. [45889]

Mr. Hain: Investment in rail infrastructure is primarily a matter for Railtrack, whose published Network Management Statement sets out investment strategies for particular routes. The Government support passenger rail services through the franchise agreements with train operators. One of the main objectives of our integrated transport policy, to be set out in a White Paper next month, is to encourage more passengers and freight onto the railways.

Sewers

Ms Lawrence: To ask the Secretary of State for Wales what assessment he has made of the advantages of requiring all new housing developments with access to the mains sewers to comply with the requirements of the Public Health Act 1936 and the Water Industry Act 1991 in order that the sewers serving these developments meet the criteria for adoption by the local authority. [46648]

Mr. Win Griffiths: The Review of Sewerage Law carried out in 1986 considered the question of requiring all new sewers to be built to an adoptable standard but the view was taken that existing legislation which enables sewers to be adopted was sufficient. It is a matter for developers to consider the advantages of building sewers to an adoptable standard. The Government have no plans at present to make any changes to the current legislation with regard to the adoption of sewers.

Ms Lawrence: To ask the Secretary of State for Wales how many households he estimates have unadopted sewers connected to the mains system as a result of developers not meeting the requirements of the Public Health Act 1936 and the Water Industry Act 1991 when constructing housing developments. [46649]

Mr. Win Griffiths: The information is not available to enable me to provide such an estimate.

Farmers (Payments)

Mr. Charles Kennedy: To ask the Secretary of State for Wales what percentage of payments due to farmers in December 1997 *(a)* have not been paid to date and *(b)* were paid late; and if he will make a statement. [46945]

Mr. Win Griffiths: Under the Arable Area Payments Scheme in Wales, 78.3 per cent. of applicants received payments due by 31 December 1997 representing 67.0 per cent. by value. As at 1 June, 0.4 per cent. of applicants are yet to receive payments, representing 0.2 per cent. by value.

Victim Support Groups

Mr. Llwyd: To ask the Secretary of State for Wales how many Victim Support groups there are in Wales; and how much funding they have attracted from *(a)* the Welsh Office and *(b)* local government sources in (i) the present financial year and (ii) the last two financial years. [46794]

Mr. Win Griffiths: Information provided by the National Association of Victim Support Schemes indicates that there are 31 such local schemes and branches currently operating in Wales.

Central Government funding for Victim Support Schemes is provided by the Home Office on an England and Wales basis and is allocated to Schemes by a Funding Panel. All Victim Support Schemes operating in Wales have received funding from this source in the current and previous two financial years.

The Volunteering in Wales Fund, which is administered by the Wales Council for Voluntary Action on behalf of the Welsh Office, provided £8,030 to Cardiff Volunteer Support in 1997–98. Support may also be obtained from other sources, such as local government, but details of these are not held centrally.

A470

Mr. Llwyd: To ask the Secretary of State for Wales when there will be further progress on the improvement of the A470 Blaenau Ffestiniog to Betwys-y-Coed road; and if he will make a statement. [47043]

Mr. Hain: Stage 1 of the A470 Ledr Valley improvement, between Cancoed and Minffordd has been completed. Further improvements on the Blaenau Ffestiniog to Betws-y-Coed section of the trunk road are subject to the current review of the Welsh trunk road programme. The report on the review will be published later this year.

Housing

Mr. Ruane: To ask the Secretary of State for Wales how many housing association houses were built in Wales in each year since 1975; and what is the forecast for the next five years. [47116]

Mr. Win Griffiths: Information on the number of housing association dwellings completed in each year from 1975 is given in the following table. There are no official forecasts.

New housing association dwellings completed:

Year	*Housing association completions*
1975	275
1976	182
1977	388
1978	1,072
1979	1,016
1980	917
1981	540
1982	794
1983	529
1984	593
1985	607
1986	534
1987	467
1988	719
1989	1,663
1990	1,685
1991	2,463
1992	2,460
1993	2,853
1994	2,841
1995	2,258
1996	2,404
1997	2,124

Mr. Ruane: To ask the Secretary of State for Wales how many council houses have been built in each year in Wales since 1975; and what is the projected number to be built for the next five years. [47117]

Mr. Win Griffiths: Information on the number of local authority dwellings completed in each year from 1975 is given in the following table. There are no official forecasts.

New local authority dwellings completed:

Year	*Local authority completions*
1975	7,332
1976	6,864
1977	6,575
1978	4,111
1979	3,010
1980	3,493
1981	3,370
1982	1,771
1983	1,543
1984	1,997
1985	992
1986	744
1987	810
1988	793
1989	566
1990	610
1991	418
1992	133
1993	172
1994	227
1995	176
1996	43
1997	1

Cycling

Mr. Ruane: To ask the Secretary of State for Wales what efforts he is making to promote cycling in Wales. [47103]

Mr. Hain: The Welsh Office has endorsed the National Cycling Strategy which aims to quadruple cycle use by 2012 and is represented on the National Cycling Forum which is charged with taking the strategy forward. We are working actively with others to implement it.

I have recently announced that up to £500,000 per year will be available for local authority Safe Routes to School initiatives in Wales. I expect cycling to play a major part in such initiatives.

Mr. Ruane: To ask the Secretary of State for Wales how much his Department has spent on the provision of cycling facilities in each of the past 10 years; and what is the projected amount to be spent in each of the next five years. [47102]

Mr. Hain: Local authorities are the primary agents for providing facilities for cyclists. We support local authorities' efforts with funding through the Transport Grant scheme in relation to packages; the Strategic Development Scheme; the Welsh Capital Challenge scheme and the annual capital block allocation.

The Welsh Office also provides cycling facilities as part of new or improved trunk road schemes where a need can be justified.

The cost of providing these facilities cannot be disaggregated from the overall costs.

Farm Workers

Mr. Ruane: To ask the Secretary of State for Wales how many farm workers are employed in each local authority area in Wales. [47104]

Mr. Win Griffiths: The information requested is shown in the following table:

Farm workers working on Welsh farm holdings, 1 June 1997[1]

	Family workers[2]	*Hired workers*[3]	*Total workers*
Bridgend	42	148	190
Caerphilly	53	125	178
Cardiff	6	152	158
Carmarthenshire	690	1,453	2,125
Ceredigion	431	1,077	1,508
Conwy	228	493	721
Denbighshire	231	541	772
Flintshire	144	458	602
Gwynedd	360	921	1,281
Isle of Anglesey	210	552	762
Merthyr Tydfil	13	26	39
Monmouthshire	235	741	976
Blaenau Gwent	21	30	51
Neath Port Talbot	67	149	216
Newport	45	129	174
Pembrokeshire	428	1,874	2,302
Powys	938	2,442	3,380
Rhondda, Cynon, Taff	63	155	218
Swansea	92	295	387
Torfaen	25	69	94
Vale of Glamorgan	100	300	400
Wrexham	128	455	583
Wales	4,550	12,567	17,117

[1] Excludes farmers, partners and directors
[2] Excludes spouses of farmers, partners and directors
[3] Includes salaried managers, hired and seasonal and casual workers
Source:
June 1997 Agricultural and Horticultural Census

Penmaenbach Road Tunnel

Mr. Evans: To ask the Secretary of State for Wales what safety checks have been carried out during the last 14 months to the Penmaenbach Road Tunnel on the A55 between Conwy and Penmaenmawr; and if he will make a statement. [47391]

Mr. Hain: During the last 14 months regular safety inspections have been carried out at the Penmaenbach Tunnel on the A55 by Welsh Office engineers and the North-East Wales Trunk Road Agency, who are appointed highway maintenance agents of the Welsh Office. In addition, the Welsh Office commissioned crack movement monitoring during the same period. Both safety inspection and crack movement monitoring is ongoing. The dates of the safety inspections and crack movement monitoring over the last 14 months were:

Safety inspections	*Crack movement monitoring*
9 April 1997	9 April 1997
25 June 1997	25 June 1997
15 October 1997	7 January 1998
7 January 1998	24 June 1998
1 April 1998	—
24 June 1998	—

Rural Transport

Mr. Edwards: To ask the Secretary of State for Wales when he expects to announce details of the additional funding for rural transport announced in the Budget. [47899]

Mr. Hain: I have arranged for the Special Grant Report (No. 3) (Wales) 1998 to be laid before the House today. The report which is subject to affirmative resolution, confirms the allocation of the £2.25 million to local authorities which I announced on 11 June, and sets out the conditions attached to the grant. Guidance on the use of the grant is being distributed to local authorities today.

This new grant represents a major boost to the provision of bus services in rural areas, and is an important step in the development of the Government's integrated transport policy.

Qualifications, Curriculum and Assessment Authority

Dr. Marek: To ask the Secretary of State for Wales if he will list the current members of the Qualifications, Curriculum and Assessment Authority for Wales, and give their relevant qualifications. [47523]

Mr. Hain: The current members of the Qualifications, Curriculum and Assessment Authority for Wales are as follows:

Chairman

Mr. Rudi Plaut, CBE

Deputy Chairman

Mr. Owen Rees, CB

Members

Mrs. Ann Davies
Mrs. Susan Parsons
Mrs. Caroline Lewis
Mr. Romey Ahmed
Mr. Peter Thomas
Mr. Emlyn Jones, OBE
Mr. Keith Davies
Mrs. Claire Argyle
Mr. Clive Carthew
Mr. Alan Boxford
Mr. Christopher Kipling.

Information about members is set out in the publication "Appointments by the Secretary of State for Wales" which is updated quarterly and placed in the Library of the House.

HEALTH

Health Trust Bills

Mrs. Lait: To ask the Secretary of State for Health if he will assess the impact of introducing centralised payment of health trust bills. [46368]

Mr. Milburn: The White paper "The New NHS" made clear our intention to reduce bureaucracy in the National Health Service. Centralised payment of NHS trusts' bills is not considered a practical way of achieving that objective.

Health Spending

Mr. Maude: To ask the Secretary of State for Health by how much health spending rose as a proportion of gross domestic product between 1978–79 and 1997–98; and how much it has risen in 1998–99. [46479]

Mr. Milburn: The information requested is in the table.

United Kingdom National Health Service expenditure as a percentage of gross domestic product (GDP)

Year	UK NHS gross expenditure as a percentage proportion of GDP[1]
1978–79	4.7
1997–98	5.6
1998–99	5.6

[1] The table is calculated using National Health Service total gross outturn figures for the United Kingdom for 1978–79, estimated outturn for 1997–98, and planned expenditure for 1998–99, and estimates of GDP published on 17 March 1998

Capital Spending

Mr. Maude: To ask the Secretary of State for Health by how much capital spending in the NHS increased *(a)* on average over the period 1978–79 to 1997–98 and *(b)* in 1998–99. [46435]

Mr. Milburn: The information requested is in the table.

Increases in National Health Service capital expenditure

Period	Percentage net real terms growth
1978–79 to 1997–98 (average annual growth)	–0.6
1998–99[1]	4.9

[1] Planned expenditure

Note:

In addition, since 1 May 1997, 25 major hospital schemes, worth almost £2 2 billion have been given the go ahead under the Private Finance Initiative

Norfolk and Norwich Hospital

Dr. Gibson: To ask the Secretary of State for Health if he will make a statement on the progress with the construction of the new Norfolk and Norwich hospital. [46735]

Mr. Milburn: Construction started on the new Norfolk and Norwich Hospital on 12 January 1998. Design and construction work has progressed well and is currently over three weeks ahead of the original design and construction programme. At the current rate of progress the contractor will complete the hospital on or before the contracted date of 9 January 2002.

Macmillan Nursing Services

Mr. Maclean: To ask the Secretary of State for Health what plans he has to increase the availability of Macmillan Nursing Services in cancer treatment units. [47215]

Mr. Boateng: The Government recognise the valuable contribution to cancer services made by voluntary and charitable organisations, including Macmillan Cancer Relief. It is for this reason that Macmillan Cancer Relief and Marie Curie are represented on the National Cancer Forum. Decisions about the provision of services in local hospitals, including the provision of Macmillan nursing services for cancer patients, are for local agreement between the organisations involved. The policy framework for commissioning cancer services and guidance on improving outcomes in breast and colorectal cancer, which are currently being implemented, encourage the development of multi-professional teams, with specialist nurses as core members.

Child Safety Week

Mr. Maclean: To ask the Secretary of State for Health what initiatives his Department will take to promote Child Safety Week on 22 to 28 June. [47197]

Ms Jowell: The Government's public health strategy, as outlined in the Green Paper "Our Healthier Nation", made accident prevention a priority area. We have already proposed a target to reduce the rate of accidents by at least a fifth by the year 2010 from a 1996 baseline. We are particularly concerned that accidents in childhood show a strong social class bias, with children in Social Class V being five times more likely to die in an accident than children in Social Class I.

The Department has a significant and on-going interest in promoting Child Safety Week as part of its commitment to the reduction of childhood accidents by providing funding to the Child Accident Prevention Trust which organises Child Safety Week. Furthermore, the Department publicised this year's initiative in the March and May editions of "Target" magazine, which reaches a wide audience in health authorities, local authorities, voluntary organisations, schools and the private sector.

Multiple Births

Mr. Wigley: To ask the Secretary of State for Health how many sets of *(a)* twins, *(b)* triplets, *(c)* quadruplets, *(d)* quintuplets and *(e)* sextuplets were born in England in each year from 1990 to 1997; what was the total number of maternities in each year; and how many multiple births of each type in each year were conceived as a result of (i) in vitro fertilisation, (ii) gamete intra-fallopian transfer and (iii) other forms of assisted conception. [46930]

Mr. Boateng: The number of multiple maternities and total number of maternities to women resident in England from 1990 to 1997 is shown in table 1. The number of multiple births following in vitro fertilisation and donor insemination treatment at licensed clinics in England from 1 August 1991 to 31 March 1996 (the latest available) is shown in table 2. Figures were not collected before 1 August 1991 and those for gamete intra-fallopian transfer and other forms of assisted conception are not collected.

Table 1—Maternities in England by multiplicity 1990–97

	1990	1991	1992	1993	1994	1995	1996	1997
Twins	7,533	7,739	7,888	7,896	8,014	8,320	8,166	8,408
Triplets	190	201	193	225	249	266	246	279
Quadruplets	9	10	8	11	8	6	7	4

Table 1—Maternities in England by multiplicity 1990–97

	1990	1991	1992	1993	1994	1995	1996	1997
Quintuplets	0	1	1	0	0	0	0	0
Sextuplets	0	0	0	1	0	0	0	0
Septuplets	0	0	0	0	0	0	1	0
Total Maternities	662,050	655,705	646,266	631,710	624,004	607,793	608,845	601,481

Source:
Office for National Statistics

Table 2—Multiple births recorded following donor insemination (DI) and in vitro fertilisation (IVF) at licensed clinics in England 1991–96

Treatment type	Number of twins	Number of triplets	Number of quadruplets (or more)
1991 DI	27	1	0
1991 IVF	210	29	1
1992 DI	83	7	1
1992 IVF	555	79	0
1993 DI	105	15	0
1993 IVF	689	114	1
1994 DI	96	14	1
1994 IVF	823	130	1
1995 DI	106	15	0
1995 IVF	1,054	135	1
1996 DI	26	1	0
1996 IVF	307	35	1

Notes:
The figures for total births include stillbirths and neonatal deaths (babies dying up to and including the 27th day after birth)
The figures are based upon the latest verified data, covering treatments carried out from the start of the Human Fertilisation and Embryology Authority register (1 August 1991)
Data for 1991 is for 1 August 1991 to 31 December 1991 only
Data for 1996 is from 1 January 1996 to 31 March 1996 only
Source:
HFEA

Gluten-free Flour Prescriptions

Mr. Nigel Jones: To ask the Secretary of State for Health what plans his Department has to extend the prescription of gluten-free flour on the NHS to multiple sclerosis sufferers. [47295]

Mr. Milburn: The prescribing of gluten-free flour on the National Health Service for a particular patient is a matter for a general practitioner's clinical judgment, but is open to challenge by the health authority concerned. Multiple sclerosis is not however one of the conditions for which the Advisory Committee on Borderline Substances recommends gluten-free products as suitable for prescribing at NHS expense.

Mr. Nigel Jones: To ask the Secretary of State for Health what is the annual cost to the NHS of the prescription of gluten-free flour for patients suffering from Coeliac's disease. [47296]

Mr. Milburn: The latest information on the annual cost of gluten-free products dispensed at National Health Service expense is shown in column 4 of the Oral Nutrition section (BNF 9.4) of Prescription Cost Analysis, England, 1997, copies of which are available in the Library. It is not possible to identify the condition for which any prescription has been written.

Breastfeeding Week

Mr. Maclean: To ask the Secretary of State for Health what initiatives the Government took to promote National Breastfeeding Week on 17 to 23 May. [47219]

Ms Jowell: National Breastfeeding Awareness Week has been run since 1993. It aims to raise awareness of the health benefits of breastfeeding, increase the social acceptance of breastfeeding and to promote support for breastfeeding mothers. The week is promoted by the National Network of Breastfeeding Co-ordinators (NNBC), which the Department funds.

This year the Department funded and provided the publicity materials which could be used during the week. These included posters and postcards with the slogan "Free fast food for babies", aimed at promoting breastfeeding and increasing its social acceptability. Materials were disseminated on request and in total 30,000 posters and 102,000 postcards were sent to health professionals, breastfeeding promotion groups and members of the public. The Department also funded a promotional advertorial in Pregnancy and Birth magazine.

The week aims principally to galvanise action at local level where the NNBC are instrumental in organising local activities and events which disseminate the messages on the benefits of breastfeeding to a wide audience. For example, this year some co-ordinators worked with schools during the week to promote breastfeeding whilst others used questionnaires about the availability of breastfeeding facilities to engage people's attention.

In addition to the local activities of the NNBC, I launched the United Nations International Children's Emergency Fund United Kingdom Baby Friendly Initiative's (UKBFI) new community initiative to mark the start of National Breastfeeding Awareness Week. This initiative centres around a seven point plan which aims to protect, promote and support breastfeeding in community health care settings and will complement the UKBFI hospital initiative. I took this opportunity to announce that the Department will be funding, subject to contract, research costing £225,000 which aims to identify some of the barriers to breastfeeding amongst women in low income groups, where breastfeeding rates are lowest.

Osteoporosis

Mr. Maclean: To ask the Secretary of State for Health what initiatives the Government will take to promote National Osteoporosis Week on 22 to 28 June. [47222]

Ms Jowell: I have today announced, at the sixth Bath conference on osteoporosis and bone mineral measurement, a detailed and comprehensive strategy to prevent and tackle osteoporosis.

Osteoporosis is a complex and widespread problem and we need to concentrate our efforts on specific high risk groups. We also intend to encourage people to think creatively about how everyone can plan a part in preventing fractures, preventing the accidents that lead to fractures, and preventing osteoporosis in the first place. The initiatives we have taken will ensure that clinicians, managers and primary care teams have access to the information that they need on the treatment and management of osteoporosis; and individuals will be able to find out what steps they can take to reduce their chances of getting osteoporosis.

The specific elements of the strategy are:

new clinical guidelines on the management and treatment of osteoporosis, produced by the Royal College of Physicians together with the Royal Colleges of Obstetrics, Gynaecology and Surgeons;

a quick reference guide and laminated guideline card for general practitioners and community nurses, summarising the guidelines' key messages on prevention and treatment, to help primary care teams develop consistent, evidence-based practice for diagnosing and managing osteoporosis. The guide and card have been welcomed by the Royal Colleges of Physicians and of General Practitioners;

the Committee on the Medical Aspects of Food and Nutrition Policy's (COMA) report on nutrition and bone health, which is due to be published next month. This will highlight the importance of Vitamin D in the prevention of osteoporosis;

the Health Education Authority is producing a fact sheet, "Nutrition and Bone Health", to coincide with the publication of the COMA report, summing up its recommendations in a user-friendly format; and

a local health action sheet has been compiled on preventing accidents caused by osteoporosis. It shows what can be done at national, local and individual level to reduce the number of accidents and is a source of ideas for health authorities to use in planning effective action against osteoporosis in their respective areas. All the information is being brought together in a new internet site so that it is accessible to National Health Service organisations and professionals.

Earlier this week I also announced that the Department is publishing a series of new factsheets, which contain practical advice for older women on how to sustain physical and emotional wellbeing. Individual factsheets have been developed on osteoporosis and accident prevention.

Copies of the documents mentioned will be placed in the Library as they are published.

Day Against Drug Abuse and Illicit Trafficking

Mr. Maclean: To ask the Secretary of State for Health what initiatives his Department will take to promote the U.N. International Day Against Drug Abuse and Illicit Trafficking on 26 June. [47206]

Ms Jowell: The Department will not be taking any specific initiatives to promote United Nations International Day Against Drug Abuse and Illicit Trafficking. We are committed to the United Nations drug control programme and the Government were key participants in the United Nations General Assembly Special Session on the world drug problem from 8–10 June. This included a statement by my right hon. Friend, the Deputy Prime Minister on behalf of the European Union. In addition, the Government will be involved in promoting European Drug Prevention Week from 16–22 November this year. Drugs issues will remain the focus of sustained action at all levels as our new ten year drug strategy begins to be implemented.

Health Service Spending (Lancashire)

Mr. Hoyle: To ask the Secretary of State for Health what was total spending on health services in Lancashire in *(a)* April 1996 to April 1997 and *(b)* April 1997 to April 1998. [47254]

Mr. Milburn *[holding answer 23 June 1998]:* The information requested for Lancashire in the period April 1996 to April 1997 is in the table. Information for the period April 1997 to April 1998 is not yet available.

Spending on health services in Lancashire—April 1996 to April 1997

Health Authority	*£000*
South Lancashire Health Authority	178,708
North West Lancashire Health Authority	312,965
East Lancashire Health Authority	324,981
Morecambe Bay Health Authority (part)	89,216
Total	905,870

Notes:

1. Some expenditure by the above health authorities will be outside Lancashire
2. National Health Service trusts do not produce segmental accounts by geographic area
3. The amount shown for Morecambe Bay represents 44 per cent. of the total expenditure for this authority. This is based on the population figures for 1996/97, which indicate that 44 per cent. of residents served by the health authority actually live within Lancashire. The actual total spending on health services by Morecambe Bay was £202,763,000

Source:

Annual accounts of health authorities for the year ended 31 March 1997

Child Protection

Helen Jones: To ask the Secretary of State for Health what guidance he has issued to local area child protection committees on addressing the needs of children involved in sexual exploitation and prostitution. [47429]

Mr. Boateng: "Working Together Under the Children Act 1989" issued in 1989 by the Department, Home Office, Department for Education and Employment and Welsh Office, provides guidance on inter-agency co-operation for the protection of children from abuse. It includes guidance to Area Child Protection Committees on their role in developing and reviewing child protection policies. Such policies would be expected to address the needs of children at risk of, or subject to, sexual exploitation.

We are aware of the growing concern about the involvement of children and young people in prostitution. We intend to issue joint Health Department/Home Office guidance in the autumn on how best to deal with the problem and meet the needs of children involved in prostitution. This guidance will take account of the responses to the Department's consultation paper "Working Together to Safeguard Children: New Government Proposals for Inter-Agency Co-operation", which, among other issues, invited views on how to address the problem of children involved in prostitution. It will also take account of the Association of Chief Police Officers' guidelines on dealing with children involved in prostitution and the new arrangements for juvenile offenders in the Crime and Disorder Bill.

HOME DEPARTMENT

Private Sector Prisons

Ms Rosie Winterton: To ask the Secretary of State for the Home Department if he will publish the reports of the two reviews on private sector prisons which he announced on 19 June 1997, *Official Report*, columns *249–51*. [47898]

Mr. Straw: I am placing in the Library copies of the reports to the two reviews referred to in my answer of 19 June 1997. The Prison Service has already sent copies to unions and to the contractors.

Prisons (Communicable Diseases)

Mr. Quinn: To ask the Secretary of State for the Home Department what progress has been made in reducing the risk of the spread of communicable diseases in prisons; and if he will make a statement. [47900]

Mr. George Howarth: The Government are committed to tackling drug misuse in prisons. In support of the Government's wider national strategy, Tackling Drugs to Build a Better Britain, the Prison Service launched its new drug strategy on 12 May. It builds on existing drug policies and seeks to reduce the number of prisoners testing positive for drugs as a result of mandatory drugs testing. Inmates proved to be misusing drugs are normally punished with a loss of privileges, additional days added to sentence or another penalty, and injecting equipment is always confiscated when found. The Prison Service is also working to achieve our manifesto commitment to provide access to voluntary drug testing (so-called "drug-free wings") for all prisoners who request it, supported by treatment programmes to help them stay drug free.

These are other measures are achieving considerable success in reducing drug misuse in prisons. However it is known that a minority of inmates persist in injecting and in sharing injecting equipment. This behaviour poses a substantial risk in terms of the spread of HIV, hepatitis and other communicable diseases, not only to prisoners themselves but to staff who encounter contaminated needles and to the wider community. To help counter such risks, disinfecting tablets have been readily available in Scottish Prisons since 1993. They were also introduced in all prisons in England and Wales in 1995 but were withdrawn because of safety concerns. Those concerns have now been allayed following tests by the Health and Safety Executive. In the interests of public health, following consultation with the Department of Health and with the support of the Chief Medical Officer, the Prison Service will provide disinfecting tablets on a trial basis, together with a leaflet explaining how to use the tablets and providing information about hepatitis and HIV. The leaflet will warn prisoners of the dangers of injecting and outline help available to tackle their drug misuse.

The pilot scheme, which is planned to start in July 1998, will operate for three months in 11 selected prisons, and will make disinfecting tablets available to prisoners freely and anonymously. A variety of distribution methods suitable to the geography and regime of the different prisons will be trialed.

The pilot scheme will be evaluated by an independent academic team based at the London School of Hygiene and Tropical Medicine. If successful, the initiative will be extended to all prisons in England and Wales.

Animal Experiments

Mr. Hancock: To ask the Secretary of State for the Home Department how many project licence applications have been rejected under section 5(4) of the Animals (Scientific Procedures) Act 1986 in the last five years. [47317]

Mr. George Howarth: I refer the hon. Member to the reply I gave him on 16 July 1997, *Official Report*, column *173* and the reply I gave the hon. Member for Lewes (Mr. Baker) on 24 February 1998, *Official Report*, column *178*.

Records that distinguish between a licence which was refused and one which was "not proceeded with" by the applicant are not kept centrally.

Mr. McDonnell: To ask the Secretary of State for the Home Department what involvement his Department had in the decision to allow Imutran to export two transgenic pigs to the Netherlands for use in an organ transplant experiment; for what reasons it was considered appropriate for this experiment to be carried out abroad rather than in the UK; and if Imutran had sought permission to conduct this experiment in the United Kingdom. [47307]

Mr. George Howarth: I refer my hon. Friend to the reply I gave the hon. Member for Lewes (Mr. Baker) on 14 May 1998, *Official Report*, columns *166–67*.

The purpose of exporting these animals was, we understand, to facilitate an international research programme on xenotransplantation. Part of this programme is carried out in the United Kingdom. Collaboration of this sort is preferable to groups in different countries carrying out independent research programmes and any replication of work this might entail.

Dr. Starkey: To ask the Secretary of State for the Home Department how many applicants for licences under the Animals (Scientific Procedures) Act 1986 are currently waiting to be informed of a decision by his Department. [47007]

Mr. George Howarth: The number of applicants for new certificates of designation, project licences and personal licences who are awaiting a decision are two, 258 and 211 respectively. In addition to new applications, there are 1,307 applications for amendments to existing licences awaiting a final decision.

These figures include cases where we are waiting for further information from the applicant or a revised application, and cases where the applicant is currently in discussion with the Inspectorate about how the draft application could be refined to minimise the amount of suffering and the number of animals used and to maximise the benefit that might accrue from the work. It is not possible to disaggregate these from the total.

Dr. Starkey: To ask the Secretary of State for the Home Department how many and what grades of staff have been involved in processing applications for personal and project licences under the Animals (Scientific Procedures) Act 1986 in each of the past three years. [47006]

Mr. George Howarth: The number of staff is given in the table.

Year	*Inspectors*	*Executive grades*	*Administrative grades*
1996	15	0.47	12.85
1997	16	0.47	12.85
1998	16.5	0.47	13.85

Inspectors spend, on average, approximately 40 per cent. of their time assessing licence applications and amendments. The remainder is spent on visits of inspection and in providing specialist advice.

Additional funding has been secured to increase the complement of the Inspectorate from 18 to 21. Three new inspectors are scheduled to join the Inspectorate in the next two months.

Executive staff (Executive Officer to Grade 7) and administrative staff (Administration Assistant, Administrative Officer and equivalents) are shown as full-time equivalents. Additional funding has allowed the administrative staffing levels to be increased in 1998–99 through extra conditioned hours and overtime.

Dr. Starkey: To ask the Secretary of State for the Home Department what is the average time taken between receipt of an application for a licence under the Animals (Scientific Procedures) Act 1986 and informing the applicant of the decision. [47008]

Mr. George Howarth: Averages could be obtained only at disproportionate cost.

Apart from a couple of exceptional cases, we have dealt with all new personal licence applications received before March 1998.

The time taken for project licence applications varies greatly depending on a number of factors, including the quality of the initial application; the complexity or originality of the proposed work; and whether it is necessary to consult a specialist inspector, an external assessor or the Animal procedures Committee.

Mrs. Estelle Mills

Mr. Burstow: To ask the Secretary of State for the Home Department when the application of Mrs. Estelle Mills, a constituent of the hon. Member for Sutton and Cheam, for British citizenship, application number M739663, will be *(a)* considered and *(b)* determined. [47565]

Mr. Mike O'Brien: It is not normal practice to comment on individual citizenship applications but in this case I am able to say that in fact Mrs. Mills' application was granted on 16 June.

Public Interest Immunity (Document D909)

Mr. Campbell-Savours: To ask the Secretary of State for the Home Department (1) what disciplinary action has been taken against those providing Inland Revenue information referred to or relative to Public Interest Immunity Document D909 to persons outside the Inland Revenue; [47262]

(2) if he will make a statement on Document D909 on the Public Interest Immunity list; [47258]

(3) if he will make a statement on the role of Merseyside Police in respect of Document D909 on the Public Interest Immunity list; [47259]

(4) if he will make a statement on the process by which information relating to Document D909 on the Public Interest Immunity list was secured from Inland Revenue sources; [47260]

(5) if he will set up an inquiry into how Inland Revenue information relating to Document D909 on the Public Interest Immunity list came into the public domain. [47261]

Mr. Michael: The use of material generated as part of the investigation/prosecution process, whether used or unused, is to be the subject of consideration by the Judicial Committee of the House of Lords next month in the case of Taylor *v* Serious Fraud Office. The facts of that case have a considerable amount in common with the case to which I believe this question relates and it would not be proper for me to comment or intervene at this time.

Prisoners (Incentives and Earned Privileges Scheme)

Mr. Clappison: To ask the Secretary of State for the Home Department (1), pursuant to his answer to the hon. Member for Newark (Mrs. Jones) of 1 June 1998, *Official Report*, columns *50–51*, what estimate he has made of the number of *(a)* in-cell televisions and *(b)* prisoners who will have access to in-cell televisions when in-cell television has been extended more generally across the prison service; [44612]

(2) if he will list the prisons in which in-cell television is not to be made available; [44605]

(3) if any prisoners who are not on drug-free wings of prisons will have in-cell television made available to them following the increased availability of in-cell television; [44613]

(4) what criteria will be used in determining the availability of in-cell television to prisoners on the standard privilege level; [44608]

(5) what estimate he has made of the number of prisoners on the standard privilege level who will have access to in-cell television when in-cell television has been extended more generally across the prison system. [44606]

Ms Quin: All prisons will in due course provide in-cell television as an earned privilege but its extension will be gradual and monitored closely. The Prison Service will be deciding by August which local schemes should be implemented this financial year and will take account of early experience before deciding which schemes should be implemented next financial year.

The option of in-cell television will initially be targeted on prisoners on the enhanced privilege level or in other priority groups, such as those who are "drug free".

The future numbers of in-cell televisions and prisoners with access to them will depend on early experience of the policy which will be closely monitored.

The procurement exercise is based on approximately 20,000 sets over a contract period of three to five years.

CCTV Challenge Competition

Mr. Spring: To ask the Secretary of State for the Home Department if he intends to retain the CCTV Challenge Competition in 1999–2000. [47263]

Mr. Michael: The expenditure plans we inherited from the previous Administration made no provision whatsoever to support closed circuit television after 1998–99. The Government's spending plans for 1999–2000 and beyond will be announced in a White Paper to be published in July.

Emergency Planning

Mr. Bill Michie: To ask the Secretary of State for the Home Department, pursuant to his answer of 20 April 1998, *Official Report*, column *528*, relating to current expenditure on his Department's emergency planning activities, if he will identify the subject or subjects of the expenditure classed as "(f) other" in his answer; and if he will make a statement. [44561]

Mr. George Howarth: The information requested is given in the table. The figures for other expenditure provided in the Answer of 20 April included, in error, some costs relating to the Emergency Planning College. This has been corrected in the table.

Other current expenditure on emergency planning activities

£000

	1995–96	*1996–97*	*1997–98*	*1998–99 (provision)*
Severe Weather Warning Service	0	3,152	4,174	3,852
Information Technology	52	144	63	50
Training	0	3	7	4
Stationery	5	11	4	5
Hospitality	2	2	2	2
Reprographics	0	4	5	5
National Warning System	407	302	318	382
Research and Development	368	129	52	50
Police Emergency Planning Expenditure	344	255	219	0
Radiation Monitoring Equipment	8	11	8	0
Media Advisory Service	186	148	188	188
Disposal of former Civil Defence estate/equipment	2,784	1,794	958	0
Total	4,156	5,955	5,998	4,538

Prison Inspections

Mr. Cox: To ask the Secretary of State for the Home Department how many visits were made to prisons in England and Wales during 1997 by the Chief Inspector of Prisons; and which establishments were visited. [46975]

Ms Quin: During 1997, Her Majesty's Chief Inspector of Prisons visited 40 Prison Service establishments in England and Wales. These were: Albany; Aldington; Birmingham, Buckley Hall; Bullwood Hall; Camp Hill; Canterbury; Cardiff; Colchester; Cookham Wood; Deebolt; Feltham; Foston Hall; Full Sutton; Garth; Glen Parva; Grendon; Guy's Marsh; Haslar; Haverigg; High Down; Highpoint; Hindley; Hollesley Bay; Holloway; Kingston; Littlehey; Low Newton; Manchester; New Hall; Onley; Parc; Parkhurst; Stocken; Styal; Thorn Cross; Wakefield; Wandsworth; Wealstun; and Winchester.

Asylum Seekers

Mr. McNulty: To ask the Secretary of State for the Home Department how many applications he has received from Christians from Pakistan for asylum status; and if he will make a statement. [46918]

Mr. Mike O'Brien: I regret that information on the number of Christian asylum applicants who are nationals of Pakistan could be obtained only by examination of individual case records and is, therefore, available only at disproportionate cost.

Gender Impact Assessments

Jackie Ballard: To ask the Secretary of State for the Home Department if he will place in the Library copies of gender impact assessments which have been undertaken in respect of legislation introduced in this Parliament; if he will make it his policy to do so in respect of future legislation; and if he will make a statement. [47024]

Ms Quin: The gender perspective in policy making is being addressed through the cross-Departmental mainstreaming initiative which the Ministers for Women launched on 18 May. This involved wide consultation in the formation of new guidelines. These guidelines will require Departments to consider how policy proposals affect women; consult with women's organisations where appropriate; and take action where the differential impact is not justifiable.

The Ministers for Women intend to publish an Annual Report to Parliament setting out progress on mainstreaming the women's perspective into Government policy making. The first report will be published after the end of this financial year.

Metropolitan Police

Dr. Cable: To ask the Secretary of State for the Home Department in what ways *(a)* redrawing the boundaries of the Metropolitan Police area and *(b)* reducing Metropolitan Police numbers, will affect the funding formula under which the Metropolitan Police receives extra resources for national responsibilities. [47031]

Mr. Michael: The special payment the Metropolitan Police receives outside the funding formula in recognition of its distinct national and capital city functions is unlikely to be affected by the change in the force's boundaries, or any consequential reduction in the total number of police officers in the force.

Lorne House Drugs Project

Mr. Clappison: To ask the Secretary of State for the Home Department what representations he has received concerning the Lorne House drugs project in Hackney. [47067]

Mr. George Howarth: The Lorne House Project was raised in correspondence in October 1997 by the London Drug Services Providers Consortium, and by my hon. Friend the Member for Hackney, South and Shoreditch (Mr. Sedgemore) in November 1997. Lord Peyton of Yeovil also tabled a Parliamentary Question that month and since then has written on six occasions, most recently on 2 June. We shall be replying to his latest letter shortly.

Police (Medical Retirements)

Mr. Maclean: To ask the Secretary of State for the Home Department if he will state the number of medical retirements from each police service in England and Wales as a proportion of all retirements for each of the last 10 years. [47212]

Mr. Michael: Numbers of medical retirements from forces in England and Wales for the years between 1990 and 1996–97, as a proportion of the total number of retirements, are included in the report by Her Majesty's Inspectorate of Constabulary "Lost Time: The Management of Sickness Absence and Medical retirement in the Police Service", published in December 1997. The information is reproduced in the table, which also includes provisional figures for 1997–98. Such information is not available for the period before 1990.

Medical retirements as a percentage of all police retirements, England and Wales 1990—1997–98

	1990	1991	1992	1993	1994–95	1995–96	1996–97	1997–98[1]
Avon and Somerset	54	59	57	52	71	28	40	54
Bedfordshire	41	58	32	41	43	39	39	50
Cambridgeshire	59	51	35	49	45	48	40	25
Cheshire	59	58	61	46	44	29	38	26
City of London	59	33	38	44	35	40	27	16
Cleveland	79	85	81	62	78	57	58	32
Cumbria	53	48	47	57	63	23	39	44
Derbyshire	75	80	75	79	68	60	58	65
Devon and Cornwall	40	51	42	43	27	22	18	20
Dorset	54	68	48	72	32	33	22	20
Durham	64	62	48	61	66	56	53	35
Dyfed-Powys	52	61	59	50	58	61	48	46
Essex	40	48	33	30	40	27	32	25
Gloucestershire	38	39	43	30	37	21	24	n/a
Greater Manchester	73	68	67	60	69	49	65	61
Gwent	38	58	64	51	67	58	56	47
Hampshire	35	38	38	42	41	23	21	30
Hertfordshire	41	63	33	45	37	58	19	33
Humberside	46	48	43	43	69	33	37	34
Kent	56	52	59	63	65	49	16	20
Lancashire	61	67	64	57	65	49	41	25
Leicestershire	74	75	68	85	75	63	56	42
Lincolnshire	38	59	48	51	71	49	23	48
Merseyside	65	58	62	71	78	76	77	54
Metropolitan Police	n/a	n/a	n/a	48	35	50	51	n/a
Norfolk	37	53	38	31	37	20	23	21
North Wales	59	71	71	71	82	72	55	28
North Yorkshire	75	65	81	74	77	67	76	49
Northamptonshire	93	56	55	39	68	37	58	41
Northumbria	67	70	64	60	81	69	63	n/a
Nottinghamshire	78	63	66	71	78	53	51	43
South Wales	59	64	37	36	42	48	36	49
South Yorkshire	52	60	59	66	55	49	45	31
Staffordshire	59	69	69	70	64	60	55	50
Suffolk	40	43	59	47	34	47	39	39
Surrey	61	57	44	44	60	45	41	14
Sussex	39	46	40	36	37	39	29	18
Thames Valley	51	49	48	35	58	44	44	33
Warwickshire	37	45	30	38	27	48	38	33
West Mercia	51	50	53	40	47	46	48	38
West Midlands	39	39	32	31	58	37	35	29
West Yorkshire	85	73	83	71	70	32	35	n/a
Wiltshire	29	48	23	34	22	13	16	19
Provincial average	59	59	56	54	60	46	43	[2]—
England and Wales average	[2]—	[2]—	[2]—	53	53	46	45	[2]—

[1] Figures for 1997–98 are provisional

[2] Data from some forces not available

Note:

n/a—not available

Child Pornography

Mr. Cox: To ask the Secretary of State for the Home Department how many people have been prosecuted in England and Wales during the last 12 months for trading in child pornography. [47107]

Mr. Michael: Prosecutions for trading in child pornography cannot be identified separately on the Home Office Court Proceedings database from other child pornography offences. The information available on child pornography is given in the table.

Number of persons prosecuted in 1996 for child pornography offences
England and Wales

Offence	*Total prosecutions* *Males*	*Females*
Take, make, distribute, show, possess with intent to distribute or show, or publish any advertisement conveying the distribution of indecent photographs or pseudo-photographs of children[1]	80	0
Possession of an indecent photograph or pseudo-photograph of a child[2]	122	3

[1] Protection of Children Act 1978 Sec 1,6 as amended by the Criminal Justice and Public Order Act 1994 Sec 84
[2] Criminal Justice Act 1988 Sec 160 as amended by the Criminal Justice and Public Order Act 1994 Sec 84(4) and 86(1)

Life Sentences

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women are at present serving a life prison sentence in England and Wales. [47195]

Ms Quin: The latest available information is for 31 May 1998. On that date, there were 3,792 male and 139 female life sentence prisoners in Prison Service establishments in England and Wales.

Mr. Cox: To ask the Secretary of State for the Home Department how many people who were serving a life sentence were released on parole in England and Wales during the last 12 months. [47106]

Ms Quin: Life sentence prisoners are released on life licence and not parole. Provisional information for 1997 shows that between January and December 1997, 111 life sentence prisoners were released on life licence from Prison Service establishments in England and Wales.

Day Against Drug Abuse and Illicit Trafficking

Mr. Maclean: To ask the Secretary of State for the Home Department what initiatives his Department will take to promote the U.N. International Day Against Drug Abuse and Illicit Trafficking on 26 June. [47207]

Mr. George Howarth: The Home Office played a significant role in the preparations for and at the United Nations General Assembly Special Session on Drugs, held in New York on 8–10 June, which I attended. The Special Session attracted a significant amount of press and media coverage in the United Kingdom. We shall take any suitable opportunities to highlight the International Day against Drug Abuse and Illicit Trafficking but, as in recent years, we will not be taking any specific initiatives to mark the Day.

Association of Chief Police Officers

Mr. William Ross: To ask the Secretary of State for the Home Department if the Commissioner of Police of the Metropolis is *(a)* co-director of ACPO Ltd. and *(b)* a member of the Executive Committee of ACPO. [47029]

Mr. Michael: Yes.

PRIME MINISTER

No. 10 Downing Street (Staff Costs)

Mr. Malcolm Bruce: To ask the Prime Minister what estimate he has made of the total staff costs for No. 10 Downing Street in *(a)* 1996–97, *(b)* 1997–98 and *(c)* 1998–99 indicating separately the costs for (i) private secretaries, (ii) Policy Unit staff, (iii) Press Office staff, (iv) Strategic Communications Unit staff, (v) all support staff and (vi) Political Office staff. [40221]

The Prime Minister *[holding answer 30 April 1998]:* The total staff costs for No. 10 Downing Street were £3.4 million in 1996/97 and £4.1 million in 1997/98. Estimated costs for 1998/99 are £4.9 million. Due to changes to the accounting systems, it is not possible to give a breakdown of the 1996/97 figures as requested which means that a meaningful comparison with subsequent years cannot be drawn. The cost of the Political Office does not fall to the Government.

Sierra Leone

Mr. Butterfill: To ask the Prime Minister, pursuant to his answer of 1 June 1998, *Official Report*, column 92, if all the papers forwarded by the Prime Minister to Sir Thomas Legg's inquiry will fall within the terms of reference of that inquiry; and if he will ensure that all such papers contain the dates on which they were received by his Department and the names of all those to whom they were circulated. [44556]

The Prime Minister *[holding answer 9 June 1998]:* Sir Thomas Legg is conducting a full and independent investigation into the supply of arms to Sierra Leone. He will determine which papers are relevant and the format in which they should be presented to him.

Millennium Compliance

Mr. David Atkinson: To ask the Prime Minister what proposals he has for a national contingency plan in the event of the failure of public and private sector computer systems to recognise the year 2000; and if he will make a statement. [45637]

The Prime Minister *[holding answer 15 June 1998]:* The actions that the Government have taken to deal with the Year 2000 problem are designed to prevent such failures. The Government are, however, taking a number of actions to ensure the continued delivery of the supplies and services essential to the life of the community.

The Government are currently conducting a risk assessment study of the national infrastructure, including public and private elements, which will inform contingency planning. The Home Office is addressing how to use the established framework for dealing with emergencies in the context of the Year 2000 problem. The

Civil Contingencies Committee will co-ordinate the central government response to any emergency caused by widespread system failure.

My right hon. Friend the Chancellor of the Duchy of Lancaster is reviewing progress within departments and agencies on a quarterly basis. He made an oral statement to the House on 8 June 1998, *Official Report*, columns 716–27 and published the latest revisions to Departments' action plans, which included information about their business continuity planning, together with an initial survey of the wider pubic sector including the NHS and Local Authorities. The information has been placed in the Library of the House and published on the Internet.

Government Buildings

Mr. Baker: To ask the Prime Minister, pursuant to his answer of 11 June 1998, *Official Report*, column *665*, if he will list the Labour Party events which have taken place since 14 May 1997 at *(a)* 10 Downing Street, *(b)* 11 Downing Street, *(c)* Carlton House Terrace and *(d)* Chequers. [46257]

The Prime Minister *[holding answer 16 June 1998]:* I refer the hon. Member to the answer I gave him on 11 June 1998, *Official Report*, column *665*.

Any private receptions have been held in accordance with the Ministerial Code.

Ministerial Visits

Mr. Spring: To ask the Prime Minister if he gave written permission to *(a)* the Secretary of State for Scotland and *(b)* the Chancellor of the Exchequer to visit France on unofficial business on 10 June. [46557]

The Prime Minister *[holding answer 19 June 1998]:* Both Ministers agreed their visits with the Prime Minister.

Minimum Wage

Mr. Peter Bottomley: To ask the Prime Minister which Ministers have been briefed by their departments on the employment impact of the minimum wage proposals. [47233]

The Prime Minister: It is not the policy of this or previous Governments to disclose details of the opinions, advice, recommendations and deliberations individual Ministers receive from their Departments. However, the Government share the Low Pay Commission's view that the national minimum wage set at the level proposed should have no significant impact on employment.

Mr. Peter Bottomley: To ask the Prime Minister if he will make a statement on the effects on Departmental budgets of the minimum wage proposals. [47234]

The Prime Minister: Departmental spending plans will be announced as part of the Comprehensive Spending Review outcome and will take into account any effects of the introduction of the minimum wage.

Ministerial Committee on Welfare Reform

Mr. Llwyd: To ask the Prime Minister if he will publish the terms of reference of the Ministerial Committee on Welfare Reform; how many times the Committee has met since its establishment; and if he will make a statement on the Committee's work to date. [47062]

The Prime Minister: I refer the hon. Member to the reply I gave to the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) on 26 January 1998, *Official Report*, column *67*, following the first meeting of the Group on 22 January. In accordance with long-established practice, it is not customary to make public details of discussions within such groups.

Dounreay

Ms Roseanna Cunningham: To ask the Prime Minister (1) what discussions he had with President Clinton on the transfer of nuclear waste from Georgia to Dounreay; and what data the US Government gave him on this material; [46248]

(2) on what dates negotiations took place with regard to the importation of nuclear material from Georgia; on what date it was first discussed that low-grade nuclear material would form part of the consignment; and which UK representatives were involved in these discussions; [46249]

(3) on what date he was notified that 9 kilogrammes of low-grade nuclear waste was included in the consignment of nuclear material brought to Dounreay from Georgia; and what quantity of low-grade nuclear waste was proposed when he agreed to receive the material into the United Kingdom; [46246]

(4) who made the decision to accept the 9 kilogrammes of low-grade nuclear waste from Georgia for reprocessing at Dounreay; when it was made; and which ministers were informed. [46247]

The Prime Minister *[pursuant to his reply, 18 June 1998, c. 314]:* The second paragraph contained a transcription error. This occurred in a section of the paragraph which should have repeated information already in the public domain. A corrected version of the relevant section is set out.

"The Government's prime objective was to remove material of proliferation concern from Georgia. Before the Government made the decision to take the material, we were informed of all relevant issues. Low grade nuclear waste did not form part of the consignment, which consisted of unirradiated and irradiated high enriched and low enriched uranium. As I told the House on 22 April 1998, *Official Report*, column 818, in my reply to my hon. Friend the Member for Ealing, Acton and Shepherds Bush (Mr. Soley), the intermediate level radioactive waste resulting from reprocessing the irradiated uranium would fill two drums."

INTERNATIONAL DEVELOPMENT

India and Pakistan

Mr. Streeter: To ask the Secretary of State for International Development what plans she has to *(a)* withdraw and *(b)* suspend aid to India or Pakistan following the recent nuclear tests in those countries. [46725]

Clare Short: Our bilateral programmes to both countries are poverty focused and we do not propose to take actions which will hurt the poor. But we are in the process of preparing new Country Strategy Papers for India and Pakistan which will consider carefully the implications, including the economic and financial implications, of the nuclear tests when assessing prospects for partnerships for poverty reduction.

Jubilee 2000

Mr. McWalter: To ask the Secretary of State for International Development what recent representations she has received from the organisers of Jubilee 2000; and if she will make a statement about those targets for debt relief set out by Jubilee 2000 which conflict with Government targets. [47308]

Clare Short: We have regular contacts with the organisers of Jubilee 2000 about international debt. Last month, I was delighted to have been able to address many of their supporters, who had travelled to Birmingham at the time of the G8 Summit.

Jubilee 2000's targets, and those of the Government set out in the Mauritius Mandate launched by my right hon. Friend the Chancellor last September, seek the same overall objective—the remission of the unpayable debts of the world's poorest countries. We both recognise the important part debt relief can play in the eradication of poverty, that creditors and debtor governments share responsibility for finding sustainable solutions, and that work must be tackled on a case-by-case basis, with debtors themselves being closely consulted in the process.

The Government have been pressing for the Heavily Indebted Poor Countries (HIPC) debt Initiative to be implemented as quickly as possible. At the G8 Summit, leaders agreed to encourage all eligible countries to put in place the policy measures needed to ensure that by 2000 they had at least embarked on the process which will lead to debt relief, which is one of the main aims of the Mauritius Mandate.

LORD CHANCELLOR'S DEPARTMENT

Commonhold

Mrs. Lait: To ask the Parliamentary Secretary, Lord Chancellor's Department what are the outstanding issues which need to be resolved before proposals on the introduction of commonhold are published; and if he will make a statement. [46555]

Mr. Hoon: The introduction of a commonhold scheme is a manifesto commitment. Although the introduction of such a scheme could be carried out independently of commitments in the field of leasehold reform, the Government's view is that it would be prudent for these developments to be co-ordinated. My right hon. Friend the Deputy Prime Minister aims to issue a consultation paper on leasehold reform later in the year.

Rights of Audience

Ms McCafferty: To ask the Parliamentary Secretary, Lord Chancellor's Department when Her Majesty's Government will announce its proposals for modernising rights of audience in the higher courts. [47896]

Mr. Hoon: The Lord Chancellor has this morning published a paper, "Rights of Audience and Rights to Conduct Litigation in England and Wales: The Way Ahead", copies of which have been placed in the Libraries of both Houses. Comments are invited by 14 September 1998.

MINISTER WITHOUT PORTFOLIO

Millennium Experience

Mr. Mitchell: To ask the Minister without Portfolio how many zones he currently proposes to have in the Millennium Dome. [45135]

Mr. Mandelson: Fourteen exhibit zones are currently under development, plus the central show.

Mr. Mitchell: To ask the Minister without Portfolio how much of the finance for the New Millennium Experience he proposes to raise from the private sector; and how much is currently committed. [45133]

Mr. Mandelson: Over £100 million of private sector sponsorship for the Millennium Experience has been committed so far. The New Millennium Experience Company is in active discussion with a number of companies and is on course to achieve the sponsorship target of £150 million by the end of the year.

CULTURE, MEDIA AND SPORT

Listed Sporting Events

Mr. Gareth R. Thomas: To ask the Secretary of State for Culture, Media and Sport if he will make a statement about the outcome of his review of major events listed under Part IV of the Broadcasting Act 1996. [47969]

Mr. Chris Smith: My review of the list is now complete. I have conducted it in the light of the criteria which I published last year. I consulted widely on the criteria and the content of the list and I have carefully considered the many representations made to me. I have accepted the general principles of the report produced by the Advisory Group chaired by Lord Gordon of Strathblane.

With immediate effect, I am revising the list of events under Part IV of the Broadcasting Act 1996.

I am retaining the following events on the list, requiring live coverage to be made available to free-to-air terrestrial television broadcasters (in Category A as specified in the 1996 Act):

The Olympic Games

The FIFA World Cup Finals Tournament

The FA Cup Final

The Scottish FA Cup Final (in Scotland)

The Grand National

The Derby

The Wimbledon Tennis Finals.

I am adding the following events to the list on the same basis:

The European Football Championship Finals Tournament

The Rugby League Challenge Cup Final

The Rugby World Cup Final.

After careful consideration of the Advisory Group's recommendations, I have concluded that a number of the matches in the World Cup and European Championships football qualifying tournaments meet the criteria for listing. I believe that it is important that crucial ties in these competitions should be available to all viewers and therefore intend to seek Europe-wide arrangements for protecting free-to-air live broadcasts of crucial matches in these competitions.

I am also listing some further events on a different understanding. For these events, I have recommended to the Independent Television Commission that live coverage might be allowed to be shown exclusively by a Category B broadcaster (as specified in the 1996 Act), provided there are satisfactory arrangements for secondary coverage by a Category A broadcaster. I have asked the ITC to consider setting a minimum acceptable standard for such secondary coverage, to include some combination of delayed full coverage, highlights and live radio commentary.

The events I am listing on this understanding are:

Cricket Test Matches played in England

Non-Finals play in the Wimbledon Tournament

All Other Matches in the Rugby World Cup Finals Tournament

Five Nations Rugby Tournament Matches Involving Home Countries

The Commonwealth Games

The World Athletics Championship

The Cricket World Cup—the Final, Semi-finals and Matches Involving Home Nations' Teams

The Ryder Cup

The Open Golf Championship.

Libraries

Mr. Maclean: To ask the Secretary of State for Culture, Media and Sport how much public money was used to support the lending of *(a)* books and *(b)* other printed sources in public libraries in 1996–97. [47211]

Mr. Fisher: In 1996–97, public library authorities in England spent £83.5 million on books and pamphlets, and £6.1 million on newspapers, periodicals and magazines. Information is not held centrally about the operating costs of lending services for books or other printed material.

Millennium Commission

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport (1) what is the national average per constituency for awards made by the Millennium Commission since 1 May 1997; [47290]

(2) if he will list the awards made by the Millennium Commission by constituency since 1 May 1997. [47289]

Mr. Chris Smith *[holding answer 23 June 1998]:* This is a matter for the Millennium Commission. I shall write to the hon. Member in my capacity as Chairman of the Commission and place copies of my reply in the Library of the House.

Tourism

Miss Geraldine Smith: To ask the Secretary of State for Culture, Media and Sport if he will estimate the number of jobs in British seaside resorts dependent on the tourism industry. [46721]

Mr. Nigel Jones: To ask the Secretary of State for Culture, Media and Sport if he will list by local authority area for each of the last 10 years for which figures are available (i) the value of tourism, (ii) the number of direct tourism jobs, (iii) direct tourism jobs as a percentage of the workforce, the number of indirect tourism jobs and the percentage of jobs sustained in full or (iv) part by tourism. [46507]

Mr. Tom Clarke: Spending by tourists across the UK was estimated to be £40 billion for 1996 and the estimate for 1997 will be available shortly. Employment in tourism-related industries was estimated at 1.7 million in the Summer of 1997. However, the national tourism and employment surveys are designed to give disaggregated figures down to regional level and, in some cases, county level and figures for the value of tourism and the number of jobs in tourism-related industries are not available for individual local authorities.

Miss Geraldine Smith: To ask the Secretary of State for Culture, Media and Sport what percentage of the United Kingdom's gross domestic product tourism accounts for. [46723]

Mr. Tom Clarke: Figures from the ONS show that the value added contribution of the tourism-related industries was £17,602m in 1995, the latest year for which figures are available. This accounted for 2.89 per cent. of the United Kingdom's gross domestic product of £608,090m.

These figures are likely to underestimate the whole value added contribution to GDP arising from the total of £38 billion for tourism spending in the UK in 1995. For example, spending on retail goods by tourists is not captured in the figures on the tourism-related industries, which refer only to those industries in which tourism accounts for a significant proportion of total spending. On the other hand, some of the value added in the tourism-related industries will have arisen from spending by residents rather than tourists.

Miss Geraldine Smith: To ask the Secretary of State for Culture, Media and Sport what plans the British Tourist Authority has to promote British seaside resorts as tourism destinations in the near future. [46722]

Mr. Tom Clarke: The BTA will continue to assist seaside resorts to promote themselves effectively as tourist destinations. BTA encourages targeted marketing to those groups most likely to be attracted to a particular resort; participation of individual destinations in larger overseas marketing partnerships; and involvement of such partnerships in overseas consumer and trade exhibitions. BTA will also continue to feature seaside resorts in the print it distributes and through public relations activities.

FOREIGN AND COMMONWEALTH AFFAIRS

EU Legislation

Mr. Cash: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 18 May 1998, *Official Report*, column *263*, how many of the 1997 European Communities legislative items were incorporated into United Kingdom law by *(a)* primary legislation and *(b)* statutory instrument; and what is the procedure for determining the appropriate vehicle for the incorporation of EU instruments. [45719]

Mr. Doug Henderson: This information is not readily available. I will write to the hon. Member in due course. Copies will be placed in the Library of the House.

Police and Military Assistance (Human Rights)

Sir Peter Lloyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what place is given to human rights in the programme of training supplied by the United Kingdom for foreign police and military personnel; and what research he has *(a)* commissioned and *(b)* evaluated on its effectiveness in improving the human rights record of the countries concerned. [47344]

Mr. Tony Lloyd: The FCO's programme of training for foreign police and military personnel, Assistance to Support Stability with In-Service Training (ASSIST) promotes respect for international human rights standards through training which features human rights both as a distinct discipline and as an element of broader training courses.

The programme will be evaluated internally at the end of the current financial year against the criteria announced in my Answer to my hon. Friend the Member for Chorley (Mr. Hoyle) on 26 March 1998, *Official Report*, columns *235–36*.

Zinoviev Letter

Mr. Dalyell: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the proposed research in the Moscow archives by Gill Bennett into the circumstances surrounding the Zinoviev letter of 1924. [47406]

Mr. Doug Henderson: My right hon. Friend the Foreign Secretary announced on 12 February 1998, *Official Report*, column *324*, that he had commissioned the Foreign and Commonwealth Office Historians to write a memorandum on the Zinoviev Letter of 1924, drawing on papers held by the SIS as well as those in the FCO. Work on this memorandum is well advanced and copies will be laid in the House on publication.

In order that the memorandum should be as comprehensive and authoritative as possible, it was decided that the FCO Historian should visit Moscow and examine material held in parallel Russian archives. We are grateful to the Government of the Russian Federation for their co-operation in arranging this visit, which will take place early in July.

Falkland Islands (Oil)

Mr. Hoyle: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the latest oil exploration around the Falkland Islands; and who will be eligible to receive royalties from oil found in this area. [47433]

Mr. Tony Lloyd: Exploratory drilling in the North Falkland Basin started on 27 April 1998 when Amerada Hess drilled the first well. On 27 May they announced they had abandoned this well, stating that although the well had encountered traces of hydrocarbons, nothing further had been found. Lasmo are now in the process of drilling the second well. It is far too early to make any prediction about finding oil in commercial quantities.

Any oil revenues will accrue to the Falkland Islands Government. I discussed some revenue sharing, should oil be found, with the Falkland Islands Councillors during a visit to the Islands in April. I welcomed their generous offer made in 1994 to share revenues from oil production with HMG and we agreed that we should now discuss this in a spirit of co-operation and partnership.

Cyprus

Mr. Corbyn: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Government of Turkey concerning the behaviour of Turkish troops in Northern Cyprus towards Kurdish civilians. [46779]

Mr. Doug Henderson *[holding answer 22 June 1998]:* None.

Mr. Corbyn: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received about human rights abuses in the northern part of Cyprus; and if he will make a statement. [46778]

Mr. Doug Henderson *[holding answer 22 June 1998]:* We have not recently received reports of any specific incidents of human rights abuses in northern Cyprus. The High Commission in Nicosia continues to monitor closely human rights issues in Cyprus as a whole.

The Cyprus problem involves a range of issues that need to be resolved. All parties agree that this will be best achieved through a comprehensive political settlement under the auspices of the UN Secretary-General's mission of good offices.

AGRICULTURE, FISHERIES AND FOOD

Organophosphates

Mr. Ainger: To ask the Minister of Agriculture, Fisheries and Food when he will be able to publish the report of his official group on organophosphorous products; and if he will make a statement. [48003]

Dr. John Cunningham: With the agreement of my colleagues, the Deputy Prime Minister and the Secretaries of State for Health, for Defence, for Scotland, for Wales and for Northern Ireland, I am today publishing the report from the official group on organophosphorous (OP) products. The group was set up at the end of last year to review the processes for sharing information and achieving co-ordination between Departments, to draw together scientific evidence and identify any gaps to be

remedied; to examine those processes by which OPs are licensed, and to advise whether procedures should be changed.

The group's report is the most thorough review of all the issues relevant to the safety and control of these products ever carried out by Government. It is evidence of how seriously we take the public concern about organophosphorous compounds and their use.

The existence of the groups has brought about more effective co-operation between the many Government Departments involved. This is in itself an important step forward, and the group will continue to serve this purpose. The group has formed two networks of Departmental contacts to liaise on exchange of information and the planning of research projects. The aim is to ensure that Departments work on complete and up-to-date information, and avoid conflicting decisions.

The group has made recommendations for early action to improve licensing procedures, the flow of information within Government and to the public, and the range of expertise of the advisory committees from which Government draw scientific advice. We intend to act on all these recommendations. To this end, the Freedom of Information Bill team has been alerted to the need for a clear legal basis for the sharing of information relating to the licensing of medicines and pesticides, and action has begun to alter the membership of the advisory committees.

One important recommendation relates to a comprehensive literature review by the Institute for Environment and Health (IEH) of the scientific evidence on the effects of OPs on human health. The report on that study is also being published today. This review presents a complicated picture; there remains uncertainty about the health effects of OPs. This uncertainty led the official group to recommend that Government should seek views on this study from the Committee on the Toxicity of Chemicals in Food, Consumer Products and the Environment (COT), the Advisory Committee on Pesticides (ACP), the Veterinary Products Committee (VPC) and the Committee on Safety of Medicines (CSM). Government accept this recommendation and have set up a special sub-group of COT to start the process. We are asking the committees to give their opinions by the end of 1998. Taking into account the advice from these committees, Government will consider whether any new precautionary measures might be appropriate, in addition to the safeguards in force now. It is our intention to subject every piece of available evidence on OPs to rigorous and transparent scrutiny. We are far from complacent about the continuing concerns about possible health effects of OPs.

Copies of both reports will be placed in the Library of the House.

Poultry

Mr. Edwards: To ask the Minister of Agriculture, Fisheries and Food what proposals he has to require residue testing of imported poultry meat. [47450]

Mr. Rooker: Any third country wishing to export poultry meat to the European Union must submit residue testing plans to the EU Commission. These describe the residue testing programme to be undertaken in respect of their meat production and must provide guarantees which have an effect at least equivalent to the requirements of the Community on EC producers.

EU Commission inspectors verify compliance with these requirements when they carry out periodic checks on third country slaughterhouses authorised to produce meat for export to the Community. Port Health Authorities (or local authorities in their absence) are responsible under Directive 90/675/EEC for checking 1 per cent. of all imported meat and meat products for residues of veterinary medicines.

Hunt Kennels

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer to the hon. Member for High Peak (Mr. Levitt) of 8 June 1998, *Official Report*, columns *452–53*, if he will estimate how many fallen stock and what tonnage is disposed of by hunt kennels; and what proportion this represents of the total. [47239]

Mr. Rooker: Information on the numbers and tonnage of fallen stock disposed of through hunt kennels is not available. However, a small survey undertaken by the State Veterinary Service earlier this year indicates that around 55 per cent. of calves, 35 per cent. of adult bovines, 25 per cent. of sheep and goats, and 10 per cent. of pigs and lambs, which have fallen, may be disposed of through hunt kennels.

Food Safety Week

Mr. Maclean: To ask the Minister of Agriculture, Fisheries and Food what initiatives the Government have taken to promote National Food Safety Week on 8 to 14 June. [47217]

Mr. Rooker: The Government regard National Food Safety Week, organised by the Food and Drink Federation, as a valuable way of promoting public health messages on food hygiene. I was pleased to launch the campaign, and in addition, the Government provided financial support. National Food Safety Week is distinct from the Government's own publicity initiatives on food safety. About £1.5m is committed by the Department each year on publicity material and media campaigns.

Kew Gardens

Mr. Dalyell: To ask the Minister of Agriculture, Fisheries and Food, pursuant to the oral statement of the Minister for London and Construction, of 17 June 1998, *Official Report*, column 335, if he will make a statement on his Department's future plans for Kew Gardens. [47292]

Mr. Rooker: As the sponsoring Department for the Royal Botanic Gardens, Kew, the Ministry will provide the body with funding of over £17 million grant-in-aid during the current financial year. We look forward to receiving shortly its corporate strategic plan for the period

to 2002/03. My right hon. Friend will be discussing Kew's operations and scientific programmes with its Director and the Chairman of the Board of Trustees when he visits the Gardens on 7 July.

Potatoes

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food if he will list all the years in which the former Potato Marketing Board implemented market support measures by purchasing potatoes for use as animal feed, together with the tonnage for each year. [47563]

Mr. Rooker: I am taking steps to obtain the information, some of which is held in store. I will write to the hon. Member with the information requested and, of course, place a copy in the Library.

NORTHERN IRELAND

Terrorists

Mr. William Ross: To ask the Secretary of State for Northern Ireland if she will list for each year since 1975 the number of persons accused of terrorist crimes who have been tried in Northern Ireland Courts under the Criminal Jurisdiction Act 1975, specifying so far as the information is readily available to the offence alleged, where it was committed and the outcome of the trial. [46742]

The Attorney-General: I have been asked to reply.

The information requested is set out in the tables. In respect of the more detailed information requested by the hon. Member for the period 1976–1989, that information is not readily accessible and could be provided only at disproportionate cost. The figures given are for all extra-territorial offences tried in Northern Ireland.

Table 1—Number of persons tried in Northern Ireland for extra-territorial offences under the Criminal Jurisdiction Act 1975 during the period 1977–1997

Year of trial	Number of persons Tried	Convicted	Acquitted
1977	0	0	0
1978	3	3	0
1979	0	0	0
1980	0	0	0
1981	1	1	0
1982	2	2	0
1983	0	0	0
1984	0	0	0
1985	1	1	0
1986	1	1	0
1987	1	0	1
1988	5	5	0
1989	1	1	0
1990	1	1	0
1991	2	2	0
1992	0	0	0
1993	1	1	0
1994	3	[1]3	0
1995	2	2	0
1996	0	0	0
1997	0	0	0
Total	24	23	1

[1] An Order was made that the extra-territorial offences should not be proceed with without the leave of the court. The defendants were convicted on other charges.

Table 2—Additional information in respect of persons tried in Northern Ireland for extra-territorial offences under the Criminal Jurisdiction Act 1975 during the period 1990–1997

Year of trial	Number of persons tried	Principal offence	Where offence was committed	Sentence imposed
1990	1	Counselling and procuring an explosion, contrary to section 2 of the Explosive Substances Act 1883 and section 6(2)(a) of the Criminal Jurisdiction Act 1975	[1]RoI	16 years' imprisonment
1991	1	Possession of ammunition with intent, contrary to Article 17 of the Firearms (Northern Ireland) Order 1981 and section 1 of the Criminal Jurisdiction Act 1975	RoI	7 years' imprisonment
1992	1	Conspiracy to Murder, contrary to Article 9(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and section 6(2)(b) and (3) of the Criminal Jurisdiction Act 1975	[2]NI	15 years' imprisonment
1993	1	Counselling and procuring murder, contrary to section 6(2)(a) and (3) of the Criminal Jurisdiction Act 1975	RoI	[3]—
1994	3	Armed robbery, contrary to section 8 of the Theft Act (Northern Ireland) 1969 and section 1 of the Criminal Jurisdiction Act 1975	RoI	[4]—
1995	1	Possession of a firearm with intent, contrary to Article 17 of the Firearms (Northern Ireland) Order 1981 and section 1 of the Criminal Jurisdiction Act 1975	RoI	8 years' imprisonment
1996	1	Possession of explosives contrary to section 3(1)(b) of the Explosive Substances Act 1883 and section 1 of the Criminal Jurisdiction Act 1975	RoI	8 years' imprisonment

[1] RoI connotes an offence committed in the Republic of Ireland
[2] NI connotes an offence committed in Northern Ireland
[3] An order was made that the principal offence should not be proceeded with without the leave of the court. A sentence of 12 years' imprisonment was imposed in respect of other offences
[4] An order was made that the principal offence should not be proceeded with. Sentences of 2 years' imprisonment and 2 years' imprisonment suspended for a period of 3 years were imposed in respect of other offences

TREASURY

Public Debt

18. **Dr. Cable:** To ask the Chancellor of the Exchequer what are his objectives for the level of public debt in the long term. [46166]

Mr. Darling: We will ensure a prudent and stable ratio of public debt to national income. We are now planning on the basis that our debt GDP ratio will be 40 per cent. or lower.

Economic and Monetary Union

20. **Mr. McNulty:** To ask the Chancellor of the Exchequer what representations he has received from retailers on the Government's policy on economic and monetary union. [46168]

Mrs. Liddell: The retail sector is represented on our Business Advisory Group on EMU, which allows us to work with business on the strategic and practical implications of EMU. Retailers were involved in producing a report from the Business Advisory Group on EMU, published in January, and are helping us to prepare an outline national changeover plan of the steps which would be involved if the UK were to decide to join the single currency.

22. **Mr. Gardiner:** To ask the Chancellor of the Exchequer if he will make a statement on the preparations he is making for the introduction of a single currency. [46170]

23. **Dr. Starkey:** To ask the Chancellor of the Exchequer if he will make a statement on the preparations he is making for the introduction of a single currency. [46172]

Mrs. Liddell: Our priority is to make businesses aware of the strategic and practical implications of the launch of the euro on 1 January 1999, and to help them prepare. The Treasury's Euro Preparations Unit is stepping up our communications campaign aimed chiefly at smaller businesses. It includes a telephone line, a website and factsheets, and we will soon publish a six-monthly report on preparations for the euro.

34. **Mr. Loughton:** To ask the Chancellor of the Exchequer what is the cost to public funds of the Captain Euro campaign. [46186]

Mrs. Liddell: There has been no public funding of the Captain Euro campaign by either the UK Government or by the European Parliament.

Mr. Derek Twigg: To ask the Chancellor of the Exchequer what was the outcome of the most recent meeting of the Standing Committee on preparations for EMU; and what preparations have been made by public authorities to prepare for the launch of the euro in other member states on 1 January 1999. [47897]

Mr. Gordon Brown: The Standing Committee on preparations for EMU met for the second time on 20 May. A copy of the minutes of the meeting has been placed in the Library of the House. Government departments and other public authorities have been engaged in a wide range of preparations for the launch of the euro in other member states on 1 January 1999, especially to help businesses in the UK meet the challenges of responding to the change in the business environment across Europe. A copy of a booklet, "EMU: Steps for 1999", published by the Treasury on 18 May which describes these activities and which responds to recommendations made by the Business Advisory Group on EMU has also been deposited in the Library.

Pensions

21. **Mr. Bill O'Brien:** To ask the Chancellor of the Exchequer when he last met pensioner organisations to discuss the effect on pensions of his fiscal policy; and if he will make a statement. [46169]

Mr. Darling: My right hon. Friend and I receive representations from and meet with a number of organisations on this and other issues relating to the effects of fiscal policy.

Tax Harmonisation

24. **Mr. Lansley:** To ask the Chancellor of the Exchequer when he last discussed tax harmonisation with fellow members of ECOFIN; and if he will make a statement: [46174]

Dawn Primarolo: The Government's view is that direct taxation is a matter for national Governments. Decisions on all European tax issues are subject to unanimity.

Offshore Oil and Gas

25. **Mr. Blizzard:** To ask the Chancellor of the Exchequer when he expects to have completed the review of taxation of offshore oil and gas production. [46175]

Dawn Primarolo: A consultative document on the North sea fiscal regime is expected to be issued shortly. Industry and other interested parties will be able to give their views on the options for change.

Financial Incentives to Work

26. **Mr. Hutton:** To ask the Chancellor of the Exchequer what measures he is taking to increase the financial incentive to work. [46176]

Dawn Primarolo: The Budget contained a number of measures to help ensure that work pays, including the Working Families Tax Credit and reform to National Insurance Contributions.

Asian Financial Crisis

27. **Mr. Beard:** To ask the Chancellor of the Exchequer if he will make a statement on the likely impact of the Asian financial crisis on his forecasts for the UK and other European Union economies. [46178]

Mrs. Liddell: Recent developments in Asia pose considerable risks to the world economy. The March 1998 FSBR took account of these in its forecasts for the UK and Europe. It incorporated a reduction in UK GDP growth in 1998 of up to half a percentage point due to the likely impact of financial difficulties in Asia. The Treasury and the Bank of England continue to monitor the situation closely.

Inflation

29. **Mr. Amess:** To ask the Chancellor of the Exchequer what recent representations he has received on his latest inflation forecasts. [46180]

Mrs. Liddell: The Chancellor of the Exchequer receives numerous representations on all aspects of UK economic developments, including inflation prospects.

Foreign Earnings Deduction

31. **Mr. Hammond:** To ask the Chancellor of the Exchequer what representations he has received from the charitable sector regarding the foreign earnings deduction. [46182]

Dawn Primarolo: Representations have been received from several charities, each concerned that the ending of the foreign earnings deduction might make work abroad less attractive to certain of their employees. The Inland Revenue have met with representatives of various organisations and it is clear that, despite the original fears of the charities, very few overseas aid workers will actually be affected by the abolition of the foreign earnings deduction.

Dr. Cable: To ask the Chancellor of the Exchequer on what date the Department for International Development was consulted on Clause 63 of the Finance (No. 2) Bill as regards the implications for overseas aid workers of foreign earnings taxation. [47030]

Dawn Primarolo: All discussions regarding the tax treatment of overseas aid workers have been directly between the Inland Revenue and charities and their representatives.

Working Families Tax Credit

32. **Mr. Derek Twigg:** To ask the Chancellor of the Exchequer if he will make a statement on the impact of the working families tax credit on low-paid families. [46183]

Dawn Primarolo: The Working Families Tax Credit will provide an income guarantee of at least £180 per week for low-income families working full-time, and mean that no family with earnings below £220 a week will pay net Income Tax. Together with the introduction of the National Minimum Wage and reform to National Insurance Contributions, it will make work pay and encourage the move from welfare to work.

Helen Jackson: To ask the Chancellor of the Exchequer what representations he has received with regard to the impact of his working families tax credit on part-time employees. [46156]

Dawn Primarolo: The WFTC has been welcomed by a wide range of individuals and organisations.

Mr. Maude: To ask the Chancellor of the Exchequer how payments made by the Inland Revenue under the working families tax credit scheme will be classified for the purpose of calculating *(a)* net taxes and social security contributions, *(b)* total managed expenditure, *(c)* annual managed expenditure and *(d)* public sector net cash requirement; and if he will make a statement on the rationale of the proposed system. [47122]

Mr. Darling: The WFTC is to be part of the Income Tax system. It will be paid by the Inland Revenue through the pay packet as an Income Tax Credit. Accordingly, as stated in the FSBR, the Government will treat the whole of the WFTC payments as Income Tax credits in the calculation of Net Taxes and Social Security Contributions.

When the results of the Comprehensive Spending Review are published, the presentation of the provision for Working Families Tax Credit (WFTC) in the expenditure measures will continue to follow established national accounts practice. As set out in the *Financial Statement and Budget Report* (FSBR March 1998 HC.620 paragraph B.59) some of the WFTC payments will be scored as expenditure in national accounts. Provision for these payments will be found in Total Managed Expenditure and within the Accounting and Other Adjustments in Annually Managed Expenditure.

All payments of WFTC are determinants of Public Sector Net Borrowing and of the Public Sector Net Cash Requirement.

Smuggling

33. **Mr. Malins:** To ask the Chancellor of the Exchequer what action he is taking to counter smuggling. [46185]

Dawn Primarolo: Customs and Excise give high priority to tackling the commercial smuggling of drugs, to the detection and forfeiture of drugs-related money, and to the smuggling of firearms, paedophile material, alcohol and tobacco. Their enforcement work is based on the deployment of frontline anti-smuggling officers at ports, airports and elsewhere, backed up by specialist investigators and intelligence staff and systems. Customs work closely with the police and other agencies, both in the UK and abroad.

Income Tax

Mrs. Betty Williams: To ask the Chancellor of the Exchequer how many people pay income tax at *(a)* 20p in the £, *(b)* 23p in the £ and *(c)* 40p in the £ in (i) Wales, (ii) Scotland, (iii) England and (iv) Northern Ireland. [46452]

Dawn Primarolo *[holding answer 24 June 1998]:* Estimates of the number of taxpayers who are liable to pay tax at the lower, basic and higher rates of tax are given in the table for 1995–96, the latest year for which this information is available. The estimates are based on the 1995–96 Survey of Personal Incomes.

Number of people liable to tax

Thousands

	at lower rate (20%)	*at basic rate (25%)*	*at higher rate (40%)*
Wales	300	820	60
Scotland	500	1,600	170
England	4,800	15,000	1,900
Northern Ireland	160	390	35

Debt Relief

Mr. Canavan: To ask the Chancellor of the Exchequer how many representations he has received about debt relief for the poorest countries; and if he will make a statement. [46171]

Mrs. Liddell: Since 1 January 1997, the Treasury has received over 12,000 letters and postcards on the subject of Third World debt.

Government Vehicles

Mr. Burstow: To ask the Chancellor of the Exchequer what information is held about the numbers of vehicles and types of vehicle owned or leased by each department and agency. [47564]

Mr. Darling: The National Asset Register provides, inter alia, information on the number and types of vehicle operated by each department and agency. It is the responsibility of each department and agency to keep information about the number and types of vehicle they own or lease.

Copies of the National Asset Register are available in the Library of the House.

Taxation (Church of England)

Mr. Luff: To ask the Chancellor of the Exchequer what assessment he has made of the impact of the indirect and direct tax regimes on Church of England parochial church councils; and if he will make a statement. [46177]

Dawn Primarolo: We have made no assessment of the impact of the indirect and direct tax regimes on Church of England parochial church councils. Views from the Church of England on aspects of the tax regime are being considered in the Review of Charities' Taxation.

Interest Rates

Mr. Prior: To ask the Chancellor of the Exchequer what representations he has received on the level of UK interest rates. [46164]

Mrs. Liddell: We receive many representations on the monetary policy stance—some from borrowers wanting lower interest rates and some from savers wanting higher interest rates. None of them want a return to the boom and bust monetary policies of the past.

Tote

Mr. Spring: To ask the Chancellor of the Exchequer what *(a)* consultations he had with or *(b)* representations he received from the horse racing industry prior to his announcement about the Tote of 11 June 1998. [47528]

Dawn Primarolo: HM Customs and Excise officials have regular discussions with members of the horseracing industry. The Chancellor of the Exchequer received in January 1998 a copy of the British Horseracing Board's Financial Plan for British Racing.

Taxation (Tourism)

Sir Peter Emery: To ask the Chancellor of the Exchequer what *(a)* representations he has received and *(b)* consideration he has given to a reduction in the VAT rate for the tourism industry to a level comparable with that in the Irish Republic. [46253]

Dawn Primarolo: I have received a number of representations in favour of a reduced rate of VAT for tourist accommodation, and have seen a recent report on the subject prepared for the British Tourist Authority. The United Kingdom has a strong and well established tourism industry, attracting record numbers of overseas visitors and high visitor spending. Our position is not comparable with the circumstances of Ireland's package of measures to boost tourism, which included a reduced VAT rate for tourist accommodation.

Public Sector Investment

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what estimates he has made of net public sector investment in *(a)* 1998–99 and *(b)* 2003–4, expressed in 1997–98 prices. [46404]

Mr. Darling *[holding answer 18 June 1998]:* Projections of public sector net investment in 1997–98 and 2003–04 are published in table 4.4 of the "Economic and Fiscal Strategy Report". They can be converted to 1997–98 prices using projections of the GDP deflator in table 4.1 of the same publication.

Hospitality

Mr. Baker: To ask the Chancellor of the Exchequer if he will list the hospitality received by the Director of the Financial Regulation and Industry Team since 1 May 1997. [46948]

Mrs. Liddell *[holding answer 22 June 1998]:* The Director, Finance, Regulation and Industry, has extensive dealings with organisations in both the public and private sectors. These are conducted in line with Treasury guidance to its staff.

Saving

Mr. Waterson: To ask the Chancellor of the Exchequer what plans he has to encourage more people to save. [46184]

Mrs. Liddell: The Chancellor recently released the "Economic and Fiscal Strategy Report" which sets out our economic policy to achieve stability and the right conditions in which individuals will be encouraged to save with confidence.

In addition, we are introducing plans for the Individual Savings Account (ISA) specifically to develop and extend the savings habit. To help savers to find good value for ISAs, the Government are currently consulting on proposals to introduce standards to ensure reasonable charges, easy access and fair terms, to be known as the CAT standards.

Mr. Loughton: To ask the Chancellor of the Exchequer on the basis of what research he calculated the figure of six million likely new savers who will take up the new ISAs. [47084]

Mr. Geoffrey Robinson *[holding answer 23 June 1998]:* I refer to the answer I gave to the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) on 22 December 1997, *Official Report*, column *473*.

Budget Surpluses

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer (1) if he will estimate the cyclically adjusted current budget surpluses for 1998–99 to 2002–03 on the basis of gross domestic product growth figures of *(a)* 2.25 per cent. for 1998, *(b)* 2 per cent. for 1999, *(c)* 2.50 per cent. for 2000, *(d)* 2.50 per cent. for 2001, *(e)* 2.50 per cent. for 2002 and *(f)* 2.50 per cent. for 2003; [46360]

(2) what is his estimate of the cyclically adjusted current budget surplus for *(a)* 1998–99, *(b)* 1999–2000, *(c)* 2000–01, *(d)* 2001–02 and *(e)* 2002–03, based upon gross domestic product of (i) 1.5 per cent. for 1998–99, (ii) 1 per cent. for 1999–2000, (iii) 2 per cent. for 2000–01, (iv) 2.25 per cent. for 2001–02 and (v) 2.25 per cent. for 2002–03. [46376]

Mr. Darling *[holding answer 18 June 1998]:* Forecasts of the cyclically adjusted surplus on current budget are set out in Table 4.6 of the "Economic and Fiscal Strategy Report 1998". Changes to the forecast of GDP growth would change the forecast of the unadjusted surplus on current budget but not the cyclically adjusted surplus.

Control Total

Mr. Maude: To ask the Chancellor of the Exchequer if he will estimate what the control total would be for 1998–99 if the welfare-to-work programme, spending funded by capital receipts programme and expenditure funded by the National Lottery were included. [46437]

Mr. Darling: Figures for Welfare to Work expenditure and the Capital Receipts Initiative are given in table 3A.2, and expenditure financed by the National Lottery in table 3A.1, of the "Economic and Fiscal Strategy Report".

VAT

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will make a statement on the level of value added tax receipts in relation to *(a)* the latest Customs and Excise VAT forecasting equation and *(b)* the assumptions underlying the public finance forecasts. [46515]

Dawn Primarolo: The receipts forecast published in the Economic and Fiscal Strategy Report were an update of the budget forecasts taking account of the latest outturn data. The underlying economic assumptions are unchanged and the Customs and Excise equation was not run again. The forecast of VAT receipts for 1998–99 was reduced by £0.3 billion because the outturn for 1997–98 was lower than expected.

Minimum Wage

Mr. Peter Bottomley: To ask the Chancellor of the Exchequer if he will estimate the impact, net of deductions and benefit changes, on household income of hourly rate increases of *(a)* 10 pence, *(b)* 20 pence, *(c)* 30 pence and *(d)* 40 pence for workers on average hours with (i) one and (ii) two dependent children in one-earner households. [47238]

Dawn Primarolo: The net gain from an increase in hourly wage will depend on a range of factors. These include the rate of income tax faced, which will in turn depend on the hourly wage before the increase; the rate at which National Insurance Contributions (NICs) are paid; and the benefits received, which will in turn depend on family income, the age of children in the family, and the level of the family's rent (if any) and council tax.

The Working Families Tax Credit and the NICs reforms announced in the Budget will substantially reduce the number of families facing very high marginal deduction rates—that is, families will keep more of any increase in their earnings.

Budget Underspend

Dr. Lynne Jones: To ask the Chancellor of the Exchequer when he first was informed that *(a)* there was likely to be an underspend in the Budget for 1997–98 and *(b)* that it was likely to be of the order of £750 million. [47036]

Mr. Darling: The Treasury monitors public spending against plans continuously through the year. Data are collated from a wide range of sources and estimates of the outturn for the year as a whole are liable to fluctuate as new information comes in. As far as public spending in 1997–98 is concerned, the position at the time the Economic and Fiscal Strategy Report was published as described in section 4.3.3. Some uncertainty remains, mainly because final data for local authority spending are not yet available and will not be for some time. £750 million of the underspend has been carried forward into 1998–99.

Government Expenditure

Mr. Maude: To ask the Chancellor of the Exchequer if he will make a statement on the factors underlying the difference between the estimates of General Government Expenditure as compared to Total Managed Expenditure for *(a)* 1998–99, *(b)* 1999–2000, *(c)* 2000–01, *(d)* 2001–02 and *(e)* 2002–03. [47120]

Mr. Darling: The differences between General Government Expenditure (GGE) and Total Managed Expenditure (TME) are: GGE is based on general government (GG), while TME relates to the public sector, that is GG plus public corporations (PCs); TME is made up of public sector current expenditure and public sector net investment, while GGE includes not only current and capital expenditure, but also two financial transactions: net lending and transactions in company securities (net); and TME nets of receipts of capital transfers, which are treated as revenue not reducing GGE.

Taxation

Mr. Maude: To ask the Chancellor of the Exchequer what estimate he has made of the number of individuals with income below that necessary to pay the lower rate of income tax in the tax year *(a)* 1996–97, *(b)* 1997–98 and *(c)* 1998–99. [47227]

Dawn Primarolo: Information on the number of individuals with no income tax liability is given in the following table.

Year	Number of individuals with no income tax liability (000)
1996–97	19,800
1997–98	19,600
1998–99	19,800

An individual is defined as any person aged 19 or over and any person aged 16–18 who is not in full-time education and, hence, is not eligible to have child benefit received on their behalf.

These estimates are based on projections taken from the 1995–96 Survey of Personal Incomes, population estimates provided by the Government Actuary's Department, and case load estimates of the numbers of children for whom child benefit is received provided by the DSS.

Historic Buildings (VAT)

Mr. Todd: To ask the Chancellor of the Exchequer what revenue has been collected by levying VAT on the repair of historic buildings in each of the last three years. [47033]

Dawn Primarolo: It is not possible to estimate revenue collected by levying VAT on the repair of historic buildings.

Electoral Registration

Mr. Barnes: To ask the Chancellor of the Exchequer if he will list the latest available estimates of those aged 17 years and over, plus 63 per cent. of those aged 16 years, for each district council area in England and Wales, together in each case with the equivalent electoral registration figures expressed as a percentage of these figures. [47710]

Mrs. Liddell: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Harry Barnes, dated 25 June 1998:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on electoral registration figures.

ONS have published 1998 electoral statistics for local districts in England and Wales, these are in respect of the electoral roll that became operational on 16 February 1998. The electoral statistics were published on 23 April 1998 in an ONS Population and Health Monitor Series EL 98/1, *Electoral Statistics 1998—parliamentary and local government electors.*

The mid-97 population estimates that are required to provide the answer to your question and to update statistics that have already been supplied in respect of the 1997 electoral statistics and mid-1996 population estimates, will be published on 27th August 1998. I will write to you with a full answer to your question shortly after that publication, and arrange for a copy to be placed in the House of Commons Library.

Drug-related Deaths

Mrs. Dunwoody: To ask the Chancellor of the Exchequer how many drug-related deaths occurred in each of the past 10 years. [47510]

Mrs. Liddell: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mrs. Gwyneth Dunwoody, dated 25 June 1998:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on the number of drug-related deaths occurring in each of the past 10 years.

The data requested are shown in the table below:

Deaths from drug-related causes in England and Wales, 1988–97

Year	Number of deaths
1988	2,061
1989	1,942
1990	2,041
1991	2,053
1992	2,287
1993	2,252
1994	2,405
1995	2,563
1996	2,722
1997	2,816

Note:

Deaths data for the years 1988–1992 and 1997 correspond to deaths registered in the year, deaths data for the years 1993–1996 relate to deaths that occurred during the year

The deaths correspond to those with an underlying cause of death of drug psychoses, drug dependence, non-dependent abuse of drugs, accidental poisoning by drug or medicament, suicidal poisoning by drug or medicament, poisoning by drug or medicament undetermined whether accidentally or purposefully inflicted, or assault by poisoning—drugs and medicaments.

Sierra Leone

Mr. Fallon: To ask the Chancellor of the Exchequer on what date the Financial Secretary to the Treasury was informed of the investigation into Sandline by HM Customs and Excise. [41914]

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer on what date *(a)* the Financial Secretary's private office and *(b)* the Financial Secretary were told that allegations of a breach of the UN arms embargo on Sierra Leone had been referred to HM Customs and Excise. [41883]

Mr. Hogg: To ask the Chancellor of the Exchequer when Treasury Ministers were first informed that Her Majesty's Customs and Excise were undertaking an inquiry into the allegations that Foreign and Commonwealth Office officials may have acted unlawfully in connection with the coup in Sierra Leone. [42340]

Sir John Stanley: To ask the Chancellor of the Exchequer on what date a Minister in his Department was first advised by officials that Customs and Excise had been asked to investigate the allegations against Sandline International; and who was the Minister in question. [43929]

Dawn Primarolo *[holding answers 14 and 18 May and 3 June 1998]:* I refer the right hon. and hon. Members to the statement made by the Secretary of State for Foreign and Commonwealth Affairs in the House during the debate on 18 May 1998, *Official Report*, columns 604–11, in which he announced the investigation by Sir Thomas Legg KCB

QC into allegations about Government involvement with the supply of arms to Sierra Leone by UK citizens and firms, and said that the Terms of Reference would be placed in the Library of the House. The Foreign and Commonwealth Secretary intends to publish the report of the investigation.

Asset Disposals

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will estimate the level of asset disposals, at real 1997–98 prices, for each year from 1985–86 to 2001–02 for *(a)* central Government, *(b)* local authorities and *(c)* other public bodies. [46379]

Mr. Darling *[holding answer 18 June 1998]:* Figures on the receipts from the sale of total fixed assets by both central government and local authorities for 1992–93 to 1998–99 were published in *Public Expenditure statistical Analyses 1998–99* (Cm 3901), Table 1.6.

Receipts from the sale of fixed assets by public corporations from 1992–93 to 1998–99 are shown in cash terms in the table.

Year	*£ billion*
1992–93	0.7
1993–94	1.0
1994–95	0.9
1995–96	0.9
1996–97	0.9
1997–98	0.7
1998–99	0.6

Data on receipts from the sale of assets in earlier years are not readily available and could be provided only at disproportionate cost.

The "Economic and Fiscal Strategy Report" 1998 (Cm 3978) said that the Government were now projecting fixed asset disposals in the future years in question of around £1 billion a year for central government and £2¾ billion for local authorities.

SOCIAL SECURITY

Pensioners (Worcester)

Mr. Michael J. Foster: To ask the Secretary of State for Social Security how many *(a)* pensioner households and *(b)* pensioners there are in Worcester. [46113]

Mr. Denham: The administration of Retirement Pension is a matter for Peter Mathison, the Chief Executive of the Benefits Agency. He will write to my hon. Friend.

Letter from Peter Mathison to Mr. Michael J. Foster, dated 24 June 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking how many (a) pensioner households and (b) pensioners there are in Worcester.

The information is not available in the format requested. Records do not show the number of pensioner households. Data is available for the number of pension accounts held by each Benefits Agency (BA) office. Records show that the BA office in Worcester maintains the pension accounts of 27,199 pensioners. This figure does not include pensioners paid by Automated Credit Transfer (ACT). However, the national ratio of order book cases to ACT payments is approximately 2:1.

I hope you find this reply helpful.

Benefits (Minimum Wage)

Mr. Redwood: To ask the Secretary of State for Social Security what is her Department's estimate of the likely savings in benefits paid to people in work from the introduction of the minimum wage. [47520]

Mr. Keith Bradley: The information is set out in the table.

Estimates of the effect on the Department's benefit expenditure of the introduction of the minimum wage

£ million

Benefit	*Savings 1999–2000*
Income Support	10
Jobseeker's Allowance (Income-based)	10
Housing Benefit	110
Family Credit/Working Families Ta Credit	185
Council Tax Benefit	25
Total	340

Notes:

1. Savings figures are calculated by raising the earnings of current benefit recipients to the level of the minimum wage. No other factors are taken into account
2. Estimates are based on the 1995–96 Family Resources Survey, imposing the 1999–2000 tax and benefit structure, assuming 1998–99 levels of caseloads, prices, benefit rates and earnings. Estimates are rounded to the nearest £5 million
3. Family Credit will be replaced by Working Families Tax Credit in October 1999, assuming the approval of relevant legislation

Mr. Redwood: To ask the Secretary of State for Social Security if the rates of benefit withdrawal are to be altered when the minimum wage is introduced. [47522]

Mr. Keith Bradley: The national minimum wage is a key element in a range of policies introduced by the Government to help make work pay. There are two other main measures in this area:

First, a more generous Working Families Tax Credit will be introduced, subject to the passage of the necessary legislation, to replace Family Credit from October 1999. The Working Families Tax Credit will reduce the rate of benefit withdrawal from 70p in the pound in Family Credit, to 55p in the pound; and is accompanied by a child care tax credit which provides significant extra help with child care costs for low and middle-income working families with children.

Secondly, the introduction of major changes in the National Insurance system from April 1999 will reduce contributions for lower paid workers and simplify the system.

There are no plans to make further changes to the Social Security system as a consequence of the introduction of the national minimum wage.

National Insurance Numbers

Mr. Campbell-Savours: To ask the Secretary of State for Social Security if she will make a statement as to the scale of the use of bogus national insurance numbers in the claiming of benefits. [46411]

Mr. Field: National Insurance numbers play a key role in identifying individual accounts held on DSS and Inland Revenue systems.

Under the previous Administration, the Social Security Select Committee identified a number of concerns about the security of national insurance numbers. The Government are now taking action to improve the security of the way numbers are issued and maintained.

This work is at an early stage, and will provide us with the best assessment of the scale of the use of bogus numbers in the claiming of benefit.

Mr. Campbell-Savours: To ask the Secretary of State for Social Security what is her estimate of the total number of national insurance numbers in circulation. [46412]

Mr. Field: There are 79 million accounts on the Department's central register (including 11 million accounts in respect of children for whom child benefit is in payment and who are due to be issued with a national insurance number shortly before they reach the age of 16).

Mr. Campbell-Savours: To ask the Secretary of State for Social Security what is her assessment of the reliability of the national insurance database. [46413]

Mr. Field: National Insurance numbers play a key role in identifying individual accounts held on DSS and Inland Revenue systems.

Under the previous Administration, the Social Security Select Committee identified a number of concerns about the security of national insurance numbers. The Government are now taking action to improve the security of the way numbers are issued and maintained. This work is at an early stage, and will provide us with the best assessment of the reliability of the national insurance database.

We cannot, at this stage, provide the assessment requested.

Mr. Campbell-Savours: To ask the Secretary of State for Social Security what is her estimate of the number of birth certificates of dead people being fraudulently used for national insurance purposes. [46414]

Mr. Field: The Government have not estimated the number of birth certificates of dead people being used fraudulently for national insurance purposes. The Government are taking action to improve the security of the way numbers are issued and maintained. This work is at an early stage, and the initial results will determine the action necessary to tighten up the security of national insurance numbers, including action specifically surrounding the use of birth certificates.

Mr. Campbell-Savours: To ask the Secretary of State for Social Security what is her estimate of the number of persons who are fraudulently claiming benefits where the national insurance number in use has formerly been used by a person who has left the United Kingdom. [46416]

Mr. Field: The Government have not yet estimated the number of persons who are fraudulently claiming benefits where the national insurance number in use has formerly been used by a person who has left the United Kingdom.

The Government are taking action to improve the security of the way numbers are issued and maintained. This work is at an early stage, and the initial results will determine the action necessary to tighten up the security of national insurance numbers, including action specifically surrounding the use of numbers formerly used by persons who have left the United Kingdom.

Mr. Campbell-Savours: To ask the Secretary of State for Social Security what is her estimate of the number of persons who have acquired national insurance numbers illegally with the complicity of a member of her Department's staff in the last two years. [46417]

Mr. Field: The Government do not yet have an estimate of the number of persons who have acquired national insurance numbers illegally with the complicity of a member of the Department's staff.

The Government are taking action to improve the security of the way numbers are issued and maintained. This work is at an early stage, and the initial results will determine the action necessary to tighten up the security of national insurance numbers, including action specifically surrounding numbers illegally obtained with the complicity of Departmental staff.

Mr. Campbell-Savours: To ask the Secretary of State for Social Security how many numbers have been removed from the national insurance database in each of the last 48 months. [46419]

Mr. Field: The information is set out in the table.

Numbers of National Insurance numbers which have been removed from the database since the start of the cleansing programme

Month	*Duplicate accounts removed*
November 1995	150
December 1995	154
January 1996	297
February 1996	563
March 1996	766
April 1996	1,166
May 1996	1,277
June 1996	1,051
July 1996	2,309
August 1996	1,980
September 1996	3,844
October 1996	4,664
November 1996	3,550
December 1996	2,118
January 1997	4,580
February 1997	4,106
March 1997	4,112
April 1997	4,167
May 1997	2,739
June 1997	3,621
July 1997	4,593
August 1997	3,965
September 1997	4,200
October 1997	590
November 1997	658
December 1997	432
January 1998	1,017
February 1998	817
March 1998	416
April 1998	154
May 1998	315
June 1998	168
Total	64,539

Benefit Fraud

Mr. Campbell-Savours: To ask the Secretary of State for Social Security what is her estimate of the number of asylum applications where documents supplied as a result of rejected applications were used for the purposes of fraudulent benefit claims in the last two years. [46415]

Mr. Field: The Government have not estimated the number of asylum applications where documents supplied as a result of rejected applications are used for the purposes of fraudulent benefit claims. The Select Committee on Social Security under the previous Administration identified a number of concerns about the way asylum applications were handled. The Government are taking action to improve the security of the way numbers are issued and maintained. This work is at an early stage, and the initial results will determine the action necessary to tighten up the security of national insurance numbers, including action specifically surrounding asylum applications.

Mr. Campbell-Savours: To ask the Secretary of State for Social Security what is her estimate of the number of persons who are claiming benefits on behalf of other persons who are unaware of benefits being claimed in their name. [46418]

Mr. Field: The Government do not yet have an estimate of the number of persons who are claiming benefits on behalf of other persons who are unaware of benefits being claimed in their name.

The Government are taking action to improve the security of the way numbers are issued and maintained. This work is at an early stage, and the initial results will determine the action necessary to tighten up the security of national insurance numbers, including action specifically surrounding persons claiming benefits on behalf of other persons who are unaware of benefits claimed in their name.

Mr. Goggins: To ask the Secretary of State for Social Security what is her current estimate of the extent of family credit fraud. [46203]

Mr. Field: Tackling fraud and abuse is a top priority for the Government. Operational issues are the responsibility of Peter Mathison, the Chief Executive of the Benefits Agency. He will write to my hon. Friend.

Letter from Peter Mathison to Mr. Paul Goggins, dated 24 June 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking for current estimate of the extent of Family Credit (FC) fraud.

The Benefits Agency (BA) carries out a Benefit Review Programme in order to reach reliable estimates of the level of fraud on BA benefits. In 1997 the Agency (BA) conducted a pilot Benefit Review of FC in preparation of a main review. The pilot gave us information on methodology and indications about types of fraud, but was a test sample with no statistical validity. Work on the main Benefit Review of FC has been suspended for the present following the decision to move to a Working Families Tax Credit next year.

The BA is now in discussion with the Inland Revenue over the results of the pilot review and to explore whether any additional work is needed to further assist and inform the security of Working Families Tax Credit. Although the results from the pilot were not statistically valid, we have put work in hand to follow up weaknesses highlighted by the pilot review, in order to make Family Credit more secure. The "Securing Family Credit" project was initiated in January this year in order to do this.

I hope you find this reply helpful.

Ms Stuart: To ask the Secretary of State for Social Security what assessment she has made of the impact of Section 20 of the Social Security Administration (Fraud) Act 1997, which confers powers to require postal services not to redirect mail and return it to the issuing authority, on benefit fraud detection. [46267]

Mr. Field: This Government are committed to taking tough action against all benefit fraud. These new powers will permanently stop the abuse of the postal redirection service by organised fraudsters. The Department is currently concluding negotiations with Royal Mail and the Local Authority Associations on the application of Section 20 powers to Housing Benefit and Council Tax Benefit post issued by local authorities. We plan to implement the powers nationally from this summer and will monitor their impact. In addition, Royal Mail will carry out regular quality assurance checks to ensure that items of Social Security post are not being redirected.

At the same time, the Department is actively considering the best practical application of Section 20 to other Social Security post. In addition, the Department, together with local authorities, is looking at the use of Section 21 of the Social Security Administration (Fraud) Act 1997 which provides for the Post Office to supply information about postal redirection to the Secretary of State and local authorities.

Motability

Mr. O'Hara: To ask the Secretary of State for Social Security (1) on what basis the Parliamentary Under-Secretary of State, having been approached for her approval for the proposals contained in the paper, "Motability: MFL's Maintenance and Residual Value Proposals", indicated that she was generally content; [47291]

(2) what consultation she or her Department have held with hon. Members who have constituents who believe their jobs are at stake if the proposals in the paper, "Motability: MFL's Maintenance and Residual Value Proposals", are implemented; and when such consultations took place; [47247]

(3) to whom and when the paper, "Motability: MFL's Maintenance and Residual Value Proposals", was released by *(a)* Motability Finance Ltd. and *(b)* her Department; [47244]

(4) when copies of the paper, "Motability: MFL's Maintenance and Residual Value Proposals", were sent to the motor manufacturers who supply motability cars. [47245]

Mr. Denham *[holding answer 23 June 1998]:* Motability and Motability Finance Limited have presented their proposals in outline to Ministers in this Department for their information and have consulted widely with motor manufacturers and other interested parties. We understand no final decision has been made by Motability as yet regarding their plans. Officials forwarded details of Motability's proposals to Department of Trade and Industry officials who copied them to the National

Franchised Dealers' Association on a confidential basis. No papers have been released to motor manufacturers and there has not been any formal consultation with hon. Members about the proposals.

Benefits Agency (Complaints)

Mr. Love: To ask the Secretary of State for Social Security (1) how many complaints per client have been made about each Benefits Agency office in London in each year over the past five years; [46188]

(2) how many complaints have been made about each Benefits Agency office in London in each year over the past five years. [46187]

Mr. Keith Bradley: The administration of the Benefits Agency is a matter for Peter Mathison, its Chief Executive. He will write to my hon. Friend.

Letter from Peter Mathison to Mr. Andrew Love, dated 24 June 1998:

The Secretary of State has asked me to reply to your recent Parliamentary Questions asking how many complaints per client and how many complaints have been made about each Benefits Agency (BA) office in London in each year over the past five years.

The information is not available in the format requested. The Benefits Agency defines complaints as any expression of dissatisfaction either written or spoken about the service provided that needs a response. Collation of complaints data was introduced in October 1997. Such information as is available is shown in the attached table.

I hope you find this reply helpful.

Number of complaints received for the period 1 October 1997 to 31 March 1998 for those Benefits Agency (BA) districts with London offices

BA districts	*Total number of complaints*
Barking and Havering	393
City	58
Newham	347
Hackney and Islington	240
Leaside	739
Lea Roding	335
Barnet	79
Ealing/Euston	1,154
Harrow	308
Neasden	444
Thames Valley	45
West Hertfordshire	52
Palace[1]	104
Parkside[2]	1,172
North West Kent	553
Riverside	1,990
Surrey	433

[1] For the period 1 October 1997 to 31 December 1997
[2] Includes data for Palace District from 1 January 1998
Note:
Data is provisional and subject to change

Disability Living Allowance

Dr. Cable: To ask the Secretary of State for Social Security when an internal audit of DLA reviews and appeals was last conducted; and if she will publish the result. [46238]

Mr. Denham: The administration of Disability Living Allowance is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Dr. Vincent Cable, dated 24 June 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking when an internal audit of Disability Living Allowance (DLA) reviews and appeals was last conducted and if she will publish the result.

There has not been an internal audit specifically aimed at DLA reviews and appeals. A review of appeals and reviews covering a number of benefits, which included DLA, was conducted in 1996–97. The results of this internal review were reported to Managers in 1997

It may be helpful if I explain that under current legislation there is ongoing monitoring of the standards of decision making. The Chief Adjudication Officer (CAO) is responsible for monitoring the operation of the decision making system, including decisions on DLA. The CAO reports his findings annually to the Secretary of State. His last annual report for 1996–97 was published in July 1997.

In addition, The Social Security Act 1998, which received Royal Assent on 21 May, contains important changes to decision making and appeals procedures for all benefit and child support customers. These measures form a key part of the Government's programme to build an active, modern social security system and are expected to be implemented during the second half of 1999. Amongst other measures the changes will streamline the decision making procedures, making easier to understand; allow Agencies to correct errors early; simplify and streamline the appeals system; and speed up the clearance of appeals.

I hope you find the reply helpful.

Benefits Agency Medical Service

Mr. Gardiner: To ask the Secretary of State for Social Security for what reasons reports by the Benefits Agency Medical Service are no longer available to individuals who are appealing against a decision of the Benefits Agency until tribunal stage. [46215]

Mr. Keith Bradley: The administration of the Benefits Agency is a matter for Peter Mathison, its Chief Executive. He will write to my hon. Friend.

Letter from Peter Mathison to Mr. Barry Gardiner, dated 24 June 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking for what reasons reports by the Benefits Agency Medical Service (BAMS) are no longer available to individuals who are appealing against a decision of the Benefits Agency (BA) until tribunal stage.

No changes have been made to the instructions covering the availability of medical reports to individuals who appeal to the Independent Tribunal Service (ITS) against a decision by an Adjudication Officer. Once an appeal is made the local BA Office will pass all the documents to the ITS. This will include a copy of the BAMS report where appropriate. An information package which includes a set of the appeal documents is sent to the individual by ITS, and any representative, at least seven days before the date of the hearing. This is the minimum period required by law.

ITS advice is that appeal documents are on average issued three to four weeks before the appeal hearing date, but that in some areas the documentation is issued in accordance with minimum legal requirements. We are aware that some BA Offices provide additional copies of All Work Test medical records but this is not standard practice.

In light of these inconsistencies we are undertaking a review of current procedures. This will aim to meet the requirements of "Open Government" and the emerging requirements of the Social Security Act 1998. The aim of making these changes is to make the information timeously available.

I hope that this is helpful.

Child Support Agency

Mr. Bill O'Brien: To ask the Secretary of State for Social Security (1) how many cases have been referred to the Child Support Agency independent case examiner in each month since its inception; [46086]

(2) how much has been paid in total in compensation by the CSA to people who have been successful in claims against the agency. [46107]

Mr. Keith Bradley: We expect the Child Support Agency to provide a consistent, fair and efficient service to all its clients. We are looking closely at all aspects of the child support scheme to see where improvements can be made and we aim to bring forward a consultation document on our proposals.

The administration of the Child Support Agency is a matter for the Chief Executive, Mrs. Faith Boardman. She will write to my hon. Friend.

Letter from Faith Boardman to Mr. Bill O'Brien, dated 24 June 1998:

I am replying to your Parliamentary Questions to the Secretary of State for Social Security about Child Support Agency cases referred to the Independent Case Examiner and Child Support Agency compensation payments.

The Office of the Independent Case Examiner commenced work in April 1997. When the Agency responds to a complaint the customer is given details about the services of the Independent Case Examiner to enable them to contact her directly.

Between 1 April 1997 and 31 May 1998, 1305 customers of the Agency made applications to the Independent Case Examiner. A monthly breakdown is shown in the attached table.

The Agency is committed to providing a good quality customer service and is continuing to develop a close working relationship with the Independent Case Examiner and her staff to identify ways in which their expertise may best be used.

The Agency's Business Units adopt a case study approach with cases referred to the Independent Case Examiner whereby the Business Unit Manager and staff involved with the case identify lessons learnt, introduce improvements and good working practices and regularly liaise with the office of the Independent Case Examiner.

Compensation payments are normally referred to as special payments. A special payment is considered where a clear and unambiguous error by the Agency has resulted in distress or in actual financial loss to the customer which is not recoverable through other means.

From its launch in April 1993 to 31 May 1998 the Agency has paid out a total of £2,168,485 in special payments. The number of payments made (3,235) is relatively small compared with our overall caseload of over 770,000 live and assessed cases (less than half of one per cent.). The numbers of payments have risen recently as a result of increases in the Agency's current workloads and of our actions over the past year to clear the backlog of maintenance applications which had accumulated in the Agency during its first 2–3 years. In 1997–98 the Agency cleared 595,000 maintenance application compared with 357,000 in 1996–97 and reduced the number of maintenance applications over 52 weeks old from 225,000 to 110,000.

I am conscious that there are still far too many complaints about the standards of basic customer contact and the service we provide, and we recognise that doing things right first time is the key to preventing complaints. We are aware that as we further tackle our backlog of cases from the Agency's first 2–3 years, there is potential for the volume of complaints to rise in the short term. During 1997–98 we developed the Customer Service Strategy, our customer service improvement plan for the next four years. The Strategy will improve performance standards; information and openness; consultation and choice; courtesy and helpfulness and provide value for money. We have begun action on some of our customer service initiatives but it will take three to four years to deliver everything. However, we expect customers to see some real improvements by the end of 1998–99.

I hope this helpful.

Number of Child Support Agency customers who made applications to the Independent Case Examiner

	Number
1997–98	
April	21
May	48
June	69
July	72
August	82
September	94
October	137
November	110
December	108
January	112
February	108
March	126
1998–99	
April	116
May	102
Total	1,305

Marginal Deduction Rates

Mr. Amess: To ask the Secretary of State for Social Security if she will list the marginal deduction rates that will apply from October 1999 to a married couple receiving *(a)* the working families tax credit, *(b)* housing benefit and *(c)* council tax benefit with gross weekly earnings of (i) up to £49, (ii) £50-£99, (iii) £100-£149, (iv) £150-£199, (v) £200-£249, (vi) £250-£299 and (vii) £300 and over; and what are the numbers expected to fall into each category. [45999]

Dawn Primarolo: I have been asked to reply.

The Working Families Tax Credit will be withdrawn at a rate of 55p for every £1 of income, net of income tax and National Insurance Contributions (NICs), over £90 a week. Housing benefit is withdrawn at a rate of 65p in every £1 of net income (including Working Families Tax Credit) over an 'applicable amount' (which depends on the composition of the recipient family). Council tax benefit is withdrawn at a rate of 20p in every £1 of net income (including Working Families Tax Credit, but excluding housing benefit) over an 'applicable amount' (which depends on the composition of the family).

The exact marginal deduction rate a given family will face will depend on a range of factors, in addition to the level of their earnings. These include the rate of income tax they face, the rate of NICs they pay, and the combination of benefits they receive—which will in turn depend on the number and age of children in the family and the level of their rent and council tax.

Available estimates of the number of families facing high marginal deduction rates can be found in table 3.3 of the "Financial Statement and Budget Report".

INDEX TO THE

PARLIAMENTARY DEBATES

OFFICIAL REPORT

SIXTH SERIES **VOLUME 314**

SESSION 1997–98

15th June—25th June 1998

SCOPE OF THE INDEX, ARRANGEMENT AND ABBREVIATIONS

This index is derived from the House of Commons Library's Parliamentary On-Line Information System (POLIS), and the subject terms used are based on those used in POLIS. There are often changes in column numbering, etc., between the daily part or weekly Hansard (which simply collects together the daily parts without revision) and the bound volume. The index for the bound volume is revised to take account of these changes and cannot therefore, be used in connection with the daily part or weekly Hansard. For these versions use the Fortnightly Index.

Scope and arrangement of the Index

Oral and Written Parliamentary Questions are indexed under subject headings and the names of Members asking and Ministers replying to them. Questions are not listed under the names of Departments replying. Departmental listings can be arrived at indirectly by looking under the names of the Minister(s) of that Department. There are, however, the headings 'Northern Ireland', 'Scotland', and 'Wales' under which one can find not only most Questions answered by the Northern Ireland Office, Scottish Office, Welsh Office but also Questions about these areas of the United Kingdom which are answered by other Departments. Ministerial statements are indexed under subject headings, under 'Ministerial statements' and the names of Ministers making them and Members speaking on them. General debates are indexed under broad subject headings and under the names of all Members and Ministers taking part. Debates on legislation (Bills, Orders, Regulations etc.) are indexed under the name of the Bill, Statutory Instruments etc, under subject headings and under the names of those taking part.

Rulings and Statements by Speaker and deputies are brought together under the heading 'Speaker's rulings and statements'.

Other contributions by Speaker and deputies appear under the heading Speaker.

Opposition Day Debates and Estimates Day Debates and Standing Order No. 10 applications are listed under those respective headings and under subject headings too.

The date of each item except Parliamentary Questions is inserted immediately before the reference.

Members' names are given in the form by which they prefer to be known and are printed in bold italics. Under their names, entries are arranged under one of the two headings *Debates, etc.* (to include interventions on statements, points of order and so on) or *Questions.*

Abbreviations

Bills 1R = first reading, 2R = second reading, Money res = money resolution, Comm = Committee stage, Rep = Report stage, 3R = third reading, amendt/amendts = amendment/amendments, * = matter taken formally, without debate.

Column numbers followed by the letter W refer to Written Questions. These appear at the end of each daily part or volume with their own sequence of column numbers printed in italics.

A27
(16.06.98) 271–8

A30
33w

A55
Road closures 387w

A66
Road accidents 119w

A69
Road accidents 119w

A406
Road works 58–9w

A470
Wales 577w

Abbey Wood
Ministry of Defence 688

Absent voting
355w

Access to buildings
Handicapped 411w

Access to work programme
Wheelchairs 80w

Accidents
Medical treatments 257w

Acne
Prescription drugs 493–4w

Adams, Mrs Irene
Debates etc.
Local government, Scotland (16.06.98) 231

ADAPT initiative
170–1w

Administration Select Committee
(22.06.98) 812

Admissibility of evidence
Road traffic offences 442–3w

Advisory Board on Family Law
see Family Law Advisory Board

Advisory Group on Quarantine
see Quarantine Advisory Group

Advisory services
Small businesses 315w

Advocacy
Educationally subnormal 85–6w

Aerials
Health hazards 339w
Planning permission 331–2w
Schools 348w

Aerospace industry
Government assistance 490–2
Research finance 571w

Afghanistan
Women 196w

Agenda 2000
EC enlargement 195w
European Social Fund 82w

Agenda 21
54–5w, 278w

Agricultural Development and Advisory Service
Privatisation 20w

Agricultural land
324w, 386w
Radioactive fallout 28w

Agricultural policy
Wales 1040

Agricultural shows
Ministers' domestic visits 249w

Agricultural subsidies
485w, 488–9w
Cattle 550w
EC action 29w
Expenditure 29w
Wales 545w
Wines 326w

Agricultural workers
Wales 578–9w

Agriculture
Antibiotics 549w
Legislation 250–1w
Publications 249w
Wales 1031

Agriculture Select Committee
(15.06.98) 107

Agri-environment action plan
Wales 545w, 1039

Aid financed trade
Indonesia 98w

Ainger, Mr Nick
Questions
Cycleways 38w
Cycling, Road accidents 128w
Fires, Hotels 172–3w
Fishing crews, Death 434w
Fishing vessels, Government grants 425w
Food poisoning, Hotels 90w
Organophosphate Interdepartmental Monitoring Group 604–5w
Sea Fish Industry Authority, Fees and charges 425w

Ainsworth, Mr Peter
Questions
Football, Travel restrictions 300–1w
Millennium Commission 601w
World Cup, Habitual offenders 340w
World Cup, Public order offences 301w

Air pollution
Greater London 38w
Lullington Heath 48–9w
M25 37w

Air pollution control
431–2w
Power industry 103w
Public utilities 102–3w

Air routes
Nigeria 14w

Air traffic control
365–6w
Prestwick Airport 365w, 433w
Privatisation 356

Air transport
Transport of radioactive materials 43–4w, 367w

Air travel
USA 432w

Aircraft carriers
Defence expenditure 692–3
Defence procurement 692–3

Aircraft noise
534w

Airguns
Injuries 298w

Airports
534w
Members' correspondence 286w

Alaska
Army 567–8w

Alcoholic drinks
(24.06.98) 1051–3

Alcoholic drinks duties
275w

Algeria
EC external relations 13w
Human rights 194w
Visas 194w

Allan, Mr Richard
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 775–8
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 849–50, 859, 871, 899–900, 919–21, 943–4
Epilepsy (17.06.98) 484
Questions
Inquiries, Attorney General 564w
Inquiries, Dept for International Development 429w
Inquiries, Dept of the Environment Transport and the Regions 533w
Inquiries, Dept of Trade and Industry 376–7w
Inquiries, Foreign and Commonwealth Office 469–70w
Inquiries, Home Office 515w
Inquiries, Ministry of Agriculture Fisheries and Food 549–50w
Inquiries, Northern Ireland Office 3–4w
Inquiries, Scottish Office 136–7w
Inquiries, Treasury 108w
Young offenders, Parents 7–8

Alltami bypass
387w

Altcourse Prison
223w

Alternative energy
Non-fossil fuel obligation 477w

Alternative medicine
86w

Alternatives to prison
14

Ambulance services
Emergency calls 389w

Amess, Mr David
Debates etc.
Fisheries, Essex (22.06.98) 814–7
Hospital waiting lists (16.06.98) 180–3
Questions
Economic situation 1045
Income support, Family income 552–6w
Income tax 396–7w, 454w
Inflation 611w
Married people, Social security benefits rates 628w

Analgesics
Safety measures 525w

Ancram, Rt Hon Michael
Questions
Scottish Parliament, Official secrets 334w

Anderson, Mr Donald
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 790–1
Questions
National Assembly of Wales, Conservative Party 1035

Anglia Television
Dept of Trade inquiries 322w, 572w

Anguilla
Satellites 61w

Animal experiments
355–6w
Export of live animals 588w
Inspections 74w
Licensing 588–9w

Animal feed
Antibiotics 26w
Bovine spongiform encephalopathy 20–6w

Animal housing
Battery hens 323w

Animal husbandry
Wales 1040

Animal Procedures Committee
Public appointments 191–2w

Animal quarantine
26w, 159–60w

Animal welfare
72w
Departmental coordination 351w

Animals
Genetic engineering 499w

Animals (Scientific Procedures) Act 1986
Questions
588w

Antibiotics
Agriculture 549w
Animal feed 26w

Antismoking campaign
Expenditure 388–9w

Arable area payments scheme
27w
Scotland 574w
Wales 576w

Arbitration schemes
461w

Armed forces
Sierra Leone 1w
Social security claims 373w
Vaccination 231–2w, 373w, 696

Armed forces catering services
Beef 689

Armed forces dependants
230w

Armed forces deployment
374–5w
Bosnia-Herzegovina 690–1
Cyprus 471–2w, 694–5
Eritrea 166w
Peace keeping operations 165–6w
Persian Gulf 695–6
Territorial Army 686

Armed forces discharges
Conscientious objectors 458w
Territorial Army 166w

Armed forces housing
RAF Stanmore Park 527w

Armed forces pensions
Widows 1w

Armed forces strength
565w

Armed forces training
372w
Military aid 603w

Armed forces women
2w

Armoured fighting vehicles
231w

Arms exports
10w, 99w, 229–30w, 322w

Arms exports*—*continued
Export licensing 155w, 373–4w
Trade promotion 230w, 344w, 380–1w

Arms to Sierra Leone Inquiry
596w

Arms trade
229w, 375w, 460w, 1164
Bosnia-Herzegovina 532w
EC action 193w
Sierra Leone 118–9w, 128–30, 199w, 304–5w, 312w, 469w, 528w, 618–9w

Armstrong, Hilary**, *Minister of State for Local Government and Housing,Dept of the Environment Transport and the Regions
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 244–7, 258, 261, 265–6
Questions
Crown lands and estates, Non-domestic rates 44–5w
Housing, Derbyshire 120–1w
Local government constituencies, Basildon 439w
Local government reform 533w
Multiple occupation, Licensing 371w

Army
Alaska 567–8w

Army Base Repair Organisation
Fraud 2w
Performance standards 168w

Army in Northern Ireland
Prisoners 283w, 373w

Army strength
267–8w

Arrests
Cricket 298w

Arts
North West region 460w

Arts Council of England
National Lottery 302–3w
Public appointments 232w

Asbestosis
524–5w
Death 562–3w

Ashdown, Rt Hon Paddy
Debates etc.
European Council (17.06.98) 374–5
Questions
Tax avoidance 358–9

Ashton, Mr Joe
Debates etc.
Business questions (18.06.98) 523
Crime and Disorder Bill (HL), Points of order (17.06.98) 386
Crime and Disorder Bill (HL), Rep (22.06.98) 715, 719, 724, 742–4, 764–9, 783, 789
Electricity generation (25.06.98) 1180

Asia
Economic situation 610w

Asia-Europe meeting
India 314–5w
Pakistan 314–5w

ASSIST programme
Human rights 603w

Assisted places scheme
Wales 228w

Association of Chief Police Officers
296–7w, 596w

Association of Community Health Councils for England and Wales
391–2w

Asylum
see Political refugees

Atherton, Ms Candy
Questions
Arts Council of England, Public appointments 232w
Regional aid, EC grants and loans 96w

Atkinson, Mr David
Debates etc.
Disability living allowance (17.06.98) 282–3
Millennium compliance (17.06.98) 325
Questions
Euro, Computers in government departments 503w
Millennium compliance 319w, 394–5w, 596–7w

Atkinson, Mr Peter
Debates etc.
Electricity generation (25.06.98) 1178–9
Tipping of waste, Northumberland (18.06.98) 596–8
Questions
Firearms, Compensation 70w
Gas fired power stations, Planning permission 320–1w
Smuggling, North East region 1169

Atomic Weapons Establishment
Departmental publications 527w, 569w

Attendance allowance
406w

Attorney General
Inquiries 564w

Audit Commission for Local Authorities in England and Wales
Public relations 430w

Autism
Scotland 401–2w

Average earnings
494w

AWE Aldermaston
569w

Axle weights
Lorries 39w

Ayrshire and Arran Health Board
Finance 482w

Babies
394w

Backbenchers
Members' facilities 697–8

Badgers
Disease control 549w

Bain Commission
see Low Pay Commission

Baker, Norman
Questions
Air pollution, Lullington Heath 48–9w
Air traffic control, Privatisation 356
Animal experiments 355–6w
Animal Procedures Committee, Public appointments 191–2w
Animal welfare, Departmental coordination 351w
China, Human rights 116
Civil liberties 65w
Further education, East Sussex 413w
Genetic engineering, Animals 499w
Intelligence services 312–3w, 350w

***Baker, Norman**—continued*
Interception of Communications Act 1985 350w
Labour Party, Government buildings 597w
Lewes Prison 356w
Millennium Exhibition, Environment protection 153w
Official cars, Energy consumption 426–7w
Open government 428w
Organic farming, Research 426w
Pigs, Export of live animals 485w
Railway network, Expenditure 130w
Road construction 368w
Sea pollution, Chemicals 44w
Soya beans, Food labelling 29w
Transport, White papers 130w
Transport of radioactive materials, Air transport 43–4w
Treasury, Official hospitality 614w
Water pollution, Prosecutions 37w
Xenotransplantation, Licensing 356w

Baking industry
Russia 426w

Balance of trade
503–4

Baldry, Mr Tony
Debates etc.
Electricity generation (25.06.98) 1185
Minimum wage (18.06.98) 518–9
Small businesses (19.06.98) 613–4, 617
Questions
Battery hens, Animal housing 323w
Bosnia-Herzegovina, Defence expenditure 691–2
Floods, Banbury 323–4w
Manufacturing industries, Exports 316w
Minimum wage 473w
NHS, Private finance initiative 92w, 337w
Non-domestic rates 44w
Peace keeping operations, Armed forces deployment 165–6w
Prison staff, Disciplinary proceedings 63w
Public sector employment, Industrial tribunals 503
Small businesses, Performance standards 569w
Territorial Army, Armed forces discharges 166w
UN resolutions 327w, 528w

Ballard, Jackie
Debates etc.
Educational finance, Public petitions (15.06.98) 107
Hospital waiting lists (16.06.98) 163
Private Members' bills (25.06.98) 1205–7
Questions
Gender impact assessment, Dept of Social Security 557–8w
Gender impact assessment, Dept of the Environment Transport and the Regions 559w
Gender impact assessment, Dept of Trade and Industry 570w
Gender impact assessment, Home Office 592w
Great Western Trains, Performance standards 123–4w
Judges, Women 461w
National childcare strategy, Departmental coordination 80w
Sex discrimination, Departmental reorganisation 346–7w
VAT, Sanitary protection 1168
Vocational training, Tax allowances 142w

Ballot papers
443w

Banbury
Floods 323–4w

Bank loans
Developing countries 208w

Bank of England
Monetary Policy Committee 342–3w

***Banks, Mr Tony**, Parliamentary Under-Secretary of State, Dept for Culture Media andSport*
Questions
Church buildings, Repairs and maintenance 236w
Football 237–8w
Football, Racial discrimination 508w
Listed buildings, East Sussex 508w
National Endowment for Science Technology and the Arts, Sports 235–6w
National Lottery 351w
National Lottery, Wigan 232–3w
Sportsmatch, Wigan 233w
UK Sports Institute 8w
UK Sports Institute, Contracts 237w
World Cup, Wembley Stadium 351–2w

Banner Committee
see Animal Procedures Committee

Barking power station
Electricity generation 321w

Barnes, Mr Harry
Questions
Electoral register 617w
Moorside Drift mine 285–6w

Barristers
117w
Fees and charges 564–5w
Legal aid 461w, 564–5w
Pay 837–8

Barron, Mr Kevin
Debates etc.
Electricity generation (25.06.98) 1182
Hospital waiting lists (16.06.98) 158–61, 185
Travel-to-work areas, Rotherham (24.06.98) 1009–10
Questions
Central Africa, Overseas aid 126–7

Basic education
Scotland 481w

Basildon
Local government constituencies 439w

Bats
Rabies 423w

Battery hens
Animal housing 323w

***Battle, Mr John**, Minister of State, Dept of Trade and Industry*
Questions
Aerospace industry, Government assistance 490–2
Aerospace industry, Research finance 571w
Alternative energy, Non-fossil fuel obligation 477w
Arms exports, Trade promotion 344w
Coal mining 500w
Diesel fuel 322w
Dounreay, Nuclear fuel reprocessing 344w
Dounreay, Radioactive waste disposal 242w
Eastern Electricity, Electricity tariffs 241w
EH101 helicopters, Government assistance 317w
Electricity generation, South East region 321w

***Battle, Mr John**—continued*
Extractive industries, Environmental impact assessment 497w
Foresight programme 240w, 495–6
Gas fired power stations, Planning permission 320–1w
Genetic engineering, Animals 499w
Inter Agency Committee on Marine Science and Technology 156–7w
Iron and steel industry, Trade competitiveness 320w
Motor industry 493–5
Motor industry, Government grants 239w
Nuclear power stations, Millennium compliance 242–3w
Petrol alternatives 498w
Plutonium 499w
Radiation hazards 499w
Radioactive materials, Exports 321w
Radioactive waste disposal, Irish Sea 321w
Research councils 498w
Restrictive trade practices, Trade associations 97w
Satellites, Anguilla 61w
Science and technology research, EC action 316–7w
Science and technology research, Private investment 239–40w
Sellafield, Nuclear safety 500w
Textile industry 318w
United Kingdom Atomic Energy Authority 498w
Wind power 241–2w

Bayley, Mr Hugh
Debates etc.
Hospital waiting lists (16.06.98) 189
Questions
International trade, Corruption 492–3
Voting System Independent Commission 64w

Beaches
Cliftonville 437–8w
Wales 332w

Beard, Mr Nigel
Debates etc.
Hospital waiting lists (16.06.98) 141
Questions
Bosnia-Herzegovina, Armed forces deployment 690
Economic situation, Asia 610w
Metropolitan Police, Information technology 62–3w

***Beckett, Rt Hon Margaret**, President of the Board of Trade*
Debates etc.
Electricity generation, Ministerial statements (25.06.98) 1171–87
Minimum wage, Ministerial statements (18.06.98) 507–19
Questions
Business, Economic and monetary union 318w
Coal mining 490
Competition 100–1w
Energy policy 489
Exports, Exchange rates 497–8
Exports, Interest rates 498
Exports, Trade competitiveness 498–9
"Fair Deal for Consumers Consultation Paper" 97w
Fiscal policy 502
Gas fired power stations, Shoreham 489–90
Industrial production 315w
Inquiries, Dept of Trade and Industry 376–7w
Manufacturing industries 316w
Manufacturing industries, Interest rates 498

Beckett, Rt Hon Margaret—*continued*
Manufacturing industries, Sterling 501–3
Millennium products initiative 155–6w
Ministerial policy advisors, Dept of Trade and Industry 377–9w
Pilot schemes, Dept of Trade and Industry 97w
Power industry, Air pollution control 103w
Public utilities, Air pollution control 102–3w
Small businesses 101w
World Trade Organisation, Conferences 158–9w
World War II, Property law 102w

Bedford-Bletchley railway line
54w

Beef
Armed forces catering services 689
Food labelling 28w, 325w
Prisons 179w
Wales 332w, 1039–40

Bees
413–4w

Begg, Miss Anne
Debates etc.
Social security reform (25.06.98) 1215–7
Questions
Dounreay, Nuclear safety 829–30
Fisheries Research Services, Performance standards 223–4w

Beggs, Mr Roy
Debates etc.
Minimum wage (18.06.98) 514–5
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 573
Questions
Secondary education, Northern Ireland 4–5w
Treaty of Amsterdam 244–5w

Beith, Rt Hon A J
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 867–70, 876, 878–82, 885, 887–8, 924, 946–8
National Institutions Measure (18.06.98) 588
Tipping of waste, Northumberland (18.06.98) 598–600
Questions
Crime victims 515–6w
Driving offences, Convictions 297w
Driving offences, Prison population 341w
Electronic tagging 341–2w
Football, Public order policing 5
Law enforcement 288–90w
Mass media, Ownership 1043
Prison population 14–5
Prison Service, Performance standards 290–3w
Prisoner escorts 352–3w
Prisons, Private sector 72w
Probation and aftercare 353w
Probation officers 192–3w
Probation officers, Manpower 193w
Protection from Harassment Act 1997 359–60w
Protection from Harassment Act 1997, Prosecutions 297–8w

Belfast
Secondary education 253w

Belfast Agreement
352

Bell, Mr Martin
Debates etc.
Bosnia-Herzegovina (17.06.98) 313–4

Bell, Mr Martin—*continued*
Questions
Mines 685–6

Bell, Mr Stuart, Second Church Estates Commissioner
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 795–6
National Institutions Measure (18.06.98) 587–9, 594–5
Rep and 3R (18.06.98) 587–95

Belmont Riding Centre
Planning inquiries 203w

Benefit Fraud Inspectorate
171w

Benefit integrity project
Disability living allowance 111–2w, 114w, 496w

Benefits Agency district offices
Complaints 625w
Greater London 625w

Benn, Rt Hon Tony
Debates etc.
Electricity generation (25.06.98) 1177

Bercow, Mr John
Debates etc.
Business questions (18.06.98) 525
Crime and Disorder Bill (HL), Rep (22.06.98) 713
Electricity generation (25.06.98) 1186
Human Rights Bill (HL), Com (24.06.98) 1060, 1064–6, 1073, 1075–6
Legal Aid (Reform) Bill, 1R (16.06.98) 133–5
Small businesses (19.06.98) 641, 669–74
Questions
Direct labour departments, North Lanarkshire 481w
EC enlargement 195w
Economic and monetary union 107w
Education, Economic and monetary union 145–6w
European Communities, Conferences 13w
European voluntary service for young people 212w
European Women's Lobby 381w
Internet, Educational institutions 144w
Journalists in Europe, Political impartiality 303w
Relay Europe 151w
Schools, Consumer protection 145w
Sexual offences 10–1
Small businesses, Innovation 500–1
Taxation, Charities 1158–9
Territorial Army 686

Beresford, Sir Paul
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 252

Berlin airlift
Festivals and special occasions 459w

Bermingham, Mr Gerald
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 766, 790

Better government programme
Elderly 6w

Betting and gaming duties
1164–5

Bilderberg Group
6w

Billing
NHS trusts 580w

Biodiversity
282w

Biotechnology
419–20w

Birmingham
Schools access initiative 75w

Birmingham Relief Road
205–6w

Black economy
107w

Blair, Rt Hon Tony, Prime Minister, First Lord of the Treasury and Minister for the Civil Service
Debates etc.
European Council, Ministerial statements (17.06.98) 367–85
Questions
Air traffic control, Privatisation 356
Animal welfare, Departmental coordination 351w
Arms to Sierra Leone Inquiry 596w
Asia-Europe meeting, India 314–5w
Better government programme, Elderly 6w
Bilderberg Group 6w
Breast cancer 363–4
British Nuclear Fuels, Japan 313w
Cabinet committees, Social security reform 597–8w
Chechnya, Hostages 364
Civil service, Equal opportunities 363
Climate Change Convention 6–7w
Coal mine closures, Regional aid 1042–3
Council house waiting lists, Tower Hamlets 364–6
Crime and Disorder Bill (HL) 1997/98, Hooliganism 357–8
Dounreay, Nuclear fuel reprocessing 313–4w, 598w
Economic and monetary union, Referendums 1044
Economic and monetary union, Sun Newspaper 1041
Economic policy 1043–4
Economic situation 1045
Education action zones, Plymouth 1047
Ethnic minorities 1046
European Social Fund, Wales 350w
Family income 359–60
Foreign and Commonwealth Office, Departmental correspondence 313w
Fraud, Kettering 1045–6
House of Lords reform 313w
Honours 351w
Hurst, Geoff 359
Intelligence services 312–3w, 350w
Interception of Communications Act 1985 350w
Joint public-private sector ventures 1045
Kosovo 1044–5
Labour Party, Government buildings 597w
Labour Party, Manifestos 350w
Lockerbie, Bombings 313w, 351w
Low Pay Commission 360–2
Lucas Aerospace, Redundancy 359
Mass media, Ownership 1043
Millennium compliance 6w, 596–7w
Minimum wage 597w
Ministerial policy advisors, Prime Minister 5–6w
Ministers' visits abroad, France 597w
National Air Traffic Services 362
NHS, Disclosure of information 1049–50
Political education 328–9w
Prime Minister, Annual reports 1047–8
Prisoners of war, Japan 349–50w

Blair, Rt Hon Tony*—*continued
Prisoners' release, Northern Ireland 362–3
Radioactive wastes, Nuclear safety 522w
Rape, West Yorkshire 360
Regional development agencies, Yorkshire and Humberside 358
Selective schools 1048–9
Sierra Leone, Arms trade 312w
Sierra Leone, Disclosure of information 359
Social Exclusion Unit 350–1w
Tax avoidance 358–9
10 Downing Street, Personnel 596w
10 Downing Street, Public relations 363
Tuition fees, Scotland 1046–8
Welfare state, Expenditure 1041–2
World Cup, Hooliganism 356–7

Blears, Ms Hazel
Questions
Crime prevention 9

Blizzard, Mr Bob
Questions
Police, Northern Ireland 252–3w
Stray dogs 49w
Taxation, North Sea oil 610w

Blunkett, Rt Hon David*, *Secretary of State for Education and Employment
Questions
Children 551w

Blunt, Mr Crispin
Debates etc.
Bosnia-Herzegovina (17.06.98) 304, 316, 319
Business questions (18.06.98) 528
Crime and Disorder Bill (HL), Points of order (17.06.98) 386
Crime and Disorder Bill (HL), Rep (22.06.98) 792–5
European Council (17.06.98) 377–8
Questions
Armed forces deployment 374–5w
Armed forces strength 565w
Bosnia-Herzegovina, Defence expenditure 690–1
Defence review 569w
Sierra Leone, Arms trade 128–9

Board of Inland Revenue
see Inland Revenue

Boateng, Mr Paul*, *Parliamentary Under-Secretary of State, Dept of Health
Debates etc.
Epilepsy (17.06.98) 485–8
Questions
Ambulance services, Emergency calls 389w
Babies 394w
Cancer, Health services 89w
Carers 93–4w
Carers, Young people 489w
Child health 92w
Child prostitution 586w
Child protection registers 162–3w, 523w
Child workers, Delivery services 490w
Chiropody, Statistics 392–3w
Community care, Elderly 309w
Coroners 388w
Cystic fibrosis, Screening 259w
Educationally subnormal, Advocacy 85–6w
Hip replacements 162w
Home care services 162w
Macmillan Cancer Relief 581–2w
Mental health services, Children 389–90w
Mentally disturbed offenders, Inquiries 94–5w
Multiple births 582–3w

Boateng, Mr Paul*—*continued
Negligence, Ex gratia payments 90w
NHS, Theft 392w
NHS Direct, Deaf 161–2w
Political refugees 164w
Residential care, Greater London 88w
Residential care, Training 492w
Residential care of children 92w, 492w
Runaway children 91w
Skin disorders, Cancer 390–2w
Social services, White papers 391w
Suicide 394w
Wheelchairs 86–7w
Young People In Care Organisation 492w

Boats
Licensing 42w

Bombings
Lockerbie 313w, 351w, 563w

Borrow, Mr David
Debates etc.
Minimum wage (18.06.98) 513
Questions
Armed forces deployment, Persian Gulf 695–6
Crown lands and estates, Non-domestic rates 44–5w
Service Children's Education, Performance standards 565–6w
Young offenders 9–10

Bosnia-Herzegovina
(17.06.98) 300–22
Armed forces deployment 690–1
Arms trade 532w
Defence expenditure 690–2
NATO 690
Political refugees 187w
War crimes 195w

Boswell, Mr Tim
Questions
Coal mining 490
Economic policy 506w
Employment protection, EC law 96–7w
Football, Public order policing 6
National vocational qualifications 464w
Restrictive trade practices, Trade associations 97w
Sellafield, Nuclear safety 500w
Taxation, Charities 1158–9

Bottomley, Mr Peter
Debates etc.
Minimum wage (18.06.98) 512
National Institutions Measure (18.06.98) 592–5
Questions
Badgers, Disease control 549w
Barristers 117w
Bovine tuberculosis 486–8w
Minimum wage 473w, 570w, 597w
Minimum wage, Family income 615–6w
Pay 507w
Political education 328–9w
Sewage, Water treatment 34–6w

Bottomley, Rt Hon Virginia
Questions
Royal Naval College, Greenwich 372w

Bourne Expert Group
see Tuberculosis in Cattle and Badgers Expert Group

Bovine spongiform encephalopathy
251w
Animal feed 20–6w
Disease control 422–3w

Bovine tuberculosis
486–8w

Boyd-Carpenter Board
see Family Law Advisory Board

Bradford
Planning appeals 55–6w

Bradley, Mr Keith*, *Parliamentary Under-Secretary of State, Dept of Social Security
Questions
ADAPT initiative 170–1w
Benefits Agency district offices, Complaints 625w
Child Support Agency, Compensation 627–8w
Child Support Agency, Performance standards 170w
Council tax benefits 493–4w
Council tax benefits, Social security benefits disqualification 407w
Housing benefits, Administrative costs 404w
Income support, Family income 552–6w
Lone parents, Income support 551–2w
Members' correspondence, Administrative delays 306w
Minimum wage 620w
New deal for lone parents 116w
Social security appeals, Disclosure of information 626w

Bradshaw, Mr Ben
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 783, 794–5, 802
Questions
Economic and monetary union 135w

Brady, Mr Graham
Debates etc.
European Council (17.06.98) 384
Hospital waiting lists (16.06.98) 145, 160
Local government, Scotland (16.06.98) 224–7
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 579–80
Questions
Agricultural policy, Wales 1040
Electorate, North Lanarkshire 481w
Part-time employment 499

Brake, Mr Tom
Questions
Housing, Town and country planning 330–1w
London Underground, Joint public-private sector ventures 362w
Lorries, Axle weights 39w
Motor industry, Government grants 239w
Sites of special scientific interest, Ground water 539w

Brazier, Mr Julian
Debates etc.
Bosnia-Herzegovina (17.06.98) 302
Crime and Disorder Bill (HL), Rep (22.06.98) 779, 798
Hospital waiting lists (16.06.98) 142, 148, 159, 176–8
Parachute Regiment (24.06.98) 1017–8
Questions
Armed forces deployment, Persian Gulf 696
Army strength 267–8w
Territorial Army 328w, 457–8w
Territorial Army, Chemical and biological warfare 374w

Brazil
Diplomatic relations 17w
Environment protection 7w

Breast cancer
363–4
Scotland 480w

Breast feeding
584w

Breathalysers
73w

Breed, Mr Colin
Questions
A30 33w
Dobwalls bypass 33w
Supermarkets/Competition 570–1w

Brinton, Mrs Helen
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 938–9
Questions
Coal mining 500w
Exhaust emissions 437w
Health hazards, Gas fired power stations 524w
Young offenders, Habitual offenders 62w

Bristol Royal Infirmary
Inquiries 87w
Ministerial statements (18.06.98) 529–39

British citizenship
589w

British dependent territories
Capital punishment 383w
Corporal punishment 383w

British embassies
Germany 531w

British merchant fleet
206w

British nationality
342w

British Nationality Act 1981
Questions
342w

British Nuclear Fuels
498w
Japan 313w

British residents abroad
Employment protection 155w
Prisoners 381–3w
Tax allowances 270–1w, 611w
Working conditions 377w

British-Irish Interparliamentary Body
351–2

***Brown, Rt Hon Gordon**, Chancellor of the Exchequer*
Questions
Budget March 1998, Members' correspondence 104w
Commemorative coins 507w
EC Finance Council 110w
Economic and monetary union 609–10w
Inflation 1153–6
National insurance contributions 1156–8
Retirement pensions 1158
Treasury, Official engagements 504w

Browne, Mr Desmond
Debates etc.
Local government, Scotland (16.06.98) 197, 232–3, 235
Social security reform (25.06.98) 1211–3
Questions
Ayrshire and Arran Health Board, Finance 482w
Disability Benefits Forum 243–4w
Health service staff, Scotland 483w

***Browne, Mr Desmond**—continued*
Scottish Court Service, Performance standards 334w
Scottish Enterprise, Small businesses 824–5
Scottish Tourist Board 18–9w

Browning, Mrs Angela
Debates etc.
Bristol Royal Infirmary (18.06.98) 533–4
Crime and Disorder Bill (HL), Rep (22.06.98) 763–4
Vitamin B6 (24.06.98) 1001–2
Questions
Viagra 164w

Bruce, Mr Ian
Debates etc.
Bristol Royal Infirmary (18.06.98) 535
Business questions (18.06.98) 523
Hospital waiting lists (16.06.98) 141, 143, 146
Oral question time intervention (16.06.98) 128
Questions
Millennium compliance, Government assistance to industry 319w
Minimum wage 496–7
Working families tax credit 1167

Bruce, Mr Malcolm
Questions
Budget, Environmental policy 398w
Capital gains tax, Tax rates and bands 450–1w
Contingency reserve 447–8w
Economic policy 134w
Fiscal policy 448w
Inflation 1154
Labour Party, Manifestos 350w
Local government finance 448w
Public expenditure 106w, 447–8w, 506w
Public expenditure, Inflation 450w
Public finance 448–9w, 505w, 615w
Public investment 504–5w, 614w
Public sector assets, Income 619w
Public sector borrowing requirement 106w
"Stability and Investment for the Long Term" 506w
Tax credits 505w
10 Downing Street, Personnel 596w
Treasury, Official engagements 504w
VAT 615w
Wines, Agricultural subsidies 326w

Buck, Ms Karen
Debates etc.
Crime, Greater London (24.06.98) 965–71
London Lighthouse (19.06.98) 677–9

Budget
Environmental policy 398w

Budget March 1998
Members' correspondence 104–5w

Building regulations
131–2w

Building societies
445w

Burden, Mr Richard
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 767
European Council (17.06.98) 382
Israel, Occupied territories (23.06.98) 952–60

Burma
Democracy 130–1

Burnett, Mr John
Debates etc.
Human Rights Bill (HL), Com (24.06.98) 1080
Private Members' bills (25.06.98) 1204–5
Questions
Personal injury, Insurance 837

Burns, Mr Simon
Debates etc.
Disability living allowance (17.06.98) 294–6
Social security reform (25.06.98) 1221, 1224–8
Questions
Crime, Essex 6–7
Defence procurement 373w
Disability living allowance 113–4w
Foreign policy, Ethics 197w
Lone parents, Income support 551–2w
New deal for lone parents 116w
Parliamentary recess 698–9

Burstow, Mr Paul
Questions
Better government programme, Elderly 6w
British citizenship 589w
Carers 93–4w
Chiropody, Statistics 392–3w
Community care, Elderly 309w
Disability living allowance, Benefit integrity project 114w
Official cars 613w
Pilot schemes, Dept of Trade and Industry 97w
Pilot schemes, Home Office 216w
Pilot schemes, Scottish Office 574w
Pyridostigmine bromide 164–5w, 228–9w
Travelling people, Caravan sites 434–5w
Water supply industry, Fire services 49–50w

Bus services
Performance standards 59w, 370w
Rural areas 206w
Tourism 154w

Business
Closed circuit television 62w
Economic and monetary union 318w, 505–6
Environment protection 430–1w

Business corruption
493

Business statements
(18.06.98) 520–8, (25.06.98) 1188–97

Butterfill, Mr John
Debates etc.
Business questions (25.06.98) 1194–5
Crime and Disorder Bill (HL), Rep (22.06.98) 759, 776, 786
Electricity generation (25.06.98) 1180–1
Questions
Arms to Sierra Leone Inquiry 596w
Foreign and Commonwealth Office, Departmental correspondence 313w
Sierra Leone, Disclosure of information 359

***Byers, Mr Stephen**, Minister for School Standards, Dept for Education and Employment*
Questions
Dogsthorpe School Peterborough, Inspections 147w
Education action zones 412–3w
Educational finance, Hereford and Worcester 140w
Educational finance, Lincolnshire 147w
Educational standards 468w

Byers, Mr Stephen*—*continued
Grammar schools, Ballots 551w
New deal for schools 213–4w
Nunthorpe School 344–5w
Office for Standards in Education, Performance standards 409–10w, 468w
School administration 468w
School day 148w
School transport, Essex 213w
Schools, Aerials 348w
Schools, Inspections 146–7w
Secondary education 345w

C17 aircraft
Defence procurement 459w

Cabinet committees
Social security reform 597–8w

Cable, Mr Vincent
Debates etc.
Crime, Greater London (24.06.98) 964–5
Questions
Airguns, Injuries 298w
Bees 413–4w
Disability living allowance, Audit 625–6w
Disability living allowance, Social security benefits reductions 556w
Disability living allowance, Social security benefits rules 112–3w
Ear nose and throat, Hospital waiting lists 89w
Economic and monetary union, Referendums 1044
Empty housing, Council tax 536w
Empty housing, Homelessness 537w
Feltham Young Offender Institution and Remand Centre 74–5w
Housing benefits, Government grants to local authorities 33w
Metropolitan Police 592w
Patent Office, Complaints 473–4w
Public sector debt 609w
Residential care, Greater London 88w
Self-assessment of tax 273w
Social services, White papers 391w
Summertime 536w
Tax allowances, British residents abroad 611w

Caborn, Mr Richard, Minister for the Regions Regeneration and Planning, Dept of the Environment Transport and the Regions
Debates etc.
Forest of Dean (25.06.98) 1247–52
Questions
Airports, Members' correspondence 286w
Belmont Riding Centre, Planning inquiries 203w
English Partnerships 438–9w
Greenbelt, Worcestershire 124w
Parking, Greater London 130–1w
Parking, Inner London boroughs 130w

Cambodia
Human rights 384w
UN resolutions 383–4w

Camden and Islington Health Authority
Health action zones 94w

Cameras
Road traffic control 65w

Campbell, Mrs Anne
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 900–1

Campbell, Mr Menzies
Debates etc.
Bosnia-Herzegovina (17.06.98) 301, 304–6

Campbell, Mr Menzies*—*continued
Oral question time intervention (22.06.98) 689
Questions
Armoured fighting vehicles 231w
Frigates, Defence procurement 229w
Kosovo 1809
Lynx helicopters 231w
Mines 265w
Territorial Army, Defence review 687–8

Campbell-Savours, Mr Dale
Debates etc.
European Council (17.06.98) 384
Hospital waiting lists (16.06.98) 139–40, 144
Local government, Scotland (16.06.98) 195–6
Questions
Criminal Cases Review Commission 520–2w
Fiscal policy 502
Inland Revenue, Immunity certificates 589–90w
Iraq 196w
Kosovo 120
National insurance 621w
National insurance, Data banks 621–2w
National insurance, Social security abuse 620–2w
Prison population 14
Social security abuse 623w
Social security abuse, Political refugees 623w

Camping
Trespass 436w

Canavan, Mr Dennis
Questions
Debts, Developing countries 613w
Fishing, Scotland 484w
Northern Ireland government 254w
Tuition fees, Scotland 1048

Cancer
see also Breast cancer, Leukaemia

Cancer
Health services 89w
North Thames region 89w
Skin disorders 390–2w

Cannabis
Clinical trials 341w

Capital gains tax
Tax rates and bands 450–1w

Capital punishment
British dependent territories 383w

Caplin, Mr Ivor
Debates etc.
Business questions (18.06.98) 525
Questions
Non-domestic rates, Valuation 455–6w

Caravan sites
Travelling people 36w, 434–5w

Caravan Sites Act 1968
Questions
204w

Caravan Sites and Control of Development Act 1960
Questions
204w

Carden Monitoring Group
see Organophosphate Interdepartmental Monitoring Group

Cardiff Bay
Property development 10w

Cardiff Summit
Ministerial statements (17.06.98) 367–8

Cardonald College
402w

Career breaks
Police 341w

Carers
93–4w
Young people 489w

Carers (Recognition and Services) Act 1995
Questions
489w

Caribbean
EC external relations 194–5w

Cars
Greater London 130w

Casale, Mr Roger
Debates etc.
Hospital waiting lists (16.06.98) 139

Cash, Mr William
Debates etc.
Electricity generation (25.06.98) 1178
Human Rights Bill (HL), Com (24.06.98) 1084, 1087
Questions
Debts, Developing countries 453–4w
EC law 603w
European voluntary service for young people 212w
House of Lords reform 313w

Cash limits
Dept for Education and Employment 467–8w
Dept for International Development 429w
Dept of Health 491w
Dept of the Environment Transport and the Regions 439w
Foreign and Commonwealth Office 470w
Northern Ireland Office 159w
Treasury 456w
Welsh Office 457w

Category A prisoners
174w

Catering Select Committee
(15.06.98) 107, (22.06.98) 812

Cattle
Agricultural subsidies 550w

Celts
Cultural heritage 479w, 1036–7

Central Africa
Democracy 127–8
Overseas aid 126–7

Central Europe
Democracy 120–1
Political education 120–2

Chairman of Committee of the Whole House
Debates etc.
Amendments and new clauses (15.06.98) 19, 29–30, 49–50, (17.06.98) 391, 399–400, 435, 438, 447, 451–2, 469–70, 475, (24.06.98) 1054, 1058, 1091–2, 1104–5, 1109, 1111–2, 1115, 1130–1
Conduct of proceedings (15.06.98) 28, 33, 46, 56–9, 67, 69, 93, 102, (17.06.98) 442, 447, 452, 455, 458, (24.06.98) 1074, 1081, 1091, 1130, 1134

Chamber of Shipping of the United Kingdom
374w

Chancellor of the Duchy of Lancaster
Information officers 310w
Retirement age 152–3w

Chancellor of the Exchequer
see Treasury

Channel Islands
Financial institutions 398w

Channel tunnel
Railway network 46–7w, 125w, 367–8w, 432w

Chapman, Mr Ben
Questions
Crime victims 3–4
Prison visits 352w
Science and technology research, EC action 316–7w

Chapman, Sir Sydney,
Questions
Business corruption 493
Community health councils 261w
Crime victims 4
Post Office, External financing limits 272–3w
Queen Elizabeth II bridge, Road tolls 559w
Road traffic control, Cameras 65w

Charities
Taxation 395w, 1158–60

Chaytor, Mr David
Questions
Algeria, Human rights 194w
Algeria, Visas 194w
Cystic fibrosis, Screening 259w
"Fair Deal for Consumers Consultation Paper" 97w
Further education 141w
Kashmir 199w
National Assembly of Wales, Multilateral Agreement on Investment 546w
Northern Ireland government 255w
Plastics, Recycling 284w
Radioactive wastes, Nuclear safety 522w
Sellafield, Transport of radioactive materials 42–3w
Vocational education 145–6w

Chechnya
Hostages 364

Chemical and biological warfare
International cooperation 458–9w, 567w
Territorial Army 374w

Chemical weapons
Health hazards 165w
Wiltshire 478w
Winterbourne Gunner 478w

Chemicals
Sea pollution 44w

Chidgey, Mr David
Debates etc.
Minimum wage (18.06.98) 511
Questions
Aerospace industry, Government assistance 491–2
Dept of Trade and Industry, Investors in People 97–8w
"Guide to the Provisions of the Competition Act 1998" 98w

Child care tax credit
396w

Child health
92w
School attendance 149–50w

Child maintenance bonus
Social security benefits disqualification 407w

Child prostitution
357–9w, 586w

Child protection registers
162–3w, 523w

Child safety week
537w, 582w

Child Support Agency
Compensation 627–8w
Performance standards 170w

Child workers
Delivery services 490w

Children
551w
Health education 525w
Homelessness 95w
Mental health services 389–90w
Road safety 537w
Sexual offences 445w

China
Human rights 116–7

Chiropody
Statistics 392–3w

Chisholm, Mr Malcolm,
Debates etc.
Local government, Scotland (16.06.98) 234
Questions
Breast cancer 363–4
Primary care trusts, Scotland 481w
Women, Scotland 19w

Chocolate
EC law 241w

Chope, Mr Christopher
Debates etc.
Small businesses (19.06.98) 610, 616–23, 640
Questions
Civil servants, Older workers 152w
Motor industry 494–5
Retirement age, Chancellor of the Duchy of Lancaster 152–3w

Chronic fatigue syndrome
337–8w
Educational finance 145w

Church buildings
Repairs and maintenance 236w

Cinemas
Health hazards 285w

City technology colleges
Cost per pupil 347–8w

Civil liberties
65w

Civil proceedings
461w

Civil servants
Older workers 152w

Civil service
Equal opportunities 363
National Assembly of Wales 1034
Pay 75–6w

Civil service manpower
Dept for Education and Employment 75–6w
European Social Fund 83w
Welsh Office 1034–5

Clapham, Mr Michael
Debates etc.
Business questions (25.06.98) 1196

Clapham, Mr Michael—*continued*
Electricity generation (25.06.98) 1178

Clappison, Mr James
Debates etc.
Crime, Greater London (24.06.98) 970, 976–9
Crime and Disorder Bill (HL), Rep (22.06.98) 750–2
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 845–9, 893, 895–8, 907–11, 950–1
Human Rights Bill (HL), Com (17.06.98) 393–4, 396–9
Questions
Drug abuse, Rehabilitation of offenders 519–20w
Electronic tagging 70–1w, 516w
Football, Travel restrictions 441w
Forensic Science Service, Performance standards 66–7w
Lorne House, Drug prevention schemes 592–3w
Prison sentences 15
Prisoners, Television 67w, 442w, 590w

Clark, Rt Hon Dr David, Chancellor of the Duchy of Lancaster
Debates etc.
Millennium compliance (17.06.98) 327–30
Questions
Chancellor of the Duchy of Lancaster, Information officers 310w
Civil servants, Older workers 152w
Non-departmental public bodies 152w
Open government 428w
Retirement age, Chancellor of the Duchy of Lancaster 152–3w

Clark, Dr Michael
Debates etc.
Millennium compliance (17.06.98) 328

Clarke, Rt Hon Tom, Minister for Film and Tourism, Dept for Culture Media and Sport
Questions
Arts, North West region 460w
Royal parks, Dogs 154w
Tourism 460w, 602w
Tourism, Bus services 154w
Tourism, Coastal areas 602w
Tourism, Employment 602w

Class sizes
Further education colleges 140w
Ponthir School Torfaen 1038
Reception classes 79–80w
Scotland 400–1w
Wales 228w, 1037

Clifton-Brown, Mr Geoffrey
Questions
National insurance contributions 1157
Prison population 13

Cliftonville
Beaches 437–8w

Climate Change Convention
6–7w

Clinical trials
163–4w
Cannabis 341w

Closed circuit television
62w, 215w, 591w
Business 62w
London boroughs 215w, 299–300w
Metropolitan Police 353–4w

Clothing industry
317–8w

Clwyd, Ann
Questions
Aid financed trade, Indonesia 98w
Arms exports 10w, 99w, 229–30w, 322w
Arms exports, Trade promotion 230w, 344w, 380–1w
Day care of children, Wales 544–5w
Defence industries, Diversification 374w
Defence industries, Trade fairs 230w
Deprivation indicators, Wales 456w
East Timor, EC external relations 115–6
Indonesia, Debts written off 398–9w
Overseas investment, Indonesia 98–9w
Parc Prison 63w
Peru, State visits 327w

Clydebank College
575w

Coaker Mr Vernon
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 732–3, 738–40
Questions
Crime and Disorder Bill (HL) 1997/98, Pilot schemes 63w
Criminal Cases Review Commission 214w
Railway land 33w

Coal mine closures
Regional aid 1042–3

Coal mining
489–90, 500w

Coalfields Task Force
286w

Coastal areas
Tourism 602w

Coastal erosion
(24.06.98) 1144–52

Coastal zone management
424w

Cohen, Mr Harry
Questions
Euro, Money supply 108w
Indian subcontinent, Overseas aid 7w
Proceeds of crime 109w

Colchester
Road accidents 126–7w

Collective worship
465w

Colleges of education
Scotland 269w

Collins, Mr Tim
Questions
Transport policy, Lake District 561w

Colvin, Mr Michael
Debates etc.
Bosnia-Herzegovina (17.06.98) 303, 309–12
Questions
Closed circuit television, London boroughs 299–300w
Further education 141w
Further education, Student numbers 141w
Further education colleges, Class sizes 140w
Further education colleges, Franchising 140w
India, Nuclear weapons tests 126
Metropolitan Police, Closed circuit television 353–4w
Northern Ireland Assembly 348
Sixth form education 141–2w
Water charges 50w

Commemorative coins
507w

Commercial activities
Prisons 17

Commonhold
599w

Commonwealth of Independent States
Democracy 200–1w
Human rights 200w

Community care
Elderly 309w

Community health councils
261w, 523w

Community Legal Service
349w

Community policing
185–7w, 444–5w

Competition
100–1w
Postal services 379w
Road haulage industry 539w
Supermarkets 570–1w

Complaints against police
2

Computers in government departments
Euro 394–5w, 455w, 503w

Conditions of employment
Merchant seamen 474w

Confidence building measures
Northern Ireland 251–2w

Conflict of interests
National Assembly of Wales 1035–6

Connarty, Mr Michael
Debates etc.
Local government, Scotland (16.06.98) 198, 217–24
Social security reform (25.06.98) 1215
Questions
Basic education, Scotland 481w
Local government, Scotland 832

Conscientious objectors
Armed forces discharges 458w

Conservative Party
National Assembly of Wales 1035

Consolidated Fund
134w

Consumer protection
EC grants and loans 154–5w
Genetically modified organisms 104w
Holiday and travel insurance 109–10w
Schools 145w

Contingency reserve
447–8w

Contraceptives
85w

Contracts
UK Sports Institute 237w

Convictions
Driving offences 297w
Drug crimes 340–1w

Cook, Rt Hon Robin, Secretary of State for Foreign and Commonwealth Affairs
Questions
Foreign and Commonwealth Office, Ministerial policy advisors 381w
Sierra Leone, Arms trade 304–5w, 469w, 528w

Cooper, Ms Yvette
Debates etc.
Electricity generation (25.06.98) 1181

Cooper, Ms Yvette—continued
Questions
Family Law Advisory Board, Annual reports 462w
Rape, West Yorkshire 360

Corbett, Mr Robin
Questions
European Parliament elections, Electoral systems 335w, 340w
Iran 194w
Motor industry 494
National Assembly of Wales, Electoral systems 457w
Racial attacks 61w

Corbyn, Mr Jeremy
Debates etc.
Business questions (18.06.98) 522
Northern Ireland (Sentences) Bill, Com (17.06.98) 470–2, 474–5
Questions
ACP countries 100w
Agenda 21 54–5w
Air pollution, Greater London 38w
Bedford-Bletchley railway line 54w
Brazil, Diplomatic relations 17w
Brazil, Environment protection 7w
Camden and Islington Health Authority, Health action zones 94w
Cars, Greater London 130w
Conscientious objectors, Armed forces discharges 458w
Council housing finance, London boroughs 50–2w
Debts written off, Developing countries 397w
Homelessness, London boroughs 52–3w
Honeybourne-Cheltenham railway line 54w
Immigration applications, Northern Cyprus 356–7w
India, Nuclear weapons tests 125–6
London Buses 55w
Mexico, Human rights 199–200w
Mexico, Official visits 200w
Multilateral Agreement on Investment 99–100w
North London railway line 61w
Northern Cyprus, Human rights 604w
Parades Commission 354
Parking, Greater London 130–1w
Parking, Inner London boroughs 130w
Railtrack, Subsidies 53w
Railway land, King's Cross 47w
Railway travel, Derbyshire 129w
Social rented housing, Housing construction 54w
Tax yields 451w
Whittington Hospital 94w

Cormack, Sir Patrick
Debates etc.
Business questions (25.06.98) 1196
Crime and Disorder Bill (HL), Rep (22.06.98) 762–4, 790
National Institutions Measure (18.06.98) 589–92
Private Members' bills (25.06.98) 1202–4
Questions
House of Commons division of time, Opposition days 697

Cornwall
1036–7
Magistrates' courts committees 834
Shipping accidents 561–2w

Coroners
388w

Corporal punishment
150w

Corporal punishment*—*continued
British dependent territories 383w

Corporation tax
Post Office 272w

Corruption
International trade 492–3

Corston, Jean
Debates etc.
Bristol Royal Infirmary (18.06.98) 534
Crime and Disorder Bill (HL), Rep (22.06.98) 765–6
Questions
NHS, Disclosure of information 1049–50

Cost per pupil
City technology colleges 347–8w
Nursery schools 148w

Cottage hospitals
Wales 548w

Cotter, Mr Brian
Debates etc.
Small businesses (19.06.98) 636–43
Questions
New deal for disabled people 79w
New deal for schools 213–4w

Council house waiting lists
Tower Hamlets 364–6

Council housing
Wales 577–8w

Council housing finance
London boroughs 50–2w

Council of Europe
UK contributions 245w

Council tax
Empty housing 536w
North Lanarkshire 481w

Council tax benefits
493–4w
Social security benefits disqualification 407w

Council tax capping
Derbyshire (16.06.98) 244–68
Scotland 139w

Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order 1998
Debates etc.
(16.06.98) 244–68

Countryside Commission
Public expenditure 277–8w

County courts
Rural areas 833–4

Court rules and procedures
Personal injury compensation 263w

Cousins, Mr Jim
Questions
Arms trade 375w, 460w
EC grants and loans, North East region 39w
Export credit guarantees, Debt rescheduling 475–7w
Financial institutions, Channel Islands 398w
Government guaranteed credit, Liability 105w
Military aid 375–6w
Missile technology control regime 196–7w
Radioactive materials, Export controls 497–8w
Social security payments, Post offices 114–5w
Student loans, Privatisation 76w

Cousins, Mr Jim*—*continued
United Kingdom Atomic Energy Authority 498w

Coventry
Disadvantaged 440w
School attendance 149–50w

Cox, Mr Tom
Questions
Armed forces women 2w
Asbestosis 524–5w
British dependent territories, Capital punishment 383w
British residents abroad, Prisoners 381–3w
Category A prisoners 174w
Child protection registers 162–3w, 523w
Closed circuit television, London boroughs 215w
Council of Europe, UK contributions 245w
Domestic violence 519w
Drug crimes, Convictions 340–1w
Firearms 516–7w
Government grants to local authorities, Wandsworth 435w
Homelessness, Children 95w
Life imprisonment 595w
London Underground, Mugging 560w
Pornography, Prosecutions 595w
Prisons, Inspections 591–2w
Residential care of children 92w
Runaway children 91w
Segregation of prisoners 293–4w
Sexual offences, Prison population 174w
Sexual offences, Rehabilitation of offenders 342w
Teachers, Greater London 463w

Cran, Mr James
Debates etc.
Human Rights Bill (HL), Com (24.06.98) 1118
Questions
Agriculture, Publications 249w
Northern Ireland Assembly 353
Pigs 248w

Cranston, Mr Ross
Debates etc.
Small businesses (19.06.98) 668–9
Questions
Economic situation, Northern Ireland 355
Prisons, Ministers' domestic visits 63w

Crausby, Mr David
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 731–2
Questions
Sierra Leone, Arms trade 199w

Cricket
Arrests 298w
Public order policing 298w

Crime
Essex 6–7
Greater London (24.06.98) 961–83

Crime and Disorder Bill (HL) 1997/98
Debates etc.
Programme motion* (16.06.98) 269–70
Programme motion* and Rep adjourned (22.06.98) 708–811
Rep and 3R (23.06.98) 842–951
Questions
15, 65w, 193w, 434–5w
Hooliganism 357–8
Pilot schemes 63w

Crime prevention
8–9, 15
Motor vehicle theft 322–3w

Crime victims
3–4, 515–6w
Rape 64w

Criminal appeals
355w, 357w

Criminal Cases Review Commission
214w, 520–2w

Criminal injuries compensation
443–4w

Criminal Jurisdiction Act 1975
Questions
607w

Criminal Justice and Public Order Act 1994
Questions
65w

Criminal Justice (Children) (Northern Ireland) Order 1998
Debates etc.
(15.06.98) 106–7

Criminal proceedings
Northern Ireland (15.06.98) 106–7

Crops
Genetically modified organisms 414–5w

Crown lands and estates
Non-domestic rates 44–5w

Cryer, Mrs Ann
Questions
Planning appeals, Bradford 55–6w

Cryer, Mr John
Debates etc.
Business questions (18.06.98) 525–6, (25.06.98) 1193
Minimum wage (18.06.98) 517

Cultural heritage
Celts 479w, 1036–7

Culture Media and Sport Select Committee
(22.06.98) 812

Cumbria
Disability living allowance 496w
Environment Agency 432w
Hospital staff 336–7w
Local government constituencies 125w

Cumbria Constabulary
Manpower 444w

Cunliffe, Mr Lawrence
Questions
Kosovo 117–8
National Lottery, Wigan 232–3w
Sportsmatch, Wigan 233w

Cunningham, Rt Hon Dr Jack, Minister of Agriculture, Fisheries and Food
Questions
Agricultural shows, Ministers' domestic visits 249w
Agriculture, Legislation 250–1w
Agriculture, Publications 249w
Bovine spongiform encephalopathy 251w
Food standards 250w
Organophosphate Interdepartmental Monitoring Group 604–5w
Pigs 248w

Cunningham, Mr Jim
Questions
Aerospace industry, Research finance 571w
Air pollution control 431–2w
Alternative energy, Non-fossil fuel obligation 477w

Cunningham, Mr Jim—*continued*
Benefit Fraud Inspectorate 171w
Biodiversity 282w
Bosnia-Herzegovina, Arms trade 532w
Commonwealth of Independent States, Democracy 200–1w
Commonwealth of Independent States, Human rights 200w
Competition 100–1w
Corporal punishment 150w
Dental services 259w
Disadvantaged, Coventry 440w
Energy policy 489
Environment protection, Business 430–1w
Flood control, West Midlands 161w
Germany, British embassies 531w
Health education, Children 525w
Police, Career breaks 341w
School attendance, Child health 149–50w
Science and technology research, Private investment 239–40w
Trade union membership 157–8w
Universities, Curriculum 465–6w
Universities, Staff-student ratios 465–6w
University finance 464w
University for Industry 148–9w

Cunningham, Ms Roseanna
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 871–2, 921, 923
Questions
Digital television, Gaelic language 575w
Dounreay, Nuclear fuel reprocessing 313–4w, 483w, 598w, 830
Radioactive materials, Exports 321w

Curriculum
Gaelic language 254w
Music education 467w
Universities 465–6w

Curry, Rt Hon David
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 247–50

Curtis-Thomas, Ms Claire
Questions
Foresight programme 240w

Cycleways
38w
Worcester 38–9w

Cycling
North Wales 387w
Road accidents 128w
Wales 578w

Cyprus
Armed forces deployment 471–2w, 694–5

Cystic fibrosis
Screening 259w

Dafis, Mr Cynog
Debates etc.
Minimum wage (18.06.98) 516
Questions
Agricultural subsidies, Wales 545w
Environmental impact assessment 129w
Extractive industries, Environmental impact assessment 497w

Dalyell, Mr Tam
Debates etc.
Bristol Royal Infirmary (18.06.98) 535–6
Business questions (18.06.98) 524
European Council (17.06.98) 377
Local government, Scotland (16.06.98) 199, 212, 215, 226, 233
Plants, Nature conservation (17.06.98) 331, 333, 335–7

Dalyell, Mr Tam—*continued*
Questions
Army Base Repair Organisation, Fraud 2w
Army in Northern Ireland, Prisoners 253w, 373w
Cinemas, Health hazards 285w
Climate Change Convention 6–7w
Dounreay 698
Dounreay, Personnel 830
Economic and monetary union 207–8w
International Criminal Court 441–2w
Kosovo, Military intervention 118
Lockerbie, Bombings 313w, 351w, 563w
Mines 685
Negligence 491–2w
Overseas trade, Sanctions 504
Patents 101w
Quarantine Advisory Group 251w
Royal Botanic Gardens Kew 606–7w
Scottish Parliament, Parliamentary buildings 137–8w, 224w
Terrorism, International law 835
Varroasis, Scotland 18w
Zinoviev letter 603w

Darling, Mr Alistair, *Chief Secretary to the Treasury*
Questions
Capital investment 506w
Consolidated Fund 134w
Contingency reserve 447–8w
Economic policy 134w, 506w
Educational finance 452w, 503–4w
Fiscal policy 448w
Fiscal policy, Public corporations 506–7w
Government guaranteed credit, Liability 105w
Local government finance 448w
Local government revenue 454w
NHS finance 1165–6
Official cars 613w
Pensions 610w
Post Office 1162
Public expenditure 106w, 132w, 447–9w, 451w, 506w, 615–6w, 1161–3
Public expenditure, Inflation 450w
Public finance 134–5w, 448–50w, 505–6w, 615w
Public investment 504–5w, 614w
Public sector assets, Income 619w
Public sector borrowing requirement 106w
Public sector debt 609w
Social security finance 1161–2
"Stability and Investment for the Long Term" 506w
Tax burden 1170
Tax credits 505w
Tax yields 451w
Treasury, Cash limits 456w
Working families tax credit 611–2w

Darvill, Mr Keith
Debates etc.
Crime, Greater London (24.06.98) 961–4
Hospital waiting lists (16.06.98) 180
Questions
Crime prevention 15

Data banks
National insurance 621–2w

Davies, Rt Hon Denzil
Questions
Money supply 398w
National income 110–1w

Davies, Mr Geraint
Questions
Inflation 1154
Joint public-private sector ventures 1045

Davies, Rt Hon Ron, *Secretary of State for Wales*
Questions
Agriculture, Wales 1031
Agri-environment action plan, Wales 545w
Cardiff Bay, Property development 10w
Cultural heritage, Celts 1036–7
Devolution, Wales 547w
EC grants and loans, Wales 1032
Farmers, Wales 1031–3
Further Education Funding Council for Wales, Public appointments 456w
Ministerial policy advisors, Welsh Office 227w
National Assembly of Wales 547w
National Assembly of Wales, Civil service 1034
National Assembly of Wales, Conflict of interests 1035–6
National Assembly of Wales, Conservative Party 1035
National Assembly of Wales, Electoral systems 457w
National Assembly of Wales, Manpower 1036
National Assembly of Wales, Multilateral Agreement on Investment 546w
National Assembly of Wales, Public appointments 1035
National Museums and Galleries of Wales, Public appointments 548w
NHS trusts, Wales 117w
Non-departmental public bodies, Wales 1034
Urban planning, Wales 548w
Welsh Industrial and Maritime Museum 9–10w
Welsh Office, Cash limits 457w
Welsh Office, Civil service manpower 1034–5
Welsh Office, Public appointments 270w

Davis, Rt Hon David
Debates etc.
Business questions (25.06.98) 1193

Davis, Mr Terry
Questions
Child Support Agency, Performance standards 170w
Schools access initiative, Birmingham 75w

Dawson, Mr Hilton
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 851, 858–9
Hospital waiting lists (16.06.98) 153–4
Questions
Council tax benefits 493–4w
National insurance contributions, Earnings limits 243w
Residential care, Training 492w
Residential care of children 492w
Young People In Care Organisation 492w

Day care of children
Palace of Westminster 329w
Wales 388w, 544–5w

Deaf
NHS Direct 161–2w
Prisoners 178–9w

Death
Asbestosis 562–3w
Drug abuse 617–8w
Fishing crews 434w, 561–2w

Debt collection
135–6w

Debt rescheduling
Export credit guarantees 475–7w

Debts
Developing countries 453–4w, 599w, 613w, 1160
Western Education and Library Board 347

Debts written off
Developing countries 397w
Indonesia 398–9w

Defence Clothing and Textiles Agency
526w

Defence Diversification Agency
683

Defence expenditure
Aircraft carriers 692–3
Bosnia-Herzegovina 690–2

Defence industries
Diversification 374w
Trade fairs 230w

Defence land
Property transfer 526w
Wiltshire 527w

Defence Military Assistance Fund
375–6w

Defence procurement
373w, 683–4
Aircraft carriers 692–3
C17 aircraft 459w
Frigates 229w
Military aircraft 265–6w

Defence review
372w, 569w
Territorial Army 686–8

Defence support agencies
Publications 566–7w

Delivery services
Child workers 490w

Democracy
120–1
Burma 130–1
Central Africa 127–8
Central Europe 120–1
Commonwealth of Independent States 200–1w
EC institutions 194w

Demonstrations
Northern Ireland 354–5

***Denham, Mr John**, Parliamentary Under-Secretary of State, Dept of Social Security*
Debates etc.
Disability living allowance (17.06.98) 297–9
Questions
Attendance allowance 406w
Average earnings 494w
Disability living allowance 113–4w
Disability living allowance, Audit 625–6w
Disability living allowance, Benefit integrity project 111–2w, 114w, 496w
Disability living allowance, Social security benefits reductions 556w
Disability living allowance, Social security benefits rules 112–3w
Elderly, Social security benefits 111w
Handicap benefits, Educationally subnormal 494–5w
Incapacity benefit, Leaside 494w
Motability 624–5w
National insurance contributions, Earnings limits 243w
National insurance contributions, Information technology 171w
Parental leave, Social security benefits rules 171–2w
Pensioners, Worcester 619–20w

***Denham, Mr John**—continued*
Pensions Education Working Group 172w
Retirement pensions 404w
Retirement pensions, Administrative costs 404w
Social security benefits, Public expenditure 406–7w
Vaccine damaged children, Compensation 116w, 405–6w
War widows' pensions, Nuclear weapons tests 168–9w

Dental services
259w

Departmental coordination
Animal welfare 351w
National childcare strategy 80w

Departmental correspondence
Foreign and Commonwealth Office 313w

Departmental publications
Atomic Weapons Establishment 527w, 569w

Departmental reorganisation
Racial discrimination 346–7w
Sex discrimination 346–7w

Departmental responsibilities
Human rights 102w

Deposits
Rented housing 204w, 279w

Deprivation indicators
Wales 456w

Dept for Culture Media and Sport
Performance standards 237w

Dept for Education and Employment
Cash limits 467–8w
Civil service manpower 75–6w
Ministerial policy advisors 211–2w

Dept for International Development
Cash limits 429w
Inquiries 429w

Dept for the Environment Transport and the Regions
see Dept of the Environment Transport and the Regions

Dept of Health
Cash limits 491w
Public appointments 259–60w

Dept of Social Security
Gender impact assessment 557–8w
Market research 551w
Ministerial policy advisors 406w

Dept of the Environment Transport and the Regions
Cash limits 439w
Gender impact assessment 559w
Inquiries 533w
Interviews 47w
Ministerial policy advisors 30w
Open government 281w

Dept of Trade and Industry
Gender impact assessment 570w
Inquiries 376–7w
Investors in People 97–8w
Ministerial policy advisors 377–9w
Pilot schemes 97w

Dept of Trade inquiries
Anglia Television 322w, 572w
Insider trading 242w, 571w

Derbyshire
see MV Derbyshire

Derbyshire
Council tax capping (16.06.98) 244–68
Housing 120–1w

***Derbyshire**—continued*
Railway travel 129w

Deregulation (Methylated Spirits Sale by Retail) (Scotland) 1998
Debates etc.
(16.06.98) 269

Deregulation Select Committee
(19.06.98) 676

Derelict land
Wales 547–8w

Developing countries
Bank loans 208w
Debts 453–4w, 599w, 613w, 1160
Debts written off 397w

Development agencies
Wales 118w

Development plans
Housing 436–7w

Devolution
Wales 547w

Devon
Magistrates' courts committees 834
Road traffic 36w

***Dewar, Rt Hon Donald**, Secretary of State for Scotland*
Debates etc.
Local government, Scotland (16.06.98) 194, 200–8, 235
Questions
Breast cancer, Scotland 480w
Council tax capping, Scotland 139w
Direct labour departments, North Lanarkshire 481w
Direct labour departments, Scotland 480w, 831
Dounreay, Nuclear fuel reprocessing 483w
East Ayrshire Council 826
EC grants and loans, Scotland 479w
Electorate, North Lanarkshire 481w
Inquiries, Scottish Office 136–7w
Local government, Scotland 826–8, 831–2
Local government finance, Glasgow 480w
Local government reform, Scotland 827–8
NHS trusts, Scotland 481–2w
Primary care trusts, Scotland 481w
Scottish Court Service, Performance standards 334w
Scottish Parliament, Parliamentary buildings 224w
Scottish Tourist Board 18–9w
Skye bridge, Road tolls 136w

Diabetes
Driving licences 30–1w, 284–5w
Medical equipment 258w

Diesel fuel
322w
Hydrocarbon oil duties 274w, 395–6w, 452–3w

Dietary foods
583–4w

Digital television
Gaelic language 575w

Diplomatic relations
Brazil 17w

Diplomatic service
Human rights 11–3w

Dir76/160/EEC
34w

Dir85/337/EEC
129w, 497w

Dir91/271/EEC
34–5w

Dir97/11/EC
129w

Direct labour departments
North Lanarkshire 481w
Scotland (16.06.98) 194–243, 480w, 825, 831

Disability Benefits Forum
243–4w

Disability Discrimination Act 1995
Questions
127–8w

Disability living allowance
113–4w, (17.06.98) 279–99
Audit 625–6w
Benefit integrity project 111–2w, 114w, 496w
Cumbria 496w
Social security benefits reductions 556w
Social security benefits rules 112–3w

Disadvantaged
Coventry 440w

Disciplinary proceedings
Prison staff 63w

Disease control
Badgers 549w
Bovine spongiform encephalopathy 422–3w
Poultry 422w
Prisons 587–8w

Dismore, Mr Andrew
Debates etc.
Crime, Greater London (24.06.98) 971–5
Peers interests, Points of order (19.06.98) 605
Questions
Belmont Riding Centre, Planning inquiries 203w
Berlin airlift, Festivals and special occasions 459w
Betting and gaming duties 1164–5
Crime victims 3
Medical treatments, Accidents 257w
Medical treatments, Road accidents 257w
Middle East, Peace negotiations 131–2
New deal schemes, Ethnic monitoring 212–3w
Northern line, Rolling stock 45w
Personal injury compensation 462w
Personal injury compensation, Court rules and procedures 263w
Planning inquiries, Legal costs 124w
Small businesses, Government assistance 315w
Terrorism, Northern Ireland 255w
Witnesses, Magistrates' courts 516w

Disposal and Re-use of White Goods Bill 1997/98
Debates etc.
1R (17.06.98) 388–90

Disputes procedures
Hedges and ditches 45–6w

Divorce
Legal aid 462w

***Dobson, Rt Hon Frank**, Secretary of State for Health*
Debates etc.
Bristol Royal Infirmary, Ministerial statements (18.06.98) 529–39
Hospital waiting lists (16.06.98) 138, 145–55, 172
Questions
Dept of Health, Cash limits 491w
Dept of Health, Public appointments 259–60w

***Dobson, Rt Hon Frank**—continued*
Hospital waiting lists 340w

Dobwalls bypass
33w

Doctors' list of patients
307w

Dogs
Royal parks 154w

Dogsthorpe School Peterborough
Inspections 147w

Domestic electrical appliances
104w, (17.06.98) 388–90

Domestic violence
519w
Foreign spouses (24.06.98) 1023–30

Donaldson, Mr Jeffrey M
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 38–40, 69–71, 99–101, (17.06.98) 455–8, 461–4
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 542, 549, 570–1, 574
Questions
O'Hare, Rita, Extradition 473w
Passports, Northern Ireland 352–3
Scheduled offences, Northern Ireland 385–6w
Sinn Fein, Employment 255w

Donohoe, Mr Brian H
Questions
Redundancy, Irvine 825–6

Dorrell, Rt Hon Stephen
Debates etc.
Hospital waiting lists (16.06.98) 152
Questions
NHS finance 1166

Dounreay
698
Decommissioning 830–1
Energy policy 829
Nuclear fuel reprocessing 313–4w, 344w, 483w, 598w, 830
Nuclear safety 829–30
Personnel 830
Radioactive materials 321w
Radioactive waste disposal 242w
Radioactive Waste Management Advisory Committee 242w

Downe Hospital
253w

Drew, Mr David
Debates etc.
Bristol Royal Infirmary (18.06.98) 537
National Institutions Measure (18.06.98) 591
Questions
Kosovo 247–8w
Schools, Head lice 151–2w
Young offenders, Parents 7

Drift nets
550–1w

Driving
Drug abuse 185w

Driving licences
Diabetes 30–1w, 284–5w
Motorcycles 281w

Driving offences
Convictions 297w
Prison population 341w

Driving tests
120w
Stafford 119–20w

Drown, Ms Julia
Questions
Building societies 445w

Drug abuse
Death 617–8w
Driving 185w
Greater London Authority 539w
Medical treatments 92–3w, 306w
Prisoners 587–8w
Rehabilitation of offenders 519–20w

Drug crimes
16, 73w
Convictions 340–1w

Drug prevention schemes
Lorne House 592–3w
Prisons 188–90w

Drugs and crime
16–8, 441w

Duncan, Mr Alan
Debates etc.
Hospital waiting lists (16.06.98) 147, 150–1, 158, 164, 183–7, 189

Dunwoody, Mrs Gwyneth
Debates etc.
Business questions (25.06.98) 1191–2
Questions
Animal welfare 72w
Drug abuse, Death 617–8w
Economic and monetary union 123
Members' facilities, Backbenchers 697–8
Water pollution 533–4w

Duty free allowances
Ferries 274w

***Eagle, Angela**, Parliamentary Under-Secretary of State, Dept of the Environment Transport and the Regions*
Debates etc.
National Institutions Measure (18.06.98) 594
Tipping of waste, Northumberland (18.06.98) 600–4
Questions
Agenda 21 54–5w, 278w
Air pollution, Greater London 38w
Air pollution, Lullington Heath 48–9w
Air pollution control 431–2w
Asbestosis, Death 562–3w
Beaches, Cliftonville 437–8w
Biodiversity 282w
Boats, Licensing 42w
Cinemas, Health hazards 285w
Dept of the Environment Transport and the Regions, Open government 281w
EC grants and loans, North East region 39w
Ecolabelling, EC action 39–40w
Environment Agency, Government buildings 60w
Environment Agency, Penrith 559–60w
Environment protection, Business 430–1w
Gender impact assessment, Dept of the Environment Transport and the Regions 559w
Genetically modified organisms 32w
Genetically modified organisms, Seeds 280–1w
Health and Safety Executive, Manpower 536w
Hedges and ditches, Disputes procedures 45–6w
Housing, Regional planning and development 279w
Housing construction, Sewers 59w
Inquiries, Dept of the Environment Transport and the Regions 533w
Irish Sea, Pollution 539–40w

Eagle, Angela—*continued*
Lead pollution, Wetlands 562w
Ministerial policy advisors, Dept of the Environment Transport and the Regions 30w
Moorside Drift mine 285–6w
Nature conservation 435w
New Zealand flatworms 278w
Plastics, Recycling 31–2w, 284w
Producer Responsibility Obligations (Packaging Waste) Regulations 1997 280w
Regional development agencies, North West region 537–8w
Regional planning and development 362–5w
River Eden, Sewage 40–1w
River Wye 369w
Sellafield, Radioactive waste disposal 285w
Sewage, Water treatment 34–6w
Sewers, Pipelines 282–4w
Sites of special scientific interest 286–7w, 367w
Sites of special scientific interest, Gloucestershire 367w
Sites of special scientific interest, Ground water 539w
Squirrels, Nature conservation 46w
Stray dogs 49w
Summertime 536w
Transport policy, Lake District 561w
Water charges 50w
Water companies, Pollution 282–3w
Water conservation, Irrigation 560–1w
Water pollution 533–4w
Water pollution, Prosecutions 37w
Water supply industry, Fire services 49–50w

Eagle, Maria
Questions
Armed forces, Vaccination 373w, 696
MV Derbyshire 360w
Women, Northern Ireland 350–1

Ear nose and throat
Hospital waiting lists 89w

Early retirement
Police 219–21w, 593w

Earnings limits
National insurance contributions 243w

East Ayrshire Council
826

East Sussex
Further education 413w
Listed buildings 508w

East Timor
EC external relations 115–6

Easter
Sunday trading 223w

Eastern Electricity
Electricity tariffs 241w

EC action
Agricultural subsidies 29w
Arms trade 193w
Ecolabelling 39–40w
Gibraltar Airport 198–9w
Personal savings 271w
Science and technology research 316–7w
Special areas of conservation 60–1w

EC countries
Food poisoning 89w

EC enlargement
122, 195w
Agenda 2000 195w

EC Environment Council
540–4w

EC external relations
Algeria 13w
Caribbean 194–5w
East Timor 115–6

EC Finance Council
110w

EC Fisheries Council
27w

EC grants and loans
124, 318–20w, 474w
Consumer protection 154–5w
Gwent Tertiary College 1033
Merseyside 320w
North East region 39w
Regional aid 96w, 378w
Scotland 479w
Wales (15.06.98) 108–14, 546w, 1032

EC institutions
Democracy 194w
Open government 193w

EC law
603w
Chocolate 241w
Employment protection 96–7w
Working hours 478w

EC presidency
Young people 142–3w

EC reform
122–5

EC Transport Council
540–2w

Ecolabelling
EC action 39–40w

Economic and monetary union
107w, 123, 135w, 207–8w, 609–10w
Business 318w, 505–6
Education 145–6w
Referendums 1044
Retail trade 609w
Stock Exchange 106–7w
Sun Newspaper 1041

Economic policy
134w, 506w, 1043–4

Economic situation
1045
Asia 610w
Northern Ireland 355
Rural areas 27w
Scotland 480w

Education
Economic and monetary union 145–6w

Education action zones
412–3w
Plymouth 1047

Educational finance
205w, 452w, 503–4w
Chronic fatigue syndrome 145w
Hereford and Worcester 140w
Lincolnshire 147w
Public petitions (15.06.98) 107

Educational institutions
Internet 144w

Educational publications
Friends of the Western Buddhist Order 212w

Educational standards
468w
English education 76–9w

Educationally subnormal
Advocacy 85–6w
Handicap benefits 494–5w

Edwards, Mr Huw
Debates etc.
Minimum wage (18.06.98) 515–6
Questions
Day care of children, Wales 388w
Ponthir School Torfaen, Class sizes 1038
Poultry meat, Testing 605–6w
Rural transport, Wales 579–80w

Efford, Mr Clive
Debates etc.
Business questions (25.06.98) 1194
Questions
EC enlargement, Agenda 2000 195w
Holiday and travel insurance, Consumer protection 109–10w
Office for Standards in Education, Performance standards 409–10w
Police, Ethnic minorities 217–8w
Police, Recruitment 175–6w
Police training 176w
Police training, Race relations 174–5w
Schools, Inspections 146–7w
Systemic lupus erythematosus 524w

EH101 helicopters
Government assistance 317w

Elderly
Better government programme 6w
Community care 309w
Social security benefits 111w

Elections
Northern Ireland Assembly 252w

Electoral register
617w

Electoral systems
European Parliament elections 335w, 340w
National Assembly of Wales 457w

Electorate
North Lanarkshire 481w

Electric cables
Public petitions (24.06.98) 1143–4

Electricity generation
Barking power station 321w
Ministerial statements (25.06.98) 1171–87
South East region 321w

Electricity tariffs
Eastern Electricity 241w

Electromagnetic interference
Health hazards 338–9w

Electronic tagging
70–1w, 341–2w, 516w

Elgin Marbles
236w

Ellman, Mrs Louise
Debates etc.
European Council (17.06.98) 380
Hospital waiting lists (16.06.98) 156, 172
Questions
Arts, North West region 460w
EC grants and loans, Merseyside 320w

Emergency calls
Ambulance services 389w
Fire services 187w
Police 187w

Emergency planning
591w

Emergency services
180w
Petrol alternatives 299w

Emery, Rt Hon Sir Peter
Questions
VAT, Tourism 613–4w

Employment
Sinn Fein 255w
Taxation 610w
Tourism 602w

Employment discrimination
Northern Ireland 254w

Employment protection
British residents abroad 155w
EC law 96–7w

Employment Protection Act 1978
Questions
155w

Empty housing
Council tax 536w
Homelessness 537w

Energy conservation
Wales 547w

Energy consumption
Official cars 426–7w

Energy Efficiency Bill 1997/98
Debates etc.
(25.06.98) 1199–207

Energy policy
489
Dounreay 829

English education
Educational standards 76–9w

English Partnerships
438–9w

Ennis, Mr Jeff
Questions
Coal mine closures, Regional aid 1042–3
English Partnerships 438–9w
National Lottery 351w
Nursery schools, Cost per pupil 148w

Environment Agency
Cumbria 432w
Government buildings 60w
Penrith 559–60w

Environment protection
Brazil 7w
Business 430–1w
Millennium Exhibition 153w
Public transport 361w
Water supply industry 50w

Environment Transport and Regional Affairs Select Committee
(22.06.98) 812

Environmental health officers
Wales 333w

Environmental impact assessment
129w
Extractive industries 497w

Environmental policy
Budget 398w
Wales 1039

Epilepsy
(17.06.98) 482–8

Equal opportunities
Civil service 363

Eritrea
Armed forces deployment 166w

Essex
Crime 6–7
Fisheries (22.06.98) 814–20
Local government reform 47w
Magistrates' courts 462w

Essex—continued
School transport 213w

Estate agents
155w

Etherington, Bill
Questions
Association of Community Health Councils for England and Wales 391–2w
Community health councils 523w
Dept of the Environment Transport and the Regions, Cash limits 439w
Export of live animals 323w
Export of live animals, Inquiries 423–4w
Export of live animals, Origin marking 423w
Export of live animals, Veterinary services 423w

Ethics
Foreign policy 197w

Ethnic minorities
1046
Leicestershire Police 221w
Police 217–8w
West Midlands Police 221w

Ethnic monitoring
New deal schemes 212–3w

EU Code of Conduct Group
271–2w

Euro
Computers in government departments 394–5w, 455w, 503w
Money supply 108w
Publicity 198w, 609w

European Commission of Human Rights
303w

European Communities
see also EC headings

European Communities
Conferences 13w
Information services 344w

European Council
Furniture 201w
Ministerial statements (17.06.98) 367–85

European Court of Human Rights
530–1w

European fighter aircraft
568–9w

European flag
Government buildings 13w

European Parliament
Ministerial speeches 268w

European Parliament elections
Electoral systems 335w, 340w

European Social Fund
81–2w
Administrative costs 82w
Agenda 2000 82w
Civil service manpower 83w
Unemployment 81w
Voluntary organisations 82w
Wales 350w

European voluntary service for young people
212w

European Women's Lobby
381w

European Youth Forum
305w

Eurostar
Rolling stock 126w, 560w
Shareholders 125–6w

Evans, Mr Nigel
Debates etc.
Millennium compliance (17.06.98) 323–6, 329–30
Questions
Farmers, Wales 1032–3
Millennium compliance 395w, 455w
Penmaenbach tunnel, Road safety 579w
Prisoners' release, Northern Ireland 255w
Treasury, Millennium compliance 1166–7

Ewing, Mrs Margaret
Debates etc.
Electricity generation (25.06.98) 1181–2
Social security reform (25.06.98) 1215, 1220, 1223, 1236–9
Questions
Armed forces catering services, Beef 689
NHS trusts, Scotland 481–2w

Ex gratia payments
Negligence 90w

"Excellence for All Children Consultation Paper"
75w, 411w

Exchange rates
Exports 497–8

Excise duties
Motor vehicles 452w

Exhaust emissions
437w
Lung diseases 332–3w
Road traffic control 535w
Wales 332–3w

Export controls
Firearms 103w
Radioactive materials 497–8w

Export credit guarantees
Debt rescheduling 475–7w

Export licensing
Arms exports 155w, 373–4w

Export of live animals
323w
Animal experiments 588w
Inquiries 423–4w
Origin marking 423w
Pigs 485w
Research 323w
Veterinary services 423w

Export promotion
305–6w
Scotland 482w

Exports
Exchange rates 497–8
Interest rates 498
Manufacturing industries 316w
Radioactive materials 321w
Tobacco 572–3w
Trade competitiveness 498–9

External financing limits
Post Office 272–3w

Extractive industries
Environmental impact assessment 497w

Extradition
Northern Ireland 5w
O'Hare, Rita 473w

Eye disorders
Wales 544w

Eye tests
Pensioners 338w

Faber, Mr David
Debates etc.
Hospital waiting lists (16.06.98) 151, 155

***Faber, Mr David**—continued*
Questions
Aerials, Planning permission 331–2w
Closed circuit television 215w
Health hazards, Aerials 339w
Health hazards, Electromagnetic interference 338–9w
Mobile Telephony and Human Health Expert Group 339w
Prisons, Drug prevention schemes 188–90w
Public Trust Office 461w
Schools, Aerials 348w
Warminster Hospital, Hospital closures 338w

Fabricant, Mr Michael
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 764
Questions
Building regulations 131–2w
Burma, Democracy 131
Football, Hooliganism 440–1w
Higher education admission, Scotland 480w
Road accidents, Scotland 823
Sewers, Pipelines 131w, 282–4w
Water companies, Pollution 282–3w

"Fair Deal for Consumers Consultation Paper"
97w

"Fairness at Work White Paper"
316w, 474w

Falkland Islands
Petroleum exploration 603–4w

Fallon, Mr Michael
Questions
Sandline, Members' correspondence 105w
Sierra Leone, Arms trade 618–9w
Taxation, Charities 1159–60

Family credit
Social security abuse 623–4w

Family income
359–60
Income support 552–6w
Minimum wage 615–6w

Family Law Advisory Board
Annual reports 462w

Farmers
Wales 1031–3, 1040

Farms
Furs 20w

***Fatchett, Mr Derek**, Minister of State, Foreign and Commonwealth Office*
Debates etc.
Israel, Occupied territories (23.06.98) 955–60
Questions
Afghanistan, Women 196w
Algeria, EC external relations 13w
Algeria, Human rights 194w
Algeria, Visas 194w
British residents abroad, Prisoners 381–3w
Burma, Democracy 130–1
Cambodia, Human rights 384w
Cambodia, UN resolutions 383–4w
China, Human rights 116–7
East Timor, EC external relations 115–6
Export promotion 305–6w
Foreign and Commonwealth Office, Cash limits 470w
Germany, British embassies 531w
Government Communications Headquarters, Compensation 198w
Human rights, Diplomatic service 11–3w

***Fatchett, Mr Derek**—continued*
India, Nuclear weapons tests 125–6
Indonesia, Foreign relations 13w
Inquiries, Foreign and Commonwealth Office 469–70w
Intergovernmental Authority on Development 245–6w, 305w
International Convention on Economic Social and Cultural Rights 15w
Iran 194w
Iraq 196w
Kashmir 199w
Middle East, Peace negotiations 131–2, 197w
Pakistan, Religious discrimination 470w
Panel 2000 246–7w
South East Asia, Nuclear weapons tests 197–8w
Sri Lanka, Peace negotiations 195–6w
UN Convention on Elimination of all Forms of Discrimination Against Women 15–6w
UN Convention on the Elimination of Racial Discrimination 16w
UN Convention on the Rights of the Child 16w
UN Convention on Torture 15w
United Nations, UK contributions 10w

Feltham Young Offender Institution and Remand Centre
74–5w

Ferries
Duty free allowances 274w

Festivals and special occasions
Berlin airlift 459w
Postage stamps 569–70w

***Field, Rt Hon Frank**, Minister of State, Dept of Social Security*
Debates etc.
Social security reform (25.06.98) 1218–26, 1230
Questions
Benefit Fraud Inspectorate 171w
Dept of Social Security, Market research 551w
Family credit, Social security abuse 623–4w
Girobank, Social security payments 115w
Housing benefits, Social security benefits overpayment 405w
Ministerial policy advisors, Dept of Social Security 406w
National insurance 621w
National insurance, Data banks 621–2w
National insurance, Social security abuse 620–2w
Social security abuse 623w
Social security abuse, Political refugees 623w
Social security abuse, Postal services 624w
Social security payments, Post offices 114–5w

Financial institutions
Channel Islands 398w

Financial Services Authority
109w

Fines
Road traffic offences 442w

Fire service pensions
73w

Fire services
Emergency calls 187w
Water supply industry 49–50w

Firearms
516–7w
Compensation 70w, 178w

***Firearms**—continued*
Export controls 103w
Police Authority for Northern Ireland 385w

Firearms (Amendment) Act 1997
Questions
516–7w

Firearms certificates
69w, 190w

Fires
Hotels 172–3w
Lovell and Christmas Factory Ballymoney 701–3

Firing ranges
Kirkcudbright 459w

Fiscal policy
448w, 502
Public corporations 506–7w
Regional airports 506–7w

Fish conservation
27w

***Fisher, Mr Mark**, Parliamentary Under-Secretary of State, Dept for Culture Media and Sport*
Questions
Arts Council of England, National Lottery 302–3w
Mass media, Ownership 239w
National Lottery, Fraud 303w
Public libraries, Expenditure 235–6w, 601w
Radio broadcasting licences 238w

Fisheries
Essex (22.06.98) 814–20

Fisheries Research Services
Finance 17w
Performance standards 223–4w

Fishery protection
Scotland 334w

Fishing
River Esk 160w, 223w
Scotland 484w
Solway Firth 160w, 223w

Fishing catches
249w

Fishing crews
Death 434w, 561–2w

Fishing limits
424w

Fishing quotas
France 249w
North Sea 250w

Fishing vessels
250w
Government grants 425w
Spain 424–5w

Fitzpatrick, Jim
Questions
Army Base Repair Organisation, Performance standards 168w
Drugs and crime 18
Further education 346w
Naval Recruiting and Training Agency, Performance standards 166–7w
RAF Personnel Management Agency, Performance standards 167w
Training Group Defence Agency, Performance standards 167–8w

Flight, Mr Howard
Questions
Black economy 107w

***Flight, Mr Howard** – continued*
Consumer protection, EC grants and loans 154–5w
EC presidency, Young people 142–3w
Ecolabelling, EC action 39–40w
European Communities, Information services 344w
European flag, Government buildings 13w
European Parliament, Ministerial speeches 268w
Jean Monnet Action 143w
Prisons, Commercial activities 17

Flint, Caroline
Debates etc.
Electricity generation (25.06.98) 1184
Questions
Palace of Westminster, Day care of children 329w
RAF Finningley 373w

Flintshire
Hospitals 333w
Road accidents 387w

Flood control
West Midlands 161w

Floods
Banbury 323–4w

Flynn, Paul
Debates etc.
Bristol Royal Infirmary (18.06.98) 538
Business questions (18.06.98) 527
Questions
Acne, Prescription drugs 493–4w
Antismoking campaign, Expenditure 388–9w
Average earnings 494w
Drug abuse, Medical treatments 306w
Drugs and crime 16–7, 441w
Parc Prison 288w
Prison population 519w
Smoking 310w
Smoking, Young people 335–6w

Follett, Barbara
Questions
Independent Assessor of Military Complaints Procedures 268w
World Trade Organisation, Conferences 158–9w

Food labelling
Beef 28w, 325w
Soya beans 29w

Food poisoning
EC countries 89w
Hotels 90w
Meat 308w
Wales 386w

Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) Order 1998
Debates etc.
(22.06.98) 811–2

Food Safety Act 1990
Debates etc.
(17.06.98) 338–46

Food standards
250w
Enforcement (17.06.98) 338–46

Food stocks
161w

Food surpluses
29w

Football
237–8w
Hooliganism 440–1w, 522w
Public order policing 5–6, 509–10w

***Football** – continued*
Racial discrimination 508w
Racial harassment 301w
Travel restrictions 300–1w, 441w

Football Spectators Act 1989
Questions
441w

Foreign and Commonwealth Office
Cash limits 470w
Departmental correspondence 313w
Inquiries 469–70w
Ministerial policy advisors 244w, 381w

Foreign investment in UK
Members' correspondence 105w

Foreign policy
Ethics 197w

Foreign Policy Centre
381w

Foreign relations
Indonesia 13w
Nigeria 14w
Turkey 195w

Foreign spouses
Domestic violence (24.06.98) 1023–30

Forensic Science Practitioners Registration Council
71w

Forensic Science Service
Performance standards 66–7w

Foresight programme
240w, 495–6

Forest of Dean
(25.06.98) 1243–52

Forth, Mr Eric
Debates etc.
Electricity generation (25.06.98) 1182
Minimum wage (18.06.98) 514
Questions
Direct labour departments, Scotland 480w

Forth Park Hospital
Inquiries 483–4w

Foster, Rt Hon Derek
Debates etc.
Minimum wage (18.06.98) 511
Questions
Exports, Interest rates 498
Post Office 1162

Foster, Mr Don
Questions
Dogsthorpe School Peterborough, Inspections 147w
English education, Educational standards 76–9w
Friends of the Western Buddhist Order, Educational publications 212w

***Foster, Mr Michael**, (Hastings and Rye)*
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 731, 735

***Foster, Mr Michael John**, (Worcester)*
Questions
Bovine spongiform encephalopathy, Animal feed 20–6w
Cycleways, Worcester 38–9w
Educational finance, Hereford and Worcester 140w
Greenbelt, Worcestershire 124w
Low pay, Worcester 211w
Pensioners, Worcester 619–20w
Sudan, Overseas aid 227w
Teachers, Pay 311w

***Foster, Mr Michael John** – continued*
Teachers, Recruitment 213w
West Mercia Constabulary, Manpower 176–7w

***Foulkes, Mr George**, Parliamentary Under-Secretary of State for International Development*
Questions
Agricultural land 386w
Brazil, Environment protection 7w
Indian subcontinent, Overseas aid 7w
Montserrat, Sustainable development 7–8w
Multilateral Agreement on Investment 7w
World Bank 288w

Fowler, Rt Hon Sir Norman
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 709–16, 723, 725–6, 754, 780–4
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 942–4
Human Rights Bill (HL), Com (17.06.98) 399–405, 410, 414–5, 434–9
Questions
Crime victims 4
Police, Manpower 2–3, 73w
Political refugees, Immigration appeals 177w
Sexual offences 12

Fox, Dr Liam
Debates etc.
Higher education admission, Points of order (25.06.98) 1198
Local government, Scotland (16.06.98) 194–201, 203, 209–10, 222–4, 236
Oral question time intervention (24.06.98) 1031
Questions
Dounreay, Decommissioning 830–1
Local government, Scotland 828
National Assembly of Wales, Conflict of interests 1035–6
National Assembly of Wales, Public appointments 1035

Fox hunting
Public order policing 509w

Foyer hostel scheme
New deal for young people 81w

France
Fishing quotas 249w
Ministers' visits abroad 597w

Franchising
Further education colleges 140w
Small businesses 571–2w

Fraser, Mr Christopher
Questions
Dept for Culture Media and Sport, Performance standards 237w
Prime Minister, Annual reports 1047–8
Railway freight transport 30w
Small businesses 101w

Fraud
Army Base Repair Organisation 2w
Kettering 1045–6
National Lottery 303w

Friends of the Western Buddhist Order
Educational publications 212w

Frigates
Defence procurement 229w

Furniture
European Council 201w

Furs
Farms 20w
Labelling 198w

Further education
141w, 345–6w
East Sussex 413w
Scotland 399w, 574–5w
Student numbers 141w

Further education colleges
Class sizes 140w
Franchising 140w
Hampshire 464w

Further Education Funding Council for Scotland
see Scottish Further Education Funding Council

Further Education Funding Council for Wales
Public appointments 456w

Fyfe, Maria
Debates etc.
Local government, Scotland (16.06.98) 215
Minimum wage (18.06.98) 517
Questions
Further education, Scotland 399w
Parental leave, Social security benefits rules 171–2w

Gaelic Athletic Association
353

Gaelic language
Curriculum 254w
Digital television 575w
Northern Ireland 254w

***Galbraith, Mr Sam**, Parliamentary Under-Secretary of State, Scottish Office*
Debates etc.
Social security reform (25.06.98) 1235, 1239–42
Questions
Ayrshire and Arran Health Board, Finance 482w
Forth Park Hospital, Inquiries 483–4w
Health service staff, Scotland 483w
Hip replacements, Scotland 226w
Leukaemia, Scotland 225w
National Lottery, Scotland 336w
Residential care, Scotland 17–8w
Scottish Parliament, National Lottery 138–9w
Women, Scotland 19w

Gale, Mr Roger
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 761–2, 787–8
Hospital waiting lists (16.06.98) 176–7
Human Rights Bill (HL), Com (17.06.98) 411, 415–8
Questions
Beaches, Clitonville 437–8w
Mergers 101–2w

Gambia
529–30w
Overseas aid 501–2w

Gapes, Mr Mike
Debates etc.
Private Members' bills (25.06.98) 1206–7
Questions
Absent voting 355w
Ballot papers 443w
Kosovo 119

Gardiner, Mr Barry
Questions
Armed forces catering services, Beef 689
Economic and monetary union 609w
Social security appeals, Disclosure of information 626w

Garnier, Mr Edward
Debates etc.
Human Rights Bill (HL), Com (17.06.98) 408, 411–2, 415, 423, 425–7, (24.06.98) 1054–5, 1057–67, 1075, 1088–93, 1100, 1105–7, 1109, 1111–20, 1123, 1130–6, 1142–3
Questions
Barristers, Pay 838

Gas fired power stations
Health hazards 524w
Planning permission 320–1w
Shoreham 489–90
Wales 548w

Gaul
see MV Gaul

GCE A level
467w
Staffordshire 465–7w
West Midlands 465–7w

Gender impact assessment
Dept of Social Security 557–8w
Dept of the Environment, Transport and the Regions 559w
Dept of Trade and Industry 570w
Home Office 592w

General practitioners
Manpower 91w

Genetic engineering
Animals 499w
Patents 499w

Genetically modified organisms
32w
Consumer protection 104w
Crops 414–5w
Seeds 280–1w, 415–9w

Genetics
Police records 179w

George, Mr Andrew
Questions
Cultural heritage, Celts 479w, 1036–7
Defence Clothing and Textiles Agency 526w
EC grants and loans 320w
Fishing crews, Death 561–2w
Magistrates' courts committees, Devon 834
Northern Ireland government 352
Prisoners of war, Pay deductions 264–5w
Shipping accidents, Salvage 562w
Whales 424w
Whales, Industrial fishing 424w

George, Mr Bruce
Debates etc.
Bosnia-Herzegovina (17.06.98) 300–4
Questions
"Justice at the Right Price Consultation Paper" 349w

Germany
British embassies 531w

Gerrard, Mr Neil
Questions
Child health 92w
Education action zones 412–3w
Middle East, Peace negotiations 197w
Political refugees 62w
Political refugees, Interviews 177–8w
Political refugees, Social security benefits 177w, 216w

Gibb, Mr Nick
Debates etc.
Disability living allowance (17.06.98) 297
Small businesses (19.06.98) 607, 638, 660–3

***Gibb, Mr Nick**—continued*
Questions
Capital investment 506w
Consolidated Fund 134w
EU Code of Conduct Group 271–2w
Public finance 134–5w
Sewage, Water treatment 34w
Social security finance 1161–2

Gibraltar
Territorial waters 245w

Gibraltar Airport
EC action 198–9w

Gibson, Dr Ian
Debates etc.
Small businesses (19.06.98) 643–6
Questions
Church buildings, Repairs and maintenance 236w
Foresight programme 495
Hospital consultants, Women 308w
Medical education, Women's employment 346w
Medical students, Women 348w
Norfolk and Norwich Hospital 581w

Gill, Mr Christopher
Debates etc.
European Council (17.06.98) 380
Hospital waiting lists (16.06.98) 182
Questions
Bovine spongiform encephalopathy, Disease control 422–3w
Business, Economic and monetary union 506
Coastal zone management 424w
Fishery protection, Scotland 334w
Fishing catches 249w
Fishing limits 424w
Fishing quotas, France 249w
Fishing quotas, North Sea 250w
Fishing vessels 250w
Fishing vessels, Spain 424–5w
Food poisoning, Meat 308w
Gibraltar, Territorial waters 245w
Meat, Retail trade 420w
Poultry, Disease control 422w
Slaughterhouses, Legislation 421–2w

Gillan, Mrs Cheryl
Questions
Central Africa, Democracy 127–8

Gilroy, Mrs Linda
Questions
Armed forces training 372w
Education action zones, Plymouth 1047

Girobank
Social security payments 115w

Glasgow
Local government finance 480w

Gloucestershire
Sites of special scientific interest 367w

Glufosinate ammonium
32w

Godman, Dr Norman A
Questions
Local government reform, Scotland 828

Goggins, Mr Paul
Debates etc.
Disability living allowance (17.06.98) 291–2
Questions
Family credit, Social security abuse 623–4w

Golding, Mrs Llin
Questions
Mental health services, Children 389–90w

Goodlad, Rt Hon Sir Alastair
Questions
Tax allowances, British residents abroad 270–1w

Gordon, Eileen
Questions
Eastern Electricity, Electricity tariffs 241w

Gorman, Mrs Teresa
Questions
National Assembly of Wales, Civil service 1034
Selective schools 1048–9

Gorrie, Mr Donald
Questions
Autism, Scotland 401–2w
Cardonald College 402w
Class sizes, Scotland 400–1w
Elderly, Social security benefits 111w
Higher education, Scotland 399w
Teacher training, Scotland 402w

Government assistance to industry
Millennium compliance 319w

Government buildings
Environment Agency 60w
European flag 13w
Labour Party 597w
Political activities 597w

Government Car and Despatch Agency
Performance standards 152w

Government Communications Headquarters
Compensation 198w

Government grants to local authorities
Housing benefits 33w
Wandsworth 435w

Government guaranteed credit
Liability 105w

Government shareholding
National Air Traffic Services 433w

Grammar schools
Ballots 551w

Gray, Mr James
Questions
Closed circuit television 62w
Hospital waiting lists, Wales 546w
Inflation 1153
RNSD Copenacre 688–9
Weapons, Northern Ireland 350

Great Western Trains
Performance standards 123–4w

Greater London
Air pollution 38w
Benefits Agency district offices 625w
Cars 130w
Crime (24.06.98) 961–83
Parking 130–1w
Residential care 88w
Rough sleepers initiative 40w
Teachers 463w

Greater London Authority
Drug abuse 539w

Green, Mr Damian
Debates etc.
Higher education admission, Points of order (25.06.98) 1198
Small businesses (19.06.98) 611–2, 620
Questions
Grammar schools, Ballots 551w

Green, Mr Damian *—continued*
Mid Kent Holdings 379w
Road haulage industry 368w
Road tax, Lorries 45[illegible]2w
Universities, Scotland [illegible]1w

Greenbelt
Worcestershire 124w

Greenway, Mr John
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 911–3, 915–6, 923–5, 927–8
Questions
Young offenders 9

Greenwich
Royal Naval College 372w

Grieve, Mr Dominic
Debates etc.
Human Rights Bill (HL), Com (17.06.98) 397, 407, 412, 422–3, 427–9, (24.06.98) 1092, 1095, 1098–9, 1126–8, 1139–41
Northern Ireland (Sentences) Bill, Com (15.06.98) 40, 53–4, 60, 71, 79–81, 84
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 575, 577–9
Questions
Prisoners' release, Northern Ireland 362–3

Griffiths, Mr Nigel*, Parliamentary Under-Secretary of State, Dept of Trade and Industry*
Questions
Anglia Television, Dept of Trade inquiries 322w, 572w
Business, Economic and monetary union 505–6
Business corruption 493
Consumer protection, EC grants and loans 154–5w
Debt collection 135–6w
Dept of Trade and Industry, Investors in People 97–8w
Domestic electrical appliances 104w
Estate agents 155w
Ice cream, Monopolies 318w
Insider trading, Dept of Trade inquiries 242w, 571w
International trade, Corruption 492–3
Manufacturing industries 316w
Mergers 101–2w
Mergers, Radio 157w
Metrication 241w
Mid Kent Holdings 379w
Supermarkets, Competition 570–1w
Textile industry 317–8w

Griffiths, Mr Win*, Parliamentary Under-Secretary of State, Welsh Office*
Questions
Agricultural policy, Wales 1040
Agricultural subsidies, Wales 545w
Agricultural workers, Wales 578–9w
Agri-environment action plan, Wales 1039
Animal husbandry, Wales 1040
Arable area payments scheme, Wales 576w
Beaches, Wales 332w
Beef, Wales 332w, 1039–40
Cottage hospitals, Wales 548w
Council housing, Wales 577–8w
Day care of children, Wales 388w, 544–5w
Derelict land, Wales 547–8w
Energy conservation, Wales 547w
Environmental health officers, Wales 333w
Environmental policy, Wales 1039
Exhaust emissions, Lung diseases 332–3w
Eye disorders, Wales 544w
Food poisoning, Wales 386w
Hospital waiting lists, North Wales 333w

Griffiths, Mr Win *—continued*
Hospital waiting lists, Wales 546w, 1038
Hospitals, Flintshire 333w
Housing construction, Wales 577w
NHS administration, Wales 544w
NHS finance, Wales 544w
Radioactive fallout, Wales 270w
Rendering industry, Wales 547w
Sewers, Wales 576w
Surgery, Heart diseases 545w
Transplant surgery, Heart diseases 545w
Victim support schemes, Wales 576w
Welsh Ambulance Services NHS Trust, Performance standards 333w
Wrexham Maelor Hospital, Hospital waiting lists 1038–9

Grocott, Mr Bruce
Debates etc.
Hospital waiting lists (16.06.98) 142–186
Questions
Democracy 120–1

Grogan, Mr John
Debates etc.
Electricity generation (25.06.98) 1184–5
Questions
Police, Northern Ireland 252–3w

Ground water
Sites of special scientific interest 539w

Guide dogs
Taxis 127–8w

"Guide to the Provisions of the Competition Act 1998"
98w

Gummer, Rt Hon John
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 244, 258–9, 263
Electricity generation (25.06.98) 1180

Gwent Tertiary College
EC grants and loans 1033
Members' correspondence 9w

Habitual offenders
61–2w, 354w
World Cup 340w
Young offenders 62w

Hague, Rt Hon William,
Debates etc.
European Council (17.06.98) 370–2
Questions
Crime and Disorder Bill (HL) 1997/98, Hooliganism 357–8
Low Pay Commission 360–2

Hain, Mr Peter*, Parliamentary Under-Secretary of State, Welsh Office*
Questions
A55, Road closures 387w
A470, Wales 577w
Alltami bypass 387w
Assisted places scheme, Wales 228w
Class sizes, Wales 228w, 1037
Cycling, North Wales 387w
Cycling, Wales 578w
Deprivation indicators, Wales 456w
Development agencies, Wales 118w
EC grants and loans, Wales 546w
Gas fired power stations, Wales 548w
Gwent Tertiary College, EC grants and loans 1033
Gwent Tertiary College, Members' correspondence 9w
Penmaenbach tunnel, Road safety 579w
Ponthir School Torfaen, Class sizes 1038
Qualifications Curriculum and Assessment Authority for Wales 580w

Hain, Mr Peter *continued*
Railway network, Wales 575w
Road accidents, Flintshire 387w
Rural transport, Wales 579–80w
School buildings, Wales 117–8w
Training, Wales 545w
Welsh Development Agency 118w
Welsh Development Agency, Finance 228w

Hall, Mr Patrick
Questions
Heavily indebted poor countries initiative 1160–1

Hamilton, Mr Fabian
Questions
World Bank 288w

Hammond, Mr Philip
Debates etc.
Minimum wage (18.06.98) 515
Small businesses (19.06.98) 607, 611, 614, 626, 633–4, 640, 646–51
Questions
Hospital waiting lists 340w, 393w
Hospital waiting lists, Wales 1038
Public Trust Office 461w
Retirement pensions 404w
Tax allowances, British residents abroad 611w

Hampshire
Further education colleges 464w

Hancock, Mr Mike
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 253–4
Questions
Algeria, EC external relations 13w
Animal experiments, Licensing 588w
Defence land, Property transfer 526w
Driving licences, Diabetes 30–1w
Export of live animals, Research 323w
Further education colleges, Hampshire 464w
Security vetting 1–2w
Tax incentives, Petrol alternatives 273w
Trinidad and Tobago, Human rights 529w

Handicap benefits
Educationally subnormal 494–5w

Handicapped
Access to buildings 411w

Handicapped drivers
58w

Hanson, Mr David
Questions
A55, Road closures 387w
Agriculture, Wales 1031
Defence Diversification Agency 683
House of Commons times of sittings 700
Minimum wage 319w
Northern Ireland government 255w
School buildings, Wales 117–8w
South East Asia, Nuclear weapons tests 197–8w
Young offenders 8

Harlow Music Schools
Public petitions (19.06.98) 605

Harman, Rt Hon Harriet*, Secretary of State for Social Security*
Questions
Disability Benefits Forum 243–4w

Harris, Dr Evan
Debates etc.
Bristol Royal Infirmary (18.06.98) 532–3
Business questions (18.06.98) 527–8

Harris, Dr Evan*—continued*
Crime and Disorder Bill (HL), Rep (22.06.98) 796–800
Epilepsy (17.06.98) 484
Hospital waiting lists (16.06.98) 154, 188
Vitamin B6 (24.06.98) 996–9
Questions
Sexual offences, Homosexuality 357–8w

Harrow
Ministry of Defence 526–7w

Harvey, Mr Nick
Questions
Bristol Royal Infirmary, Inquiries 87w

Hawkins, Mr Nick
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 732–5
Questions
Transport, Ministers' domestic visits 120w

Hayes, Mr John
Debates etc.
Local government, Scotland (16.06.98) 204, 226, 228
Vitamin B6 (24.06.98) 987, 993, 997, 999–1000, 1003, 1005

Hay-Plumb Task Force
see Coalfields Task Force

Head lice
Schools 151–2w

Heal, Mrs Sylvia
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 872–4
Questions
EC grants and loans 318–9w

Heald, Mr Oliver
Debates etc.
Hospital waiting lists (16.06.98) 146–7, 149–50
Human Rights Bill (HL), Com (17.06.98) 407

Healey, Mr John
Debates etc.
Travel-to-work areas, Rotherham (24.06.98) 1007–10
Questions
Agricultural subsidies 485w
Dept of Health, Public appointments 259–60w
Pensions Education Working Group 172w

Health action zones
Camden and Islington Health Authority 94w

Health and Safety Executive
Manpower 536w

Health education
Children 525w

Health hazards
Aerials 339w
Chemical weapons 165w
Cinemas 285w
Electromagnetic interference 338–9w
Gas fired power stations 524w

Health Quality Service
89–90w

Health service staff
Scotland 483w

Health services
Cancer 89w
Lancashire 586w
Voluntary organisations 523w
Worcestershire 309–10w, 492–3w

Health Services Accreditation
90–1w

Heart diseases
Surgery 545w
Transplant surgery 545w

Heath, Mr David
Debates etc.
Temporary Classrooms Bill, 1R (23.06.98) 839–41
Questions
Arms exports, Export licensing 373–4w
Arms trade 1164
House of Commons procedure, Treaties 698
Police pensions 73w

Heathcoat-Amory, Rt Hon David,
Debates etc.
Food standards, Enforcement (17.06.98) 341–2
Questions
Public expenditure 449w, 451w, 1162–3
Public finance 449–50w, 505–6w
Sandline, Members' correspondence 445–6w
Sierra Leone, Arms trade 618–9w

Heavily indebted poor countries initiative
455w, 1160–1

Hedges and ditches
Disputes procedures 45–6w

Helmets
VAT 455w

Henderson, Mr Doug*, Minister of State, Foreign and Commonwealth Office*
Questions
Arms exports, Trade promotion 380–1w
Caribbean, EC external relations 194–5w
Central Europe, Democracy 121
Central Europe, Political education 120–2
Commonwealth of Independent States, Democracy 200–1w
Commonwealth of Independent States, Human rights 200w
Democracy 120–1
EC enlargement 195w
EC enlargement, Agenda 2000 195w
EC grants and loans 124
EC institutions, Democracy 194w
EC institutions, Open government 193w
EC law 603w
EC reform 122–5
Economic and monetary union 123
Euro, Publicity 198w
European Communities, Conferences 13w
European Council, Furniture 201w
European flag, Government buildings 13w
European Women's Lobby 381w
European Youth Forum 305w
Gibraltar, Territorial waters 245w
Gibraltar Airport, EC action 198–9w
Journalists in Europe, Political impartiality 303w
Northern Cyprus, Human rights 604w
Slovakia, Nuclear power stations 304–5w
Treaty of Amsterdam 244–5w
Turkey, Foreign relations 195w
Turkey, Ministers' visits abroad 327w
Youth for Europe 246w
Zinoviev letter 603w

Hereford and Worcester
Educational finance 140w
Low pay 211w

Hewitt, Ms Patricia
Debates etc.
Disability living allowance (17.06.98) 283–5
Questions
Road safety education 443w
Road traffic police 514–5w

Higher education
Scotland 269w, 399w, 484w, 821–2

Higher education admission
409–10w
Scotland 480w, 821

Highlands of Scotland
Roads 824

Hill, Mr Keith
Debates etc.
Bosnia-Herzegovina (17.06.98) 306–9

Hip replacements
162w, 260w
Scotland 226w

Historic buildings
VAT 617w

HM Chief Inspector of Schools
see Office for Standards in Education

HM Prison Service
see Prison Service

HMCI WALES
see Office for Standards in Education

HMS Cornwall
1w

Hoey, Miss Kate
Questions
Gaelic Athletic Association 353
Organic farming 159w

Hogg, Rt Hon Douglas
Debates etc.
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 543, 550–3, 573–5
Questions
Sierra Leone, Arms trade 618–9w

Holiday and travel insurance
Consumer protection 109–10w

Home care services
162w

Home Office
Gender impact assessment 592w
Inquiries 515w
Ministerial policy advisors 70w
Pilot schemes 216w

Home Robertson, Mr John
Questions
Bosnia-Herzegovina, War crimes 195w
Roads, Scotland 479w, 823–4
Taxation, Charities 1159

Homelessness
Children 95w
Empty housing 537w
London boroughs 52–3w
Scotland (22.06.98) 811–2

Homelessness (Decisions on Referrals) Order 1998
Debates etc.
(22.06.98) 811–2

Homelessness (Decisions on Referrals) (Scotland) Order 1998
Debates etc.
(22.06.98) 811–2

Homicide
Mentally disturbed offenders 94–5w

Homosexuality
Sexual offences 357–8w

Honeybourne-Cheltenham Railway line
54w

Honours
351w

Hooliganism
Crime and Disorder Bill (HL) 1997/98 357–8
Football 440–1w, 522w
World Cup 356–7

***Hoon, Mr Geoffrey**, Parliamentary Secretary, Lord Chancellor's Dept*
Questions
Arbitration schemes 461w
Barristers 117w
Barristers, Pay 837–8
Civil proceedings 461w
Commonhold 599w
Community Legal Service 349w
County courts, Rural areas 833–4
Family Law Advisory Board, Annual reports 462w
Judges, Women 461w
"Justice at the Right Price Consultation Paper" 349w
Legal aid 263w
Legal aid, Barristers 461w
Legal aid, Divorce 462w
Legal aid, Fees and charges 835–7
Legal aid, Personal injury compensation 207w
Legal aid, Political refugees 263w
Liability, Landlords 8w
Magistrates' courts, Closures 8–9w
Magistrates' courts, Essex 462w
Magistrates' courts committees 834–5
Magistrates' courts committees, Devon 834
Personal injury, Insurance 837
Personal injury compensation 462w
Personal injury compensation, Court rules and procedures 263w
Protection from Harassment Act 1997 359–60w
Public Trust Office 461w
"Rights of Audience and Rights to Conduct Litigation in England and Wales Consultation Paper" 599–600w
Social Security Commissioners, Fees and charges 9w
Tenant eviction, Members' correspondence 349w
Terrorism, International law 835

Hope, Mr Phil
Questions
Dept for Education and Employment, Cash limits 467–8w

Hopkins, Mr Kelvin
Questions
Government Communications Headquarters, Compensation 198w

Horam, Mr John
Debates etc.
Hospital waiting lists (16.06.98) 171–4

Horserace Totalisator Board
613w

Hospital closures
Warminster Hospital 338w

Hospital consultants
Pay 89w
Women 308w

Hospital staff
Cumbria 336–7w

Hospital waiting lists
340w, 393w
Ear nose and throat 89w
North Wales 333w
Opposition days (16.06.98) 136–93
Varicose veins 258w
Wales 546w, 1038
Wrexham Maelor Hospital 1038–9

Hospitals
Flintshire 333w

Hostages
Chechnya 364

Hotels
Fires 172–3w
Food poisoning 90w

House of Commons accommodation
Theft 72w

House of Commons division of time
Opposition days 697

House of Commons Modernisation Select Committee
see Modernisation of the House of Commons Select Committee

House of Commons procedure
House of Commons reform 696–7

House of Commons reform
House of Commons procedure 696–7

House of Commons times of sittings
700

House of Lords reform
313w

Housing
Derbyshire 120–1w
Development plans 436–7w
Regional planning and development 279w
Town and country planning 329–31w

Housing Act 1996
Questions
371w

Housing benefits
Administrative costs 404w
Government grants to local authorities 33w
Scotland 405w
Social security benefits overpayment 405w

Housing construction
Sewers 59w
Social rented housing 54w
Wales 577w

Howard, Rt Hon Michael
Questions
Kosovo 119–20
Sierra Leone, Arms trade 129–30, 304w, 528w

***Howarth, Mr Alan**, Parliamentary Under-Secretary of State, Dept for Education and Employment*
Questions
Handicapped, Access to buildings 411w
National childcare strategy, Departmental coordination 80w
New deal for disabled people 79w
Remploy 412w
Remploy, Government grants 412w
Remploy, Recruitment 411–2w
Sex discrimination, Departmental reorganisation 346–7w
Supported employment programme 79w
Vacancies, Tamworth 151w
Wheelchairs, Access to work programme 80w

***Howarth, Mr George**, Parliamentary Under-Secretary of State, Home Office*
Questions
Absent voting 355w
Animal experiments 355–6w
Animal experiments, Export of live animals 588w
Animal experiments, Inspections 74w
Animal experiments, Licensing 588–9w
Animal Procedures Committee, Public appointments 191–2w
Animal welfare 72w
Ballot papers 443w
Cannabis, Clinical trials 341w
Crime, Essex 6–7
Drug abuse, Rehabilitation of offenders 519–20w
Drug crimes 16
Drug crimes, Convictions 340–1w
Drugs and crime 16–8
Emergency planning 591w
European Parliament elections, Electoral systems 340w
Fires, Hotels 172–3w
International Day against Drug Abuse and Illicit Trafficking 595w
Licensing laws 74w
Lorne House, Drug prevention schemes 592–3w
Police, Emergency calls 187w
Police pensions 73w
Polling stations, Supermarkets 65w
Prison visits 73w
Prisons, Disease control 587–8w
Prisons, Drug prevention schemes 188–90w
Sunday trading, Easter 223w
Voting System Independent Commission 64w
Xenotransplantation, Licensing 356w

Howarth, Mr Gerald
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 770, 774, 790
Northern Ireland (Sentences) Bill, Com (15.06.98) 96–7
Parachute Regiment (24.06.98) 1013–7
Questions
Criminal appeals 357w
Lead pollution, Wetlands 562w
Military decorations 266–7w
Mines 685

***Howells, Dr Kim**, Parliamentary Under-Secretary of State, Dept for Education and Employment*
Questions
Dept for Education and Employment, Cash limits 467–8w
Dept for Education and Employment, Civil service manpower 75–6w
EC presidency, Young people 142–3w
Education, Economic and monetary union 145–6w
European Communities, Information services 344w
European voluntary service for young people 212w
Further education 141w, 345–6w
Further education, East Sussex 413w
Further education, Student numbers 141w
Further education colleges, Class sizes 140w
Further education colleges, Franchising 140w
Further education colleges, Hampshire 464w
GCE A level 467w
GCE A level, West Midlands 465–7w

***Howells, Dr Kim**—continued*
Higher education admission 409–10w
Internet, Educational institutions 144w
Jean Monnet Action 143w
Medical education, Women's employment 346w
Medical students, Women 348w
Ministerial policy advisors, Dept for Education and Employment 211–2w
National Grid for Learning, Leicester 142w
National vocational qualifications 464w
Relay Europe 151w
Schools, Consumer protection 145w
Sixth form education 141–2w
Skill shortages 311–2w
Student loans 146w
Student loans, Privatisation 76w
Student numbers, Scotland 409–10w
Training and enterprise councils, Staffordshire 312w
Tuition fees 345–6w
Tuition fees, Scotland 312w
Universities, Curriculum 465–6w
Universities, Scotland 551w
Universities, Staff-student ratios 465–6w
University finance 464w
University for Industry 148–9w
Vocational education 145–6w
Vocational training, Tax allowances 142w
Youth services 142w

Hoyle, Mr Lindsay
Questions
Aerospace industry, Government assistance 492
Agricultural land, Radioactive fallout 28w
Alcoholic drinks duties 275w
Armed forces deployment, Eritrea 166w
Arms trade 229w
Army, Alaska 567–8w
Asbestosis, Death 562–3w
C17 aircraft, Defence procurement 459w
Drift nets 550–1w
Falkland Islands, Petroleum exploration 603–4w
Health services, Lancashire 586w
Kosovo 198w
Licensing laws 74w
NHS pensions 257–8w, 306–7w
Prisoners of war, Japan 349–50w
Royal Mint 446–7w
Slovakia, Nuclear power stations 304–5w
Virgin Rail, Stagecoach Holdings 563w
West coast railway line, Rolling stock 438w

Hughes, Ms Beverley
Questions
Alternatives to prison 14
Northern Ireland Assembly 347–8

Hughes, Mr Simon
Debates etc.
Hospital waiting lists (16.06.98) 144, 159, 161–8, 187
Questions
Energy conservation, Wales 547w
NHS finance 1165–6
Northern Ireland Assembly, Elections 252w
Police, Manpower 1–2
Sri Lanka, Peace negotiations 195–6w

Human rights
Algeria 194w
ASSIST programme 603w
Cambodia 384w
China 116–7
Commonwealth of Independent States 200w
Departmental responsibilities 102w

***Human rights**—continued*
Diplomatic service 11–3w
Mexico 199–200w
Northern Cyprus 604w
Trinidad and Tobago 529w

Human Rights Bill (HL) 1997/98
Debates etc.
Com (17.06.98) 391–434
Programme motion* (17.06.98) 480–1
Programme motion* and Com (24.06.98) 1053–143

Humble, Mrs Joan
Debates etc.
Disability living allowance (17.06.98) 287–9
Questions
Terrorism, Northern Ireland 349

Hunter, Mr Andrew
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 35, 61–5, 80, 83, 89–91, 98, (17.06.98) 435, 438, 440
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 541–2

Hurst, Geoff
359

Hutton, Mr John
Questions
Aircraft carriers, Defence procurement 693
Taxation, Employment 610w

Hydrocarbon oil duties
Diesel fuel 274w, 395–6w, 452–3w

Hydrographic Office
Performance standards 566w

Hyperactivity
Special education 411w

Ice cream
Monopolies 318w

Iddon, Dr Brian
Debates etc.
Vitamin B6 (24.06.98) 987–90, 995
Questions
Joint Service Command and Staff College 372w
Middle East, Peace negotiations 197w
Public sector employment, Industrial tribunals 503

Immigration appeals
Political refugees 177w

Immigration applications
342w
Northern Cyprus 356–7w

Immunity certificates
Inland Revenue 589–90w

Imports
Poultry meat 488w

Incapacity benefit
Leaside 494w

Income support
Family income 552–6w
Lone parents 551–2w

Income tax
396–7w, 454w, 616–7w
Tax rates and bands 612w

Independent Assessor of Military Complaints Procedures
268w

Independent Commission on the Voting System
see Voting System Independent Commission

India
Asia-Europe meeting 314–5w
Nuclear Non Proliferation Treaty 247w
Nuclear weapons tests 125–6, 230–1w
Overseas aid 598–9w

Indian subcontinent
Overseas aid 7w

Individual savings accounts
614–5w

Indonesia
Aid financed trade 98w
Debts written off 398–9w
Foreign relations 13w
International assistance 248w
Overseas investment 98–9w

Industrial fishing
Whales 424w

Industrial production
315w

Industrial tribunals
Public sector employment 503

Industrial Use of Energy Task Force
430–1w

Industry and Trade Select Committee
see Trade and Industry Select Committee

Inflation
611w, 1153–6
Public expenditure 450w

Information officers
Chancellor of the Duchy of Lancaster 310w

Information services
European Communities 344w

Information technology
Metropolitan Police 62–3w
National insurance contributions 171w

***Ingram, Mr Adam**, Minister of State, Northern Ireland Office*
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 25–6, 40–6, 51, 94, (17.06.98) 435–40, 443–7, 449–52, 459–66, 468–77
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 559–60, 563, 580–4
Questions
Army in Northern Ireland, Prisoners 253w
Demonstrations, Northern Ireland 354–5
Economic situation, Northern Ireland 355
Extradition, Northern Ireland 5w
Mediation Network for Northern Ireland, Police 384–5w
Minimum wage, Northern Ireland 253w, 355–6
O'Hare, Rita, Extradition 473w
Paedophilia, Prisoners' release 256–7w
Parades Commission 353–4
Parades Commission, Disclosure of information 385w
Police, Northern Ireland 252–3w
Police Authority for Northern Ireland, Firearms 385w
Prisoners' release, Northern Ireland 3w, 255w
Public order policing, Northern Ireland 251w
Scheduled offences, Northern Ireland 385–6w
Security, Northern Ireland 255w
Sinn Fein, Employment 255w
Terrorism, Northern Ireland 255w, 349–50
Weapons, Northern Ireland 350

Injuries
Airguns 298w

Inland Revenue
Immunity certificates 589–90w

Inner London boroughs
Parking 130w

Innovation
Small businesses 500–1

Insider trading
Dept of Trade inquiries 242w, 571w

Insurance
Personal injury 837

Intelligence services
312–3w, 350w

Inter Agency Committee on Marine Science and Technology
156–7w

Interception of Communications Act 1985
Questions
350w

Interest rates
343w, 613w
Exports 498
Manufacturing industries 498

Intergovernmental Authority on Development
245–6w, 305w

International Bank for Reconstruction and Development
see World Bank

International Convention on Economic Social and Cultural Rights
15w

International cooperation
Chemical and biological warfare 458–9w, 567w

International Criminal Court
441–2w, 470–1w

International Criminal Tribunal for Rwanda
126–7

International Day against Drug Abuse and Illicit Trafficking
585w, 595w

International Development Association
288w

International law
Terrorism 835

International Nurses' Day
490–1w

International Stock Exchange
see Stock Exchange

International trade
Corruption 492–3

International Union for the Conservation of Natural Resources
Plants (17.06.98) 331–7

Internet
Educational institutions 144w

Interviews
Dept of the Environment Transport and the Regions 47w
Political refugees 177–8w

Investors in People
Dept of Trade and Industry 97–8w

Iran
194w

Iraq
196w
Sequestration of assets 276w

Irish Sea
Pollution 539–40w
Radioactive waste disposal 321w

Iron and steel industry
Trade competitiveness 320w

Irrigation
Water conservation 560–1w

Irvine
Redundancy 825–6

Israel
Occupied territories (23.06.98) 952–60

Jack, Rt Hon Michael
Debates etc.
Electricity generation (25.06.98) 1184
Questions
Agricultural shows, Ministers' domestic visits 249w
Agriculture, Legislation 250–1w
Bovine spongiform encephalopathy 251w
Food standards 250w

***Jackson, Ms Glenda**, Parliamentary Under-Secretary of State, Dept of the Environment Transport and the Regions*
Questions
A30 33w
A69, Road accidents 119w
A406, Road works 58–9w
Air traffic control 365–6w
Air travel, USA 432w
Aircraft noise 534w
Airports 534w
Bedford-Bletchley railway line 54w
Birmingham Relief Road 205–6w
British merchant fleet 206w
Bus services, Performance standards 59w, 370w
Cars, Greater London 130w
Channel tunnel, Railway network 46–7w, 125w, 367–8w, 432w
Child safety week 537w
Cycleways 38w
Cycleways, Worcester 38–9w
Cycling, Road accidents 128w
Dobwalls bypass 33w
Driving licences, Diabetes 30–1w, 284–5w
Driving tests 120w
Driving tests, Stafford 119–20w
Eurostar, Rolling stock 126w, 560w
Eurostar, Shareholders 125–6w
Exhaust emissions 437w
Exhaust emissions, Road traffic control 535w
Fishing crews, Death 434w, 561–2w
Great Western Trains, Performance standards 123–4w
Handicapped drivers 58w
Honeybourne-Cheltenham railway line 54w
London Buses 55w
London Regional Transport 59w, 370w
London Underground, Joint public-private sector ventures 362w
London Underground, Mugging 560w
Lorries, Axle weights 39w
Low flying, Prosecutions 369w
M5, Road works 123w
M6 437w
M6, Road accidents 119w
M25, Air pollution 37w
Marine safety committees 433–4w
Millennium Exhibition, Jubilee line 203w
Millennium Exhibition, Public transport 361–2w
Motor vehicle safety 42w
Motorcycles, Driving licences 281w
Motorcycles, Transport policy 330w
MV Derbyshire 360w

Jackson, Ms Glenda—*continued*
MV Gaul, Shipping accidents 532w
National Air Traffic Services 366w
National Air Traffic Services, Government shareholding 433w
National Air Traffic Services, Shares 366w
North London railway line 61w
Northern line, Rolling stock 45w
Pedestrian areas 532–3w
Petrol 36–7w
Petrol alternatives 360–1w
Prestwick Airport, Air traffic control 365w, 433w
Public transport, Environment protection 361w
Public transport, Local authority powers 57w
Queen Elizabeth II bridge, Road tolls 559w
RAF Northolt 366–7w
Railtrack, Subsidies 53w
Railway electrification, North Wales 538–9w
Railway freight transport 30w
Railway land 33w
Railway land, King's Cross 47w
Railway network, Expenditure 130w
Railway track, Public footpaths 538w
Railway transport 126w
Railway travel, Derbyshire 129w
Road accidents, Colchester 126–7w
Road accidents, Costs 436w
Road construction 368w
Road haulage industry 368w
Road haulage industry, Competition 539w
Road traffic, Devon 36w
Road traffic control 435–6w
Road Traffic Reduction Act 1997 57–8w
Road works 121–3w
Rural transport, Taxis 129–30w
Safety belts 535–6w
Sea pollution, Chemicals 44w
Sea transport 435w
Sellafield, Transport of radioactive materials 42–3w
Shipping accidents 370–1w
Shipping accidents, Salvage 562w
Taxis, Guide dogs 127–8w
Thameslink 47w
Traffic Commissioners 203w
Transport, Expenditure 368w
Transport, White papers 130w
Transport of radioactive materials, Air transport 43–4w, 367w
Virgin Rail, Stagecoach Holdings 563w
West coast railway line, Modernisation 121w, 276–7w
West coast railway line, Rolling stock 438w

Jackson, Helen
Questions
Merchant seamen, Conditions of employment 474w
Working families tax credit 611w

Japan
British Nuclear Fuels 313w
Prisoners of war 349–50w

Jean Monnet Action
143w

Jenkin, Mr Bernard
Debates etc.
Small businesses (19.06.98) 606, 609, 612
Questions
Driving licences, Diabetes 284–5w
Excise duties, Motor vehicles 452w
Transport, Expenditure 368w

Jenkins, Mr Brian
Questions
British merchant fleet 206w
Eurostar, Rolling stock 126w
Gaelic language, Curriculum 254w
GCE A level 467w
GCE A level, West Midlands 465–7w
Low pay, Tamworth 135w
Out of town shopping centres 57w
Regional planning and development 362–5w
School day 148w
Shopping centres 56w
Skill shortages 311–2w
Small businesses, Franchising 571–2w
Stock Exchange, Economic and monetary union 106–7w
Training and enterprise councils, Staffordshire 312w
Vacancies, Tamworth 151w

Jenkins of Hillhead Commission
see Voting System Independent Commission

Johnson, Mr Alan
Questions
MV Gaul, Shipping accidents 532w

Johnson, Miss Melanie
Debates etc.
Hospital waiting lists (16.06.98) 184–5
Questions
Small businesses, Innovation 500

Johnson Smith, Rt Hon Sir Geoffrey
Questions
Turkey, Foreign relations 195w

Joint public-private sector ventures
1045
London Underground 362w

Joint Service Command and Staff College
372w

Jones, Mr Barry
Questions
Aerospace industry, Government assistance 491
Alltami bypass 387w
Assisted places scheme, Wales 228w
Beaches, Wales 332w
Beef, Wales 332w
Class sizes, Wales 228w
Cycling, North Wales 387w
Derelict land, Wales 547–8w
Development agencies, Wales 118w
Environmental health officers, Wales 333w
Exhaust emissions, Lung diseases 332–3w
Eye disorders, Wales 544w
Food poisoning, Wales 386w
Gas fired power stations, Wales 548w
Hospital waiting lists, North Wales 333w
Hospitals, Flintshire 333w
Iron and steel industry, Trade competitiveness 320w
Members' correspondence, Administrative delays 306w
Millennium Commission, Wales 303w
Railway network, Wales 575w
Rendering industry, Wales 547w
Road accidents, Flintshire 387w
Welsh Development Agency 118w
Welsh Development Agency, Finance 228w
Welsh Office, Public appointments 270w
Wrexham Maelor Hospital, Hospital waiting lists 1038–9

Jones, Helen M
Debates etc.
Hospital waiting lists (16.06.98) 171, 180

Jones, Helen M—*continued*
Questions
Afghanistan, Women 196w
Child prostitution 357–9w, 586w
NHS complaints 393w
Overseas aid 287–8w
Parades Commission 353–4
Sexual offences, Homosexuality 358w
Suicide 394w

Jones, Mr Ieuan Wyn
Debates etc.
European Council (17.06.98) 381
Questions
Beef, Wales 1039–40
Clinical trials 163–4w
EC grants and loans 124

Jones, Ms Jenny
Questions
European Social Fund 81–2w
European Social Fund, Unemployment 81w

Jones, Dr Lynne
Debates etc.
Minimum wage (18.06.98) 513–4
Questions
Arms exports, Export licensing 155w
Fiscal policy, Public corporations 506–7w
Further education 345w
Higher education admission 409–10w
Local government revenue 454w
Public expenditure 616w
Radioactive fallout, Wales 270w
Student loans 146w

Jones, Mr Martyn David
Questions
Agriculture, Antibiotics 549w
Agri-environment action plan, Wales 545w
Firearms certificates 69w

Jones, Mr Nigel
Questions
Alcoholic drinks duties 275w
British nationality 342w
Cricket, Arrests 298w
Cricket, Public order policing 298w
Dietary foods 583–4w
Health services, Voluntary organisations 523w
Nature conservation 435w
Pesticides 485w
Public transport, Environment protection 361w
Public transport, Local authority powers 57w
Registration of births deaths and marriages 398w
Road Traffic Reduction Act 1997 57–8w
Sites of special scientific interest 286–7w, 367w
Sites of special scientific interest, Gloucestershire 367w
Television, Sports 234–5w
Tourism, Employment 602w
Trauma 523–4w

Journalists in Europe
Political impartiality 303w

Jowell, Ms Tessa, Minister for Public Health, Dept of Health
Debates etc.
Food standards, Enforcement (17.06.98) 341–6
London Lighthouse (19.06.98) 679–82
Questions
Acne, Prescription drugs 493–4w
Alternative medicine 86w
Antismoking campaign, Expenditure 388–9w

***Jowell, Ms Tessa**—continued*
Asbestosis 524–5w
Child safety week 582w
Chronic fatigue syndrome 337–8w
Clinical trials 163–4w
Contraceptives 85w
Drug abuse, Medical treatments 92–3w, 306w
Food poisoning, EC countries 89w
Food poisoning, Hotels 90w
Food poisoning, Meat 308w
Health education, Children 525w
Health hazards, Aerials 339w
Health hazards, Electromagnetic interference 338–9w
Health hazards, Gas fired power stations 524w
International Day against Drug Abuse and Illicit Trafficking 585w
Leicestershire Health Authority, Patients 161w
Methadone 163w
Mobile Telephony and Human Health Expert Group 339w
National Breastfeeding Week 584w
National Osteoporosis Week 584–5w
Smoking 310w
Smoking, Young people 335–6w
Tuberculosis 308–9w
Viagra 164w

Joyce, Eric
376w

Jubilee 2000
429–30w, 599w

Jubilee line
Millennium Exhibition 153w, 203w

Judges
Women 461w

"Justice at the Right Price Consultation Paper"
349w

Kashmir
199w

Kaufman, Rt Hon Gerald
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 773–5

Keeble, Ms Sally
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 734, 745–6
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 854–5, 863, 875–7, 899
Questions
Oilseed rape 160w
Sexual offences 11
Supported employment programme 79w
West coast railway line, Modernisation 121w, 276–7w

Keen, Ann
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 754, 756–62, 782, 794

Keetch, Mr Paul
Debates etc.
Forest of Dean (25.06.98) 1245–6
Questions
Armed forces dependants 230w
Bilderberg Group 6w
Chechnya, Hostages 364
Doctors' list of patients 307w
EC grants and loans 474w
River Wye 369w

Kelly, Ms Ruth
Questions
British residents abroad, Employment protection 155w
British residents abroad, Working conditions 377w

Kemp, Mr Fraser
Questions
Rented housing, Deposits 279w
Skin disorders, Cancer 390–2w

Kennedy, Mr Charles
Debates etc.
Business questions (25.06.98) 1193–4
Questions
Arable area payments scheme, Scotland 574w
Arable area payments scheme, Wales 576w
Skye bridge, Road tolls 136w, 482w

Kennedy Advisory Group
see Quarantine Advisory Group

Kent
Police grant 444w

Kettering
Fraud 1045–6

Key, Mr Robert
Questions
Armed forces deployment, Cyprus 694–5
Chemical and biological warfare, International cooperation 458–9w, 567w
Chemical weapons, Wiltshire 478w
Chemical weapons, Winterbourne Gunner 478w

Khabra, Mr Piara S
Questions
Young offenders 17–8

Kidney, Mr David
Debates etc.
European Council (17.06.98) 383
Questions
Driving tests 120w
Driving tests, Stafford 119–20w
Educational standards 468w
Educationally subnormal, Advocacy 85–6w
Exports, Exchange rates 497
Personal pensions, Misrepresentation 452w

***Kilfoyle, Mr Peter**, Parliamentary Under-Secretary of State, Office of Public Service*
Questions
Government Car and Despatch Agency, Performance standards 152w
Official cars, Energy consumption 426–7w

King, Mr Andy
Debates etc.
Hospital waiting lists (16.06.98) 166–7, 184

King, Ms Oona
Questions
Council house waiting lists, Tower Hamlets 364–6
Dept for International Development, Cash limits 429w
Ethnic minorities 1046
Housing, Regional planning and development 279w
Housing, Town and country planning 329–30w
Intergovernmental Authority on Development 245–6w, 305w
Political refugees, Sierra Leone 214w
Sudan, Overseas aid 502–3w

King, Rt Hon Tom
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 68–9

King's Cross
Railway land 47w

King's Own Border Regiment
166w

Kirkbride, Miss Julie
Debates etc.
Disability living allowance (17.06.98) 292–3
Human Rights Bill (HL), Com (17.06.98) 401, 403, 409, 431, (24.06.98) 1074
Questions
East Ayrshire Council 826
Sexual offences 11–2
Tax burden 1170

Kirkcudbright
Firing ranges 459w

Kirkwood, Mr Archy
Debates etc.
Social security reform (25.06.98) 1228–33, 1239
Questions
Textile industry, Scotland 479w

Kosovo
117–20, 198w, 247–8w, 1044–5, 1809
Military intervention 118

Kumar, Dr Ashok
Questions
Legal aid, Personal injury compensation 207w
Nunthorpe School 344–5w
Office for Standards in Education, Performance standards 468w
Science education, Teachers 345w
Secondary education 345w

Labelling
Furs 198w

Labour and employment
321–2w

Labour Party
Government buildings 597w
Manifestos 350w

Ladyman, Dr Stephen
Debates etc.
Small businesses (19.06.98) 620, 641, 649–50, 657–60
Questions
Smuggling, Tobacco 1169–70

Laing, Mrs Eleanor
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 769–73
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 902
Local government, Scotland (16.06.98) 230–2
Questions
Direct labour departments, Scotland 825

Lait, Mrs Jacqui
Debates etc.
Minimum wage (18.06.98) 513
Small businesses (19.06.98) 610, 621, 636, 642, 656
Questions
Central Europe, Political education 120
Channel tunnel, Railway network 46w
Commonhold 599w
Health Quality Service 89–90w
Health Services Accreditation 90–1w
Manufacturing industries 316w

Lait, Mrs Jacqui—*continued*
NHS trusts, Billing 580w
Smuggling 274–5w
VAT, Small businesses 395w

Lake District
Transport policy 561w

Lancashire
Health services 586w

Landlords
Liability 8w

Lansley, Mr Andrew
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 713, 718, 726, 734, 736, 739–40, 744–8
Human Rights Bill (HL), Com (17.06.98) 394–6, 401, 429–31, (24.06.98) 1064–5, 1071, 1076, 1078–81, 1122, 1127, 1129, 1141
Small businesses (19.06.98) 615, 618, 627, 637, 645, 666–8
Questions
Armed forces pensions, Widows 1w
Firearms, Compensation 178w
Manufacturing industries, Scotland 479w
Minimum wage, Northern Ireland 253w, 355–6
New businesses 504
Tax harmonisation 610w

Law Commission
Publications 520w

Law enforcement
288–90w

Law Officers' Dept
see Attorney General

Lawrence, Ms Jackie
Debates etc.
EC grants and loans (15.06.98) 110–1
Small businesses (19.06.98) 618, 621, 633–6, 661
Questions
Commemorative coins 507w
EC grants and loans, Wales 546w
Hydrocarbon oil duties, Diesel fuel 274w, 395–6w
Non-departmental public bodies, Wales 1034
Sewers, Wales 576w

Lead pollution
Wetlands 562w

Leaside
Incapacity benefit 494w

Leeds Health Authority
Finance 93w

Legal aid
263w
Barristers 461w, 564–5w
Divorce 462w
Fees and charges 835–7
Personal injury compensation 207w
Political refugees 263w

Legal Aid (Reform) Bill 1997/98
Debates etc.
IR (16.06.98) 133–5

Legal costs
Planning inquiries 124w

Legal profession
Expenditure 408–9w

Legg Inquiry
see Arms to Sierra Leone Inquiry

Leicester
National Grid for Learning 142w

Leicestershire Health Authority
Patients 161w

Leicestershire Police
Ethnic minorities 221w

Leigh, Mr Edward
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 726–8, 796, 799, 803
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 853–6, 874–5, 949–50
Human Rights Bill (HL), Com (17.06.98) 418–25, (24.06.98) 1066, 1073–8, 1124–6, 1135, 1142
Questions
Post Office, Private sector 316w

Lepper, Mr David
Questions
Rabies, Bats 423w

Leslie, Mr Christopher
Questions
Special areas of conservation, EC action 60–1w

Letwin, Mr Oliver
Debates etc.
Hospital waiting lists (16.06.98) 142
Local government, Scotland (16.06.98) 233–6
Questions
Estate agents 155w
Multilateral Agreement on Investment 7w
Tuition fees, Scotland 822
World War II, Property law 102w

Leukaemia
Scotland 225w

Levitt, Roger
Prosecutions 408w

Levitt, Mr Tom
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 259–60, 262–3
Questions
Council tax benefits, Social security benefits disqualification 407w
EC reform 122
Export promotion 305–6w
General practitioners, Manpower 91w
Handicapped, Access to buildings 411w
Handicapped drivers 58w
NHS Direct, Deaf 161–2w
Plastics, Recycling 31–2w
Primary care groups 258w, 307w
Prisoners, Deaf 178–9w
Tourism, Bus services 154w
VAT, Tour operators 287w

Lewes Prison
356w

Lewis, Mr Ivan
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 748–9

Lewis, Dr Julian
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 771–2, 774, 776, 800
European Council (17.06.98) 382–3
Questions
Dounreay, Energy policy 829
EC reform 122–3
European Youth Forum 305w
Foreign Policy Centre 381w
Members' correspondence, Administrative delays 40w

Lewis, Dr Julian—*continued*
Mentally disturbed offenders, Inquiries 94–5w
Nuclear weapons policy 32w
Panel 2000 246–7w
Rape, Crime victims 64w
Written questions 206w
Youth for Europe 246w

Liability
Government guaranteed credit 105w
Landlords 8w

Licensing laws
74w

Liddell, Mrs Helen, *Economic Secretary to the Treasury*
Debates etc.
Travel-to-work areas, Rotherham (24.06.98) 1010–2
Questions
Bank loans, Developing countries 208w
Bank of England, Monetary Policy Committee 342–3w
Black economy 107w
Building societies 445w
Debts, Developing countries 453–4w, 613w, 1160
Debts written off, Developing countries 397w
Drug abuse, Death 617–8w
Economic and monetary union 107w, 135w, 207–8w, 609w
Economic and monetary union, Retail trade 609w
Economic situation, Asia 610w
Electoral register 617w
Euro, Computers in government departments 503w
Euro, Money supply 108w
Euro, Publicity 609w
Financial Services Authority 109w
Heavily indebted poor countries initiative 455w, 1160–1
Holiday and travel insurance, Consumer protection 109–10w
Inflation 611w
Inquiries, Treasury 108w
Interest rates 613w
International assistance, Indonesia 248w
Low pay, Tamworth 135w
Low pay, Worcester 211w
Millennium compliance 394–5w, 455w
Ministerial policy advisors, Treasury 108–9w
Money supply 398w
National income 110–1w
Pay 507w
Personal Investment Authority Ombudsman Bureau, Fees and charges 105–6w
Personal pensions, Misrepresentation 208–9w, 452w
Personal savings 614w
Proceeds of crime 109w
Registration of births deaths and marriages 398w
Royal Mint 446–7w
Royal Mint, Seigniorage 343w
Sequestration of assets, Iraq 276w
Small businesses 208w
Stock Exchange, Economic and monetary union 106–7w
Treasury, Official hospitality 614w
VAT, Sanitary protection 1168

Life imprisonment
595w

Lilley, Rt Hon Peter
Questions
Taxation 271w

Lilley, Rt Hon Peter*—*continued
Tuition fees, Scotland 1046–7
Welfare state, Expenditure 1041–2

Lincolnshire
Educational finance 147w

Listed buildings
East Sussex 508w

Livestock
Waste disposal 606w

Livingstone, Mr Ken
Questions
Chemical weapons, Health hazards 165w
Contraceptives 85w
Furs, Farms 20w
Furs, Labelling 198w
Riot control weapons 173–4w, 230w

Livsey, Mr Richard
Questions
Farmers, Wales 1031–2

Lloyd, Rt Hon Sir Peter
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 803–4
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 850–3, 860
Questions
Habitual offenders 354w
Military aid, Armed forces training 603w

Lloyd, Mr Tony, Minister of State, Foreign and Commonwealth Office
Questions
Arms exports 10w
Arms trade, EC action 193w
Bosnia-Herzegovina, Arms trade 532w
Bosnia-Herzegovina, War crimes 195w
Brazil, Diplomatic relations 17w
British dependent territories, Capital punishment 383w
Central Africa, Democracy 127–8
Central Africa, Overseas aid 126–7
Council of Europe, UK contributions 245w
European Commission of Human Rights 303w
European Court of Human Rights 530–1w
Falkland Islands, Petroleum exploration 603–4w
Foreign policy, Ethics 197w
Foreign Policy Centre 381w
Gambia 529–30w
India, Nuclear Non Proliferation Treaty 247w
International Criminal Court 470–1w
Kosovo 117–20, 198w, 247–8w, 1809
Kosovo, Military intervention 118
Mercenaries, Treaties 16w
Mexico, Human rights 199–200w
Mexico, Official visits 200w
Military aid, Armed forces training 603w
Ministerial policy advisors, Foreign and Commonwealth Office 244w
Missile technology control regime 196–7w
Nigeria, Air routes 14w
Nigeria, Foreign relations 14w
Nigeria, Overseas trade 14w
Nigeria, Presidential elections 196w
Ottawa Convention 197w
Peru, State visits 327w
St Helena 17w, 384w
Sierra Leone, Arms trade 128–30, 199w
Trinidad and Tobago, Human rights 529w
UN resolutions 327w, 528w

Lloyd's TSB Bill (HL) 1996/97
Debates etc.
3R order read (18.06.98) 489, (25.06.98) 1151

Llwyd, Mr Elfyn
Debates etc.
EC grants and loans (15.06.98) 114
Questions
A470, Wales 577w
Agri-environment action plan, Wales 1039
Cabinet committees, Social security reform 597–8w
Prison population 65w
Small businesses, Advisory services 315w
Training, Wales 545w
Victim support schemes, Wales 576w

Local authority powers
Public transport 57w

Local government
Opposition days (16.06.98) 194–243
Scotland 826–8, 831–2

Local Government and Rating Act 1997
Questions
44–5w

Local government constituencies
Basildon 439w
Cumbria 125w

Local government finance
448w
Glasgow 480w

Local government reform
533w
Essex 47w
Scotland 827–8

Local government revenue
454w

Local healthcare cooperatives
Scotland 481w

Lock, Mr David
Debates etc.
Hospital waiting lists (16.06.98) 145, 182–3

Lockerbie
Bombings 313w, 351w, 563w

London boroughs
Closed circuit television 215w, 299–300w
Council housing finance 50–2w
Homelessness 52–3w

London Buses
55w

London Lighthouse
(19.06.98) 677–82

London Regional Transport
59w, 370w

London Underground
Joint public-private sector ventures 362w
Mugging 560w

Lone parents
Income support 551–2w

Lorne House
Drug prevention schemes 592–3w

Lorries
Axle weights 39w
Road tax 451–2w

Loughton, Mr Tim
Debates etc.
A27 (16.06.98) 271–4, 278
Questions
Euro, Publicity 609w
Financial Services Authority 109w
Gas fired power stations, Shoreham 489–90
Individual savings accounts 614–5w
Personal savings, EC action 271w
Police, Compensation 441w

Loughton, Mr Tim*—*continued
Small businesses 208w, 572w

Love, Mr Andrew
Questions
A406, Road works 58–9w
Benefits Agency district offices, Complaints 625w
Cancer, Health services 89w
Debts, Developing countries 1160
Housing, Regional planning and development 279w
Incapacity benefit, Leaside 494w
New deal for young people, Foyer hostel scheme 81w
Recreation spaces, Urban planning 45w, 124–5w
Rough sleepers initiative, Greater London 40w
Tuberculosis 308–9w
Turkey, Ministers' visits abroad 327w

Lovell and Christmas Factory Ballymoney
Fires 701–3

Low flying
Prosecutions 369w

Low pay
Hereford and Worcester 211w
Staffordshire 135w
Tamworth 135w
Worcester 211w

Low Pay Commission
360–2, 496

Lucas Aerospace
Redundancy 359

Luff, Mr Peter
Questions
Airports, Members' correspondence 286w
Beef, Food labelling 28w, 325w
County courts, Rural areas 833–4
Health services, Worcestershire 309–10w, 492–3w
Hedges and ditches, Disputes procedures 45–6w
Prestwick Airport, Air traffic control 433w
Prisons, Beef 179w
Taxation, Parochial church councils 613w

Lullington Heath
Air pollution 48–9w

Lung diseases
Exhaust emissions 332–3w

Lynx helicopters
231w

M5
Road works 123w

M6
437w
Road accidents 119w

M25
Air pollution 37w

McAllion, Mr John
Debates etc.
Minimum wage (18.06.98) 516
Questions
Caribbean, EC external relations 194–5w

McCafferty, Ms Chris
Questions
"Rights of Audience and Rights to Conduct Litigation in England and Wales Consultation Paper" 599–600w

***McCartney, Mr Ian**, Minister of State, Dept of Trade and Industry*
Questions
British residents abroad, Employment protection 155w
British residents abroad, Working conditions 377w
Employment protection, EC law 96–7w
"Fairness at Work White Paper" 316w
Gender impact assessment, Dept of Trade and Industry 570w
"Guide to the Provisions of the Competition Act 1998" 98w
Labour and employment 321–2w
Low Pay Commission 496
Maternity leave 474w
Merchant seamen, Conditions of employment 474w
Minimum wage 319w, 473w, 496–7, 570w
Part-time employment 499–500
Patent Office, Complaints 473–4w
Patents 101w
Post Office 379w
Post Office, Private sector 316w
Post offices, Social security payments 103–4w
Postage stamps, Festivals and special occasions 569–70w
Postal services, Competition 379w
Public sector employment, Industrial tribunals 503
Trade union membership 157–8w
Working hours, EC law 478w

McCartney, Mr Robert
Debates etc.
Bristol Royal Infirmary (18.06.98) 538–9
Northern Ireland (Sentences) Bill, Com (15.06.98) 22–3, 25, 34–6, 54, 57–9, 61
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 544, 548, 550, 554–6, 570, 579

***Macdonald, Mr Calum**, Parliamentary Under-Secretary of State, Scottish Office*
Debates etc.
Local government, Scotland (16.06.98) 236–8
Questions
Arable area payments scheme, Scotland 574w
Fisheries Research Services, Finance 17w
Fisheries Research Services, Performance standards 223–4w
Fishery protection, Scotland 334w
Fishing, Scotland 484w
Pilot schemes, Scottish Office 574w
Radiation hazards, Scotland 224w
Radioactivity, Pollution monitoring 225w
Solway Firth, Fishing 223w
Varroasis, Scotland 18w
Voluntary organisations, Scotland 403–4w

McDonnell, Mr John
Debates etc.
Business questions (18.06.98) 524
Questions
Animal experiments, Export of live animals 588w
Gambia 529–30w
Gambia, Overseas aid 501–2w

McGrady, Mr Eddie
Questions
Downe Hospital 253w
Terrorism, Northern Ireland 350

McIntosh, Miss Anne
Debates etc.
Electric cables, Public petitions (24.06.98) 1143–4

***McIntosh, Miss Anne**—continued*
European Council (17.06.98) 383
Vitamin B6 (24.06.98) 985, 1004
Questions
Motor industry 494
Voting System Independent Commission 64w

McIsaac, Shona
Questions
National insurance contributions 1156–7
Terrorism, Northern Ireland 255w

MacKay, Rt Hon Andrew
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 26, 48–53, 56, 67, 74, 77–8, 85, (17.06.98) 438, 442, 447
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 562–5, 569, 572, 574, 583
Questions
Lovell and Christmas Factory Ballymoney, Fires 702–3
Northern Ireland Assembly 348–9
Prisoners' release, Northern Ireland 3w

Mackinlay, Mr Andrew
Debates etc.
Business questions (25.06.98) 1195
Questions
Aircraft carriers, Defence procurement 692
Central Europe, Democracy 121
M25, Air pollution 37w
Private Members' time 380w

Maclean, Rt Hon David
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 20–2, 28, 36–8, 90–2, (17.06.98) 441–2, 444–6, 467–9
Questions
A69, Road accidents 119w
Ambulance services, Emergency calls 389w
Arts Council of England, National Lottery 302–3w
Breathalysers 73w
Child safety week 537w, 582w
Chocolate, EC law 241w
Community policing 185–7w, 444–5w
Disability living allowance, Benefit integrity project 496w
Drug abuse, Driving 185w
Duty free allowances, Ferries 274w
EC Fisheries Council 27w
Emergency services 180w
Environment Agency, Penrith 559–60w
European Commission of Human Rights 303w
European Court of Human Rights 530–1w
Food stocks 161w
Hospital staff, Cumbria 336–7w
Housing construction, Sewers 59w
International Day against Drug Abuse and Illicit Trafficking 585w, 595w
International Nurses' Day 490–1w
Legal aid 263w
Livestock, Waste disposal 606w
Local government constituencies, Cumbria 125w
M6, Road accidents 119w
Macmillan Cancer Relief 581–2w
Methadone 163w
Metropolitan Police 191w
Millennium Exhibition 153w
National Breastfeeding Week 584w
National Food Safety Week 606w
National Lottery, Fraud 303w
National Osteoporosis Week 584–5w
New Zealand flatworms 278w
NHS, Theft 392w
Police 180–5w, 353w

***Maclean, Rt Hon David**—continued*
Police, Early retirement 219–21w, 593w
Police, Emergency calls 187w
Police, Finance 294–5w
Police, Private finance initiative 179–80w
Police, Recruitment 296w, 299w
Police, Sick leave 295–6w
Police records, Genetics 179w
Political refugees, Bosnia-Herzegovina 187w
Prisoners, Scotland 137w
Public libraries, Expenditure 235–6w, 601w
Rabbits, Pest control 28w
Rabbits, Research 324w
Regional aid, EC grants and loans 378w
Regional development agencies, North West region 537–8w
Riot control weapons 67–9w
Rural areas, Economic situation 27w
Rural Development Commission, Public expenditure 277–8w
Sierra Leone, Armed forces 1w
Slaughterhouses 160w
Solway Firth, Fishing 160w, 223w
Squirrels, Nature conservation 46w
Student numbers, Scotland 409–10w

***McLeish, Mr Henry**, Minister for Home Affairs and Devolution, Scottish Office*
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 877–9, 890–2, 921–2
Questions
Cultural heritage, Celts 479w
European Parliament elections, Electoral systems 335w
Prisoners, Scotland 137w
Public sector housing, Scotland 480w
Road accidents, Scotland 823
Roads, Highlands of Scotland 824
Roads, Scotland 479w, 823–4
Scottish Parliament, Official secrets 334w
Scottish Parliament, Parliamentary buildings 137–8w
Skye bridge, Road tolls 482w

Maclennan, Rt Hon Robert
Debates etc.
Human Rights Bill (HL), Com (17.06.98) 404, 416–7, (24.06.98) 1067–74, 1087, 1090–1, 1093–4, 1121, 1123–4
Questions
Non-departmental public bodies 152w
Roads, Highlands of Scotland 824

McLoughlin, Mr Patrick
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 246–7, 261–5
Questions
Housing, Derbyshire 120–1w

Macmillan Cancer Relief
581–2w

McNamara, Mr Kevin
Debates etc.
European Council (17.06.98) 378
Northern Ireland (Sentences) Bill, Com (15.06.98) 23, 33, 39–40, 53, 59–61, (17.06.98) 446, 452–7
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 565–6, 570
Questions
International Criminal Court 470–1w
Northern Ireland Office, Cash limits 159w
Paedophilia, Prisoners' release 256–7w
Parades Commission, Disclosure of information 385w

McNamara, Mr Kevin—*continued*
Terrorism 441w

McNulty, Mr Tony
Debates etc.
Hospital waiting lists (16.06.98) 185
Small businesses (19.06.98) 639, 663–6
Questions
Economic and monetary union, Retail trade 609w
Industrial production 315w
Ministry of Defence, Harrow 526–7w
Pakistan, Religious discrimination 470w
Political refugees, Pakistan 592w
RAF Stanmore Park, Armed forces housing 527w

MacShane, Mr Denis
Debates etc.
Oral question time intervention (16.06.98) 130
Travel-to-work areas, Rotherham (24.06.98) 1009
Questions
Barristers, Pay 837–8
Inflation 1153–4
Iron and steel industry, Trade competitiveness 320w
Varicose veins, Hospital waiting lists 258w
Working families tax credit 133–4w

Mactaggart, Fiona
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 898–9
Questions
Economic policy 1043–4
Habitual offenders 61–2w
Ice cream, Monopolies 318w

McWalter, Mr Tony
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 733
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 864, 944–6
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 570, 573
Questions
Developing countries, Debts 599w
Law Commission, Publications 520w

McWilliam, Mr John
Debates etc.
Bosnia-Herzegovina (17.06.98) 303
Questions
Business, Economic and monetary union 318w
City technology colleges, Cost per pupil 347–8w

Maginnis, Mr Ken
Questions
Mediation Network for Northern Ireland, Police 384–5w

Magistrates' courts
Closures 8–9w
Essex 462w
Witnesses 516w

Magistrates' courts committees
834–5
Cornwall 834
Devon 834

Mahon, Mrs Alice
Debates etc.
Hospital waiting lists (16.06.98) 174–6

Malins, Mr Humfrey
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 735–8

Malins, Mr Humfrey—*continued*
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 862–5, 867, 901–2
Questions
Prison sentences 14
Smuggling 612w

Mallaber, Judy
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 250–3, 261

Mandelson, Mr Peter, Minister Without Portfolio
Questions
Millennium Exhibition 153w, 600w
Millennium Exhibition, Environment protection 153w
Millennium Exhibition, Jubilee line 153w
Millennium Exhibition, Sports 154w
New Millennium Experience 301–2w

Manifestos
Labour Party 350w

Manufacturing industries
316w
Exports 316w
Interest rates 498
Scotland 479w
Sterling 501–3

Maples, Mr John
Debates etc.
Bosnia-Herzegovina (17.06.98) 316–9, 321
Questions
Territorial Army, Defence review 686–7

Marek, Dr John
Questions
Armed forces deployment, Cyprus 471–2w
Bus services, Performance standards 59w, 370w
Gibraltar Airport, EC action 198–9w
London Regional Transport 59w, 370w
Low flying, Prosecutions 369w
Qualifications Curriculum and Assessment Authority for Wales 580w
St Helena 17w, 384w
Traffic Commissioners 203w

Marine animals
Wales 1039

Marine safety committees
433–4w

Market research
Dept of Social Security 551w

Married people
Social security benefits rates 628w

Marsden, Mr Gordon
Debates etc.
Bosnia-Herzegovina (17.06.98) 314–6
Crime and Disorder Bill (HL), Rep (22.06.98) 801–3
Questions
Kosovo 1044–5

Marsden, Mr Paul
Questions
Patients, Surveys 307w

Marshall, Mr David
Debates etc.
Local government, Scotland (16.06.98) 205–6
Questions
Local government finance, Glasgow 480w

Marshall, Mr Jim
Debates etc.
Business questions (25.06.98) 1190

Marshall, Mr Jim—*continued*
Questions
Bosnia-Herzegovina, Armed forces deployment 691

Martlew, Mr Eric
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 728–31
Hospital waiting lists (16.06.98) 143
Questions
Cumbria Constabulary, Manpower 444w
Environment Agency, Cumbria 432w
Environment Agency, Government buildings 60w
King's Own Border Regiment 166w
River Eden, Sewage 40–1w

Mass media
Ownership 239w, 1043

Maternity leave
474w

Maude, Rt Hon Francis
Debates etc.
Oral question time intervention (25.06.98) 1161
Questions
Educational finance 452w, 503–4w
Income tax 616–7w
Inflation 1154–6
NHS finance 580–1w
Public expenditure 615–6w
Working families tax credit 396w, 611–2w

Mawhinney, Rt Hon Sir Brian
Debates etc.
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 564

Maxton, Mr John
Questions
Parliamentary recess 699

May, Mrs Theresa
Debates etc.
Disability living allowance (17.06.98) 289–91
Questions
Collective worship 465w
"Excellence for All Children Consultation Paper" 75w
Handicap benefits, Educationally subnormal 494–5w
Music education, Curriculum 467w
Special education 410–1w
Special education, Hyperactivity 411w
Special Educational Needs National Advisory Group 411w
Special schools 469w
Wheelchairs 86–7w
Wheelchairs, Access to work programme 80w

Meacher, Rt Hon Michael, Minister for the Environment, Dept of the Environment Transport and the Regions
Questions
Dept of the Environment Transport and the Regions, Interviews 47w
EC Environment Council 542–4w
Radioactive waste disposal, Sea pollution 439–40w
Rural Development Commission, Public expenditure 277–8w
Special areas of conservation, EC action 60–1w
Transport, Ministers' domestic visits 120w, 126w
UN Convention on Biological Diversity 128w
Water abstraction 287w

Meat
Food poisoning 308w
Retail trade 420w

Mediation Network for Northern Ireland
Police 384–5w

Medical education
Women's employment 346w

Medical equipment
Diabetes 258w

Medical students
Women 348w

Medical treatments
Accidents 257w
Drug abuse 92–3w, 306w
Road accidents 257w

Members' allowances
Office equipment 380w

Members' correspondence
Administrative delays 40w, 306w
Airports 286w
Budget March 1998 104–5w
Foreign investment in UK 105w
Gwent Tertiary College 9w
Sandline 105w, 445–6w
Tenant eviction 349w

Members' facilities
Backbenchers 697–8

Mental health services
Children 389–90w

Mentally disturbed offenders
Homicide 94–5w
Inquiries 94–5w

Mercenaries
Treaties 16w

Merchant seamen
Conditions of employment 474w

Mergers
101–2w
Radio 157w

Merron, Ms Gillian
Debates etc.
Minimum wage (18.06.98) 518
Questions
Educational finance, Lincolnshire 147w

Merseyside
EC grants and loans 320w

Methadone
163w

Methylated spirits
Scotland (16.06.98) 269

Metrication
241w

Metropolitan Police
190–1w, 592w
Closed circuit television 353–4w
Information technology 62–3w

Mexborough
Travel-to-work areas (24.06.98) 1007–12

Mexico
Human rights 199–200w
Official visits 200w

MI5
Public records 513–4w

***Michael, Mr Alun**, Minister of State, Home Office*
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 727, 750, 784–92

***Michael, Mr Alun**—continued*
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 842–5, 848, 855–61, 865–7, 869–71, 875, 880, 884–7, 917–20, 938–42, 945, 951
Questions
Airguns, Injuries 298w
Association of Chief Police Officers 296–7w, 596w
Breathalysers 73w
Child prostitution 357–9w
Closed circuit television 62w, 215w, 591w
Closed circuit television, Business 62w
Closed circuit television, London boroughs 215w, 299–300w
Community policing 185–7w, 444–5w
Cricket, Arrests 298w
Cricket, Public order policing 298w
Crime and Disorder Bill (HL) 1997/98, Pilot schemes 63w
Crime prevention 75
Crime victims 515–6w
Criminal appeals 355w, 357w
Criminal Cases Review Commission 214w, 520–2w
Criminal injuries compensation 443–4w
Cumbria Constabulary, Manpower 444w
Disadvantaged, Coventry 440w
Domestic violence 519w
Driving offences, Convictions 297w
Drug abuse, Driving 185w
Drugs and crime 441w
Emergency services 180w
Emergency services, Petrol alternatives 299w
Firearms 516–7w
Firearms, Compensation 70w, 178w
Firearms certificates 69w, 190w
Football, Hooliganism 440–1w, 522w
Football, Public order policing 509–10w
Football, Racial harassment 301w
Football, Travel restrictions 300–1w, 441w
Forensic Science Practitioners Registration Council 71w
Forensic Science Service, Performance standards 66–7w
Fox hunting, Public order policing 509w
Habitual offenders 354w
Inland Revenue, Immunity certificates 589–90w
International Criminal Court 441–2w
Law enforcement 288–90w
Metropolitan Police 592w
Metropolitan Police, Closed circuit television 353–4w
Metropolitan Police, Information technology 62–3w
Motor vehicle theft, Crime prevention 322–3w
Police 180–5w, 353w
Police, Career breaks 341w
Police, Compensation 222w, 441w
Police, Early retirement 219–21w, 593w
Police, Ethnic minorities 217–8w
Police, Finance 294–5w
Police, Manpower 73w
Police, Private finance initiative 179–80w
Police, Recruitment 175–6w, 296w, 299w
Police, Sick leave 295–6w
Police deaths on duty 188w
Police grant 510–3w
Police grant, Kent 444w
Police records, Genetics 179w
Police training 176w
Police training, Management 12–3
Police training, Race relations 174–5w
Pornography, Prosecutions 595w
Prison population 64w
Protection from Harassment Act 1997, Prosecutions 297–8w

***Michael, Mr Alun**—continued*
Rape, Crime victims 64w
Riot control weapons 67–9w, 173–4w, 222–3w
Road safety education 443w
Road traffic control, Cameras 65w
Road traffic offences, Admissibility of evidence 442–3w
Road traffic offences, Fines 442w
Road traffic police 514–5w
Sexual offences 10–1
Sexual offences, Children 445w
Sexual offences, Homosexuality 357–8w
Suicide 66w
Theft, House of Commons accommodation 72w
West Mercia Constabulary, Manpower 176–7w
West Midlands Police 187–8w
West Midlands Police, Ethnic minorities 221w
West Midlands Police, Racial discrimination 222w
Witnesses, Magistrates' courts 516w
World Cup, Habitual offenders 340w
World Cup, Public order offences 301w
Young offenders 17–8w

Michie, Mr Bill
Questions
Emergency planning 591w

Michie, Mrs Ray
Questions
Fisheries Research Services, Finance 17w

Mid Kent Holdings
379w

Middle East
Peace negotiations 131–2, 197w

***Milburn, Mr Alan**, Minister of State, Dept of Health*
Debates etc.
Hospital waiting lists (16.06.98) 162, 186–90
Questions
Analgesics, Safety measures 525w
Association of Community Health Councils for England and Wales 391–2w
Bristol Royal Infirmary, Inquiries 87w
Camden and Islington Health Authority, Health action zones 94w
Community health councils 261w, 523w
Dental services 259w
Diabetes, Medical equipment 258w
Dietary foods 583–4w
Doctors' list of patients 307w
Ear nose and throat, Hospital waiting lists 89w
Eye tests, Pensioners 338w
General practitioners, Manpower 91w
Health Quality Service 89–90w
Health services, Lancashire 586w
Health services, Voluntary organisations 523w
Health services, Worcestershire 309–10w, 492–3w
Health Services Accreditation 90–1w
Hip replacements 260w
Hospital consultants, Pay 89w
Hospital consultants, Women 308w
Hospital staff, Cumbria 336–7w
Hospital waiting lists 393w
International Nurses' Day 490–1w
Leeds Health Authority, Finance 93w
Medical treatments, Accidents 257w
Medical treatments, Road accidents 257w
Negligence 491–2w
NHS, Private finance initiative 92w, 337w
NHS complaints 393w

Milburn, Mr Alan—*continued*
NHS finance 580–1w
NHS pensions 257–8w, 306–7w
NHS trusts, Billing 580w
Norfolk and Norwich Hospital 581w
Patients, Surveys 307w
Primary care groups 258w, 307w
Systemic lupus erythematosus 524w
Trauma 523–4w
Varicose veins, Hospital waiting lists 258w
Warminster Hospital, Hospital closures 338w
Whittington Hospital 94w

Military aid
375–6w
Armed forces training 603w

Military aircraft
Defence procurement 265–6w

Military attaches
372w

Military decorations
266–7w

Military intervention
Kosovo 118

Millennium
Southern England 237w

Millennium Commission
601w
Wales 303w

Millennium compliance
6w, 319w, (17.06.98) 323–30, 394–5w, 455w, 596–7w
Government assistance to industry 319w
Nuclear power stations 242–3w
Treasury 1166–7

Millennium Exhibition
153w, 600w
Environment protection 153w
Jubilee line 153w, 203w
Public transport 361–2w
Sports 154w

Millennium products initiative
155–6w

Miller, Mr Andrew
Questions
Anglia Television, Dept of Trade inquiries 322w

Mines
265w, 684–6

Minimum wage
319w, 473w, 496–7, 570w, 597w, 620w
Family income 615–6w
Ministerial statements (18.06.98) 507–19
Northern Ireland 253w, 355–6
Scotland 481w

Ministerial policy advisors
Dept for Education and Employment 211–2w
Dept of Social Security 406w
Dept of the Environment Transport and the Regions 30w
Dept of Trade and Industry 377–9w
Foreign and Commonwealth Office 244w, 381w
Home Office 70w
Ministry of Agriculture Fisheries and Food 19–20w
Northern Ireland Office 2–3w
Prime Minister 5–6w
Treasury 108–9w
Welsh Office 227w

Ministerial speeches
European Parliament 268w

Ministerial statements
Bristol Royal Infirmary (18.06.98) 529–39
Cardiff Summit (17.06.98) 367–85
Electricity generation (25.06.98) 1171–87
European Council (17.06.98) 367–85
Minimum wage (18.06.98) 507–19

Ministers' domestic visits
Agricultural shows 249w
Prisons 63w
Transport 120w, 126w

Ministers' visits abroad
France 597w
Turkey 327w

Ministry of Agriculture Fisheries and Food
Inquiries 549–50w
Ministerial policy advisors 19–20w

Ministry of Defence
Abbey Wood 688
Harrow 526–7w

Misrepresentation
Personal pensions 208–9w, 452w

Missile technology control regime
196–7w

Mitchell, Mr Austin
Debates etc.
Vitamin B6 (24.06.98) 986
Questions
Bank of England, Monetary Policy Committee 342–3w
Euro, Publicity 198w
Millennium Exhibition 600w
Millennium Exhibition, Sports 154w
New Millennium Experience 301–2w
Nigeria, Presidential elections 196w
Police, Compensation 222w
Retail prices index 209–10w
Riot control weapons 222–3w
Royal Mint, Seigniorage 343w

Mobile Homes Act 1983
Questions
204w

Mobile Telephony and Human Health Expert Group
339w

Modernisation of the House of Commons Select Committee
696–7

Moffatt, Laura
Debates etc.
Bosnia-Herzegovina (17.06.98) 312–3
Questions
Military aircraft, Defence procurement 265–6w

Monetary Policy Committee
Bank of England 342–3w

Money supply
398w
Euro 108w

Monopolies
Ice cream 318w

Montserrat
Overseas aid 500–1w
Sustainable development 7–8w

Moonie, Dr Lewis
Debates etc.
Vitamin B6 (24.06.98) 994–6

Moore, Mr Michael
Questions
Voluntary organisations, Scotland 403–4w

Moorside Drift mine
285–6w

Moran, Ms Margaret
Debates etc.
Foreign spouses, Domestic violence (24.06.98) 1023–6
Questions
Motor industry 493–4
Refuges, Finance 111w

Morgan, Mr Alasdair
Debates etc.
European Council (17.06.98) 385
Minimum wage (18.06.98) 518
Questions
Firing ranges, Kirkcudbright 459w
Leukaemia, Scotland 225w
Manufacturing industries, Sterling 502
Minimum wage, Scotland 481w
Radiation hazards, Scotland 224w
Radioactive waste disposal, Irish Sea 321w
Radioactivity, Pollution monitoring 225w
Roads, Scotland 823
Sellafield, Radioactive waste disposal 285w
Small business loan scheme, Scotland 483w

Morgan, Ms Julie
Questions
Surgery, Heart diseases 545w

Morgan, Mr Rhodri
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 768–9
Questions
Cardiff Bay, Property development 10w
National Assembly of Wales, Manpower 1036
Transplant surgery, Heart diseases 545w
Welsh Industrial and Maritime Museum 9–10w

Morley, Mr Elliot *Parliamentary Under-Secretary of State, Ministry of Agriculture, Fisheries and Food*
Debates etc.
Coastal erosion (24.06.98) 1147–52
Fisheries, Essex (22.06.98) 817–20
Questions
Agricultural Development and Advisory Service, Privatisation 20w
Agricultural land 324w
Baking industry, Russia 426w
Coastal zone management 424w
Drift nets 550–1w
EC Fisheries Council 27w
Export of live animals 323w
Export of live animals, Inquiries 423–4w
Export of live animals, Research 323w
Export of live animals, Veterinary services 423w
Fish conservation 27w
Fishing catches 249w
Fishing limits 424w
Fishing quotas, France 249w
Fishing quotas, North Sea 250w
Fishing vessels 250w
Fishing vessels, Government grants 425w
Fishing vessels, Spain 424–5w
Flood control, West Midlands 161w
Floods, Banbury 323–4w
Furs, Farms 20w
Inquiries, Ministry of Agriculture Fisheries and Food 549–50w
Ministerial policy advisors, Ministry of Agriculture Fisheries and Food 19–20w
Organic farming 159w
Pigs, Export of live animals 485w
Rabbits, Pest control 28w

Morley, Mr Elliot *—continued*
Rabbits, Research 324w
Rural areas, Economic situation 27w
Sea Fish Industry Authority, Fees and charges 425w
Solway Firth, Fishing 160w
Whales 424w
Whales, Industrial fishing 424w

***Morris, Ms Estelle**, Parliamentary Under-Secretary of State, Dept for Education and Employment*
Questions
City technology colleges, Cost per pupil 347–8w
Collective worship 465w
Corporal punishment 150w
Educational finance, Chronic fatigue syndrome 145w
English education, Educational standards 76–9w
"Excellence for All Children Consultation Paper" 75w
Friends of the Western Buddhist Order, Educational publications 212w
Music education, Curriculum 467w
Nursery schools, Cost per pupil 148w
Reception classes, Class sizes 79–80w
School attendance, Child health 149–50w
Schools, Head lice 151–2w
Schools access initiative, Birmingham 75w
Science education, Teachers 345w
Special education 410–1w
Special education, Hyperactivity 411w
Special Educational Needs National Advisory Group 411w
Special schools 469w
Teacher training, Physical education 311w
Teacher training, Student numbers 462–3w
Teachers, Greater London 463w
Teachers, Pay 311w
Teachers, Recruitment 213w

***Morris, Rt Hon John**, Attorney-General*
Questions
Inquiries, Attorney General 564w
Legal aid, Barristers 564–5w
Legal profession, Expenditure 408–9w
Levitt, Roger, Prosecutions 408w
Lockerbie, Bombings 563w
Sierra Leone, Arms trade 118–9w
Terrorism, Northern Ireland 607w

Morris Advisory Group
see Special Educational Needs National Advisory Group

Moss, Mr Malcolm
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 24–5, 32–3, 46, 94, 102–4, (17.06.98) 452–3, 460, 462–3, 465–7

Motability
624–5w

Motherwell Enterprise and Development
833

Motor industry
493–5
Government grants 239w

Motor vehicle safety
42w

Motor vehicle theft
Crime prevention 322–3w

Motor vehicles
Excise duties 452w

Motorcycles
Driving licences 281w
Transport policy 330w

Motorway service areas
Planning inquiries 32w

***Mowlam, Rt Hon Marjorie**, Secretary of State for Northern Ireland*
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 52, 66, 71–4, 78–9, 83–5, 92, 96, 100–4
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 541–4, 556–7, 560–2
Questions
Belfast Agreement 352
British-Irish Interparliamentary Body 351–2
European Parliament, Ministerial speeches 268w
Gaelic Athletic Association 353
Independent Assessor of Military Complaints Procedures 268w
Ministerial policy advisors, Northern Ireland Office 2–3w
Northern Ireland Assembly 353
Northern Ireland Assembly, Elections 252w
Northern Ireland government 255w, 351–2
Northern Ireland Office, Cash limits 159w
Passports, Northern Ireland 352–3
Women, Northern Ireland 350–1

Mugging
London Underground 560w

Mullin, Mr Chris
Debates etc.
Minimum wage (18.06.98) 514
Questions
Coroners 388w
Dept of Social Security, Market research 551w
Forensic Science Practitioners Registration Council 71w

Multilateral Agreement on Investment
7w, 99–100w
National Assembly of Wales 546w

Multiple births
582–3w

Multiple occupation
Licensing 371w

Murphy, Mr Jim
Debates etc.
Local government corruption, Points of order (22.06.98) 703, 707
Private notice question intervention (22.06.98) 703
Questions
Local government reform, Scotland 827–8
Territorial Army, Armed forces deployment 686
World Cup, Hooliganism 356–7

***Murphy, Mr Paul**, Minister of State, Northern Ireland Office*
Questions
Inquiries, Northern Ireland Office 3–4w
Lovell and Christmas Factory Ballymoney, Fires 701–3
Northern Ireland Assembly 252w, 347–9
Northern Ireland government 254w

Music education
Curriculum 467w

MV Derbyshire
360w

MV Gaul
Shipping accidents 532w

National Advisory Group on Special Educational Needs
National Advisory Group on Special Educational Needs—continued
see Special Educational Needs National Advisory Group

National Air Traffic Services
265w, 362, 366w
Government shareholding 433w
Shares 366w

National Assembly of Wales
547w
Civil service 1034
Conflict of interests 1035–6
Conservative Party 1035
Electoral systems 457w
Manpower 1036
Multilateral Agreement on Investment 546w
Public appointments 1035

National Breastfeeding Week
584w

National childcare strategy
Departmental coordination 80w

"National Childcare Strategy in Wales White Paper"
388w

National Endowment for Science Technology and the Arts
Sports 235–6w

National Food Safety Week
606w

National Girobank
see Girobank

National Grid for Learning
Leicester 142w

National income
110–1w

National Institutions Measure 1998
Debates etc.
(18.06.98) 587–95

National insurance
621w
Data banks 621–2w
Social security abuse 620–2w

National insurance contributions
396–7w, 1156–8
Earnings limits 243w
Information technology 171w

National Lottery
351w
Arts Council of England 302–3w
Fraud 303w
Scotland 336w
Scottish Parliament 138–9w
Wigan 232–3w

"National Minimum Wage"
(18.06.98) 507–19

National Museums and Galleries of Wales
Public appointments 548w

National Osteoporosis Week
584–5w

National Sports Institute
see UK Sports Institute

National vocational qualifications
464w

NATO
Bosnia-Herzegovina 690

Nature conservation
435w
Plants (17.06.98) 331–7
Squirrels 46w

Naval Recruiting and Training Agency
Performance standards 166–7w

Naysmith, Dr Douglas
Debates etc.
Bristol Royal Infirmary (18.06.98) 532

Negligence
491–2w
Ex gratia payments 90w
Radiotherapy 90w

New businesses
504

New deal for disabled people
79w

New deal for lone parents
116w

New deal for schools
213–4w
Somerset 213–4w

New deal for young people
Foyer hostel scheme 81w

New deal schemes
Ethnic monitoring 212–3w

New Millennium Experience
301–2w

New Zealand flatworms
278w

NHS
Disclosure of information 1049–50
Private finance initiative 92w, 337w
Theft 392w

NHS administration
Wales 544w

NHS complaints
393w

NHS Direct
Deaf 161–2w

NHS finance
580–1w, 1165–6
Wales 544w

NHS pensions
257–8w, 306–7w

NHS trusts
Billing 580w
Scotland 481–2w
Wales 117w

Nicholls, Mr Patrick
Questions
Metrication 241w
Park Homes Working Party 204w
Sexual offences, Children 445w

Nigeria
Air routes 14w
Foreign relations 14w
Overseas trade 14w
Presidential elections 196w

Non-departmental public bodies
152w
Wales 1034

Non-domestic rates
44w, 532w
Crown lands and estates 44–5w
Private hospitals 433w
Valuation 455–6w

Non-fossil fuel obligation
Alternative energy 477w

Norfolk and Norwich Hospital
581w

Norris, Dan
Debates etc.
Bristol Royal Infirmary (18.06.98) 533

North Atlantic Treaty Organisation
see NATO

North East region
EC grants and loans 39w
Smuggling 1169

North Lanarkshire
Council tax 481w
Direct labour departments 481w
Electorate 481w

North London railway line
61w

North Sea
Fishing quotas 250w

North Sea oil
Taxation 610w

North Thames region
Cancer 89w

North Wales
Cycling 387w
Hospital waiting lists 333w
Railway electrification 538–9w

North West region
Arts 460w
Regional development agencies 537–8w

Northern Cyprus
Human rights 604w
Immigration applications 356–7w

Northern Ireland
Confidence building measures 251–2w
Criminal proceedings (15.06.98) 106–7
Demonstrations 354–5
Economic situation 355
Employment discrimination 254w
Extradition 5w
Gaelic language 254w
Minimum wage 253w, 355–6
Paedophilia 256–7w
Passports 352–3
Police 252–3w
Prisoners' release 3w, (15.06.98) 19–106, 255w, 362–3, (17.06.98) 435–80
Public order policing 251w
Scheduled offences 385–6w
School buildings 472–3w
Secondary education 4–5w
Security 255w
Terrorism 255w, 349–50, 607w
Tuition fees 268w
Weapons 350
Women 350–1

Northern Ireland Act 1974 (Interim Period Extension) Order 1998
Debates etc.
(15.06.98) 106–7

Northern Ireland Assembly
252w, 347–9, 353
Elections 252w

Northern Ireland government
(15.06.98) 106–7, 254–5w, 351–2

Northern Ireland Grand Committee
(17.06.98) 480

Northern Ireland Office
Cash limits 159w
Inquiries 3–4w
Ministerial policy advisors 2–3w

Northern Ireland Parades Commission
see Parades Commission

Northern Ireland Police Authority
see Police Authority for Northern Ireland

Northern Ireland (Sentences) Bill 1997/98
Debates etc.
Com (15.06.98) 19–106, (17.06.98) 435–80
Rep and 3R (18.06.98) 541–86
Questions
362–3

Northern line
Rolling stock 45w

Northumberland
Tipping of waste (18.06.98) 596–604

Nuclear fuel reprocessing
Dounreay 313–4w, 344w, 483w, 598w, 830

Nuclear Non Proliferation Treaty
India 247w
Pakistan 247w

Nuclear power stations
Millennium compliance 242–3w
Slovakia 304–5w

Nuclear safety
Dounreay 829–30
Radioactive wastes 522w
Sellafield 500w

Nuclear weapons policy
32w, 206w

Nuclear weapons tests
India 125–6, 230–1w
Pakistan 125–6
South East Asia 197–8w
War widows' pensions 168–9w

Nunthorpe School
344–5w

Nursery schools
Cost per pupil 148w

Nurses
Visas 508–9w

Oaten, Mr Mark
Debates etc.
Disability living allowance (17.06.98) 285–7
Questions
Nuclear weapons tests, India 230–1w
Road accidents, Costs 436w
Road traffic offences, Admissibility of evidence 442–3w
Road traffic offences, Fines 442w

***O'Brien, Mr Mike**, Parliamentary Under-Secretary of State, Home Office*
Debates etc.
Crime, Greater London (24.06.98) 980–3
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 908–10, 912–5, 925–8
Foreign spouses, Domestic violence (24.06.98) 1026–30
Human Rights Bill (HL), Com (17.06.98) 391–3, 396–8, (24.06.98) 1055–7, 1083–8, 1094–8, 1099–100, 1107–11, 1113–4
Questions
British citizenship 589w
British nationality 342w
Civil liberties 65w
Financial institutions, Channel Islands 398w
Football, Public order policing 5–6
Immigration applications 342w
Immigration applications, Northern Cyprus 356–7w
Political refugees 62w
Political refugees, Administrative costs 178w
Political refugees, Bosnia-Herzegovina 187w

O'Brien, Mr Mike *—continued*
Political refugees, Immigration appeals 177w
Political refugees, Interviews 177–8w
Political refugees, Pakistan 592w
Political refugees, Sierra Leone 214w
Political refugees, Social security benefits 177w, 216w
Public order policing, Fees and charges 5
Racial attacks 61w
Visas, Nurses 508–9w

O'Brien, Mr William
Debates etc.
Electricity generation (25.06.98) 1185
Questions
Chamber of Shipping of the United Kingdom 374w
Child Support Agency, Compensation 627–8w
China, Human rights 116–7
Closed circuit television, Business 62w
Pensions 610w
Producer Responsibility Obligations (Packaging Waste) Regulations 1997 280w
Retirement pensions 1158
Skilled workers, Small businesses 501

Occupied territories
Israel (23.06.98) 952–60

Office equipment
Members' allowances 380w

Office for Standards in Education
Performance standards 409–10w, 468w

Office of the Social Security Commissioners
see Social Security Commissioners

Official cars
613w
Energy consumption 426–7w

Official engagements
Treasury 504w

Official hospitality
Treasury 614w

Official Report
Speaker's rulings and statements (18.06.98) 540, (22.06.98) 704–5

Official secrets
Scottish Parliament 334w

Official visits
Mexico 200w

O'Hara, Mr Edward
Questions
Motability 624–5w

O'Hare, Rita
Extradition 473w

Oil revenues
Scotland 482w

Oilseed rape
160w

Older workers
Civil servants 152w

O'Neill, Mr Martin
Debates etc.
Electricity generation (25.06.98) 1176
Small businesses (19.06.98) 623–7

Open government
428w
Dept of the Environment Transport and the Regions 281w
EC institutions 193w

Opik, Mr Lembit
Questions
Tuition fees 345–6w
Welsh Ambulance Services NHS Trust, Performance standards 333w

Opposition days
Hospital waiting lists (16.06.98) 136–93
House of Commons division of time 697
Local government (16.06.98) 194–243
Private Members' bills (25.06.98) 1199–207
Social security reform (25.06.98) 1208–42

Organ, Mrs Diana
Debates etc.
Forest of Dean (25.06.98) 1243–7

Organic farming
159w
Research 426w

Organophosphate Interdepartmental Monitoring Group
604–5w

Organophosphates
485w

Origin marking
Export of live animals 423w

Osborne, Ms Sandra
Debates etc.
Local government, Scotland (16.06.98) 212–5, 230
Social security reform (25.06.98) 1213
Questions
Air traffic control 365–6w
Air travel, USA 432w
Council tax capping, Scotland 139w
Gaelic language, Curriculum 254w
Local government, Scotland 826–7
National Air Traffic Services 265w, 362, 366w
National Air Traffic Services, Shares 366w
Prestwick Airport, Air traffic control 365w

Osteoporosis
584–5w

Ottawa Convention
197w

Ottaway, Mr Richard
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 882–4, 887
Questions
Channel tunnel, Railway network 46–7w, 125w, 432w
Electricity generation, South East region 321w
Eurostar, Shareholders 125–6w
National Air Traffic Services, Government shareholding 433w
Nigeria, Air routes 14w
Thameslink 47w

Out of town shopping centres
57w

Overseas aid
287–8w
Central Africa 126–7
Gambia 501–2w
India 598–9w
Indian subcontinent 7w
Montserrat 500–1w
Pakistan 598–9w
Sierra Leone 429w
Sudan 227w, 502–3w

Overseas investment
Indonesia 98–9w

Overseas trade
Nigeria 14w
Sanctions 504

Paedophilia
Northern Ireland 256–7w
Prisoners' release 256–7w

Paice, Mr James
Debates etc.
Minimum wage (18.06.98) 517
Vitamin B6 (24.06.98) 1002–4
Questions
Agricultural subsidies 488–9w
Bovine tuberculosis 486w
Budget March 1998, Members' correspondence 104w
Cattle, Agricultural subsidies 550w
Potato Marketing Board 607w
Tuberculosis in Cattle and Badgers Expert Group 485–6w

Paisley, Rev Ian
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 40, 46, 88–90, 99, (17.06.98) 436–7, 442, 447, 454–5, 462, 472–4, 476
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 546–50, 552
Official Report, Points of order (22.06.98) 707
Questions
Lovell and Christmas Factory Ballymoney, Fires 701–2

Pakistan
Asia-Europe meeting 314–5w
Nuclear Non Proliferation Treaty 247w
Nuclear weapons tests 125–6
Overseas aid 598–9w
Political refugees 592w
Religious discrimination 470w

Palace of Westminster
Day care of children 329w

Palmer, Dr Nick
Debates etc.
Vitamin B6 (24.06.98) 985, 990–1, 999–1001

Panel 2000
246–7w

Parachute Regiment
(24.06.98) 1013–22

Parades Commission
353–4
Disclosure of information 385w

Parc Prison
63w, 288w

Parental leave
Social security benefits rules 171–2w

Parents
Young offenders 7–8

Park Homes Working Party
204w

Parking
Greater London 130–1w
Inner London boroughs 130w

Parliamentary buildings
Scottish Parliament 137–8w, 224w

Parliamentary recess
698–9

Parochial church councils
Taxation 613w

Part-time employment
499–500

Passports
Northern Ireland 352–3

Patent Office
Complaints 473–4w

Patents
101w
Genetic engineering 499w

Paterson, Mr Owen
Debates etc.
Vitamin B6 (24.06.98) 990
Questions
Animal husbandry, Wales 1040

Patients
Leicestershire Health Authority 161w
Surveys 307w

Pay deductions
Prisoners of war 264–5w

Peace keeping operations
Armed forces deployment 165–6w

Peace negotiations
Middle East 131–2, 197w
Sri Lanka 195–6w
Sudan 245–6w

Pearson, Mr Ian
Questions
Prison visits 73w

Pedestrian areas
532–3w

Penmaenbach tunnel
Road safety 579w

Penrith
Environment Agency 559–60w

Pensioners
Eye tests 338w
Worcester 619–20w

Pensions
610w

Pensions Education Working Group
172w

Perham, Ms Linda
Debates etc.
Crime, Greater London (24.06.98) 961–2
Small businesses (19.06.98) 612
Questions
Eye tests, Pensioners 338w
Home care services 162w
Social Exclusion Unit 350–1w

Persian Gulf
Armed forces deployment 695–6
Vaccination 696

Personal injury
Insurance 837

Personal injury compensation
462w
Court rules and procedures 263w
Legal aid 207w

Personal Investment Authority Ombudsman Bureau
Fees and charges 105–6w

Personal pensions
Misrepresentation 208–9w, 452w

Personal savings
614w
EC action 271w

Peru
State visits 327w

Pest control
Rabbits 28w

Pesticides
485w

Petrol
36–7w

Petrol alternatives
360–1w, 498w
Emergency services 299w
Tax incentives 273w

Petroleum exploration
Falkland Islands 603–4w

Physical education
Teacher training 311w

Pickles, Mr Eric
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 245
Questions
Millennium Exhibition, Jubilee line 153w, 203w
Millennium Exhibition, Public transport 361–2w
Transport, Ministers' domestic visits 126w

Pickthall, Mr Colin
Questions
Legal aid, Barristers 564–5w
Legal profession, Expenditure 408–9w
Levitt, Roger, Prosecutions 408w
Montserrat, Sustainable development 7–8w
Recycling, Scotland 483w
Wind power 241–2w

Pigs
248w
Export of live animals 485w

Pike, Mr Peter L
Debates etc.
National Institutions Measure (18.06.98) 587
Questions
Employment discrimination, Northern Ireland 254w
Football, Public order policing 509–10w
Fox hunting, Public order policing 509w
Health and Safety Executive, Manpower 536w
India, Nuclear weapons tests 125
Lucas Aerospace, Redundancy 359
Part-time employment 499–500
Petrol alternatives 498w
Public order policing, Fees and charges 5
Railway track, Public footpaths 538w
Remploy, Recruitment 411–2w
Working hours, EC law 478w

Pilot schemes
Crime and Disorder Bill (HL) 1997/98 63w
Dept of Trade and Industry 97w
Home Office 216w
Scottish Office 574w

Pipelines
Sewers 131w, 282–4w

Planning appeals
Bradford 55–6w

Planning inquiries
Belmont Riding Centre 203w
Legal costs 124w
Motorway service areas 32w

Planning permission
Aerials 331–2w
Gas fired power stations 320–1w

Plants
International Union for the Conservation of Natural Resources (17.06.98) 331–7

Plants*—*continued
Nature conservation (17.06.98) 331–7

Plaskitt, Mr James
Questions
Private hospitals, Non-domestic rates 433w

Plastics
Recycling 31–2w, 284w

Plutonium
499w

Plymouth
Education action zones 1047

Police
180–5w, 353w
Career breaks 341w
Compensation 222w, 441w
Early retirement 219–21w, 593w
Emergency calls 187w
Ethnic minorities 217–8w
Finance 294–5w
Manpower 1–3, 73w
Mediation Network for Northern Ireland 384–5w
Northern Ireland 252–3w
Private finance initiative 179–80w
Recruitment 175–6w, 296w, 299w
Sick leave 295–6w

Police Authority for Northern Ireland
Firearms 385w

Police deaths on duty
188w

Police Funding Formula Working Group
Public appointments 294–5w

Police grant
510–3w
Kent 444w

Police pensions
73w

Police records
Genetics 179w

Police training
176w
Management 12–3
Race relations 174–5w

Policewomen
217w

Political activities
Government buildings 597w

Political education
328–9w
Central Europe 120–2

Political impartiality
Journalists in Europe 303w

Political refugees
62w, 164w
Administrative costs 178w
Bosnia-Herzegovina 187w
Immigration appeals 177w
Interviews 177–8w
Legal aid 263w
Pakistan 592w
Sierra Leone 214w
Social security abuse 623w
Social security benefits 177w, 216w

Polling stations
Supermarkets 65w

Pollution
Irish Sea 539–40w
Water companies 282–3w

Pollution monitoring
Radioactivity 225w

Pond, Mr Chris
Debates etc.
Disability living allowance (17.06.98) 293–4
Minimum wage (18.06.98) 519

Ponthir School Torfaen
Class sizes 1038

Pornography
Prosecutions 595w

Post Office
379w, 1162
Corporation tax 272w
External financing limits 272–3w
Private sector 316w

Post offices
Social security payments 103–4w, 114–5w

Postage stamps
Festivals and special occasions 569–70w

Postal services
Competition 379w
Social security abuse 624w

Potato Marketing Board
607w

Poultry
Disease control 422w

Poultry meat
Imports 488w
Testing 605–6w

Pound, Mr Stephen
Questions
RAF Northolt 264w, 694

Powell, Sir Ray
Questions
Water conservation, Irrigation 560–1w

Power industry
Air pollution control 103w

Prentice, Mr Gordon
Debates etc.
Business questions (18.06.98) 526
Questions
Aerospace industry, Government assistance 490–1
Agricultural land 324w, 386w
Anglia Television, Dept of Trade inquiries 572w
Animal feed, Antibiotics 26w
Cannabis, Clinical trials 341w
Diesel fuel 322w
Elgin Marbles 236w
Emergency services, Petrol alternatives 299w
European fighter aircraft 568–9w
Eurostar, Rolling stock 560w
Hip replacements 162w
Hydrocarbon oil duties, Diesel fuel 452–3w
Insider trading, Dept of Trade inquiries 242w, 571w
Petrol alternatives 360–1w
Public lavatories 129w
Road works 121–3w

***Prescott, Rt Hon John**, Deputy Prime Minister and Secretary of State for the Environment Transport and the Regions*
Questions
Coalfields Task Force 286w
Dept of the Environment Transport and the Regions, Cash limits 439w
EC Environment Council 540–1w
Members' correspondence, Administrative delays 40w
Nuclear weapons policy 32w
Written questions 206w

Prescription drugs
Acne 493–4w

Presidential elections
Nigeria 196w

Prestwick Airport
Air traffic control 365w, 433w

***Primarolo, Ms Dawn**, Financial Secretary to the Treasury*
Questions
Alcoholic drinks duties 275w
Arms trade 1164
Betting and gaming duties 1164–5
Budget, Environmental policy 398w
Budget March 1998, Members' correspondence 105w
Capital gains tax, Tax rates and bands 450–1w
Duty free allowances, Ferries 274w
EU Code of Conduct Group 271–2w
Excise duties, Motor vehicles 452w
Foreign investment in UK, Members' correspondence 105w
Horserace Totalisator Board 613w
Hydrocarbon oil duties, Diesel fuel 274w, 395–6w, 452–3w
Income tax 396–7w, 454w, 616–7w
Income tax, Tax rates and bands 612w
Married people, Social security benefits rates 628w
Minimum wage, Family income 615–6w
Non-domestic rates, Valuation 455–6w
Personal savings, EC action 271w
Retail prices index 209–10w
Road tax, Lorries 451–2w
Sandline, Members' correspondence 105w, 445–6w
Self-assessment of tax 273w, 276w
Sierra Leone, Arms trade 618–9w
Smuggling 274–5w, 612w
Smuggling, North East region 1169
Smuggling, Tobacco 1169–70
Tax allowances, British residents abroad 270–1w, 611w
Tax harmonisation 610w
Tax incentives, Petrol alternatives 273w
Taxation 271w
Taxation, Charities 395w, 1158–60
Taxation, Employment 610w
Taxation, North Sea oil 610w
Taxation, Parochial church councils 613w
VAT 615w
VAT, Helmets 455w
VAT, Historic buildings 617w
VAT, Small businesses 395w
VAT, Tour operators 287w
VAT, Tourism 613–4w
Working families tax credit 133–4w, 396w, 611w, 1167–8

Primary care groups
258w, 307w

Primary care trusts
Scotland 481w

Prime Minister
Annual reports 1047–8
Ministerial policy advisors 5–6w

Prior, Mr David
Debates etc.
Small businesses (19.06.98) 655–7
Questions
Interest rates 613w
Labour and employment 321–2w

Prison population
13–5, 64–5w, 519w
Driving offences 341w
Sexual offences 174w

Prison sentences
14–5

Prison Service
Performance standards 290–3w

Prison staff
Disciplinary proceedings 63w

Prison visits
73w, 352w

Prisoner escorts
352–3w

Prisoners
Army in Northern Ireland 253w, 373w
British residents abroad 381–3w
Deaf 178–9w
Drug abuse 587–8w
Scotland 137w
Television 67w, 442w, 590w

Prisoners' incentives and earned privileges scheme
67w

Prisoners of war
Japan 349–50w
Pay deductions 264–5w

Prisoners' release
Northern Ireland 3w, (15.06.98) 19–106, 255w, 362–3, (17.06.98) 435–80
Paedophilia 256–7w

Prisons
Beef 179w
Commercial activities 17
Disease control 587–8w
Drug prevention schemes 188–90w
Inspections 591–2w
Ministers' domestic visits 63w
Private sector 72w, 587w

Private finance initiative
NHS 92w, 337w
Police 179–80w

Private Hire Vehicles (London) Bill 1997/98
Debates etc.
(25.06.98) 1199–207
Order relating to Com (19.06.98) 676

Private hospitals
Non-domestic rates 433w

Private investment
Science and technology research 239–40w

Private Members' bills
380w
Opposition days (25.06.98) 1199–207

Private Members' time
380w

Private rented housing
127w

Private sector
Post Office 316w
Prisons 72w, 587w

Privatisation
Agricultural Development and Advisory Service 20w
Air traffic control 356
Student loans 76w

Probation and aftercare
65w, 353w

Probation officers
192–3w
Manpower 193w

Proceeds of crime
109w

Producer Responsibility Obligations (Packaging Waste) Regulations 1997
Questions
280w

Property development
Cardiff Bay 10w

Property law
World War II 102w

Property transfer
Defence land 526w

Prosecutions
Levitt, Roger 408w
Low flying 369w
Pornography 595w
Protection from Harassment Act 1997 297–8w
Water pollution 37w

Protection from Harassment Act 1997
Questions
359–60w
Prosecutions 297–8w

Public appointments
Animal Procedures Committee 191–2w
Arts Council of England 232w
Dept of Health 259–60w
Further Education Funding Council for Wales 456w
National Assembly of Wales 1035
National Museums and Galleries of Wales 548w
Police Funding Formula Working Group 294–5w
Scottish Further Education Funding Council 19w
Welsh Office 270w

Public corporations
Fiscal policy 506–7w

Public expenditure
106w, 132w, 447–9w, 451w, 506w, 615–6w, 1161–3
Countryside Commission 277–8w
Inflation 450w
Rural Development Commission 277–8w
Social security benefits 406–7w

Public finance
134–5w, 448–50w, 505–6w, 615w

Public footpaths
Railway track 538w

Public investment
504–5w, 614w

Public lavatories
129w

Public libraries
Expenditure 235–6w, 601w

Public order offences
World Cup 301w

Public order policing
Cricket 298w
Fees and charges 5
Football 5–6, 509–10w
Fox hunting 509w
Northern Ireland 251w

Public petitions
Educational finance (15.06.98) 107
Electric cables (24.06.98) 1143–4
Harlow Music Schools (19.06.98) 605

Public records
MI5 513–4w

Public Records Act 1958
Questions
398w

Public relations
Audit Commission for Local Authorities in England and Wales 430w
10 Downing Street 363

Public sector assets
Income 619w

Public sector borrowing requirement
106w

Public sector debt
609w

Public sector employment
Industrial tribunals 503

Public sector housing
1161
Scotland 480w

Public transport
Environment protection 361w
Local authority powers 57w
Millennium Exhibition 361–2w

Public Trust Office
461w

Public utilities
Air pollution control 102–3w

Publications
Agriculture 249w
Defence support agencies 566–7w
Law Commission 520w

Publicity
Euro 198w, 609w

Pyridostigmine bromide
164–5w, 228–9w

Qualifications Curriculum and Assessment Authority for Wales
580w

Quarantine Advisory Group
251w

Queen Elizabeth II bridge
Road tolls 559w

***Quin, Ms Joyce**, Minister of State, Home Office*
Questions
Altcourse Prison 223w
Alternatives to prison 14
Category A prisoners 174w
Driving offences, Prison population 341w
Electronic tagging 70–1w, 341–2w, 516w
Feltham Young Offender Institution and Remand Centre 74–5w
Gender impact assessment, Home Office 592w
Habitual offenders 61–2w
Lewes Prison 356w
Life imprisonment 595w
Parc Prison 63w, 288w
Prison population 13–5, 65w, 519w
Prison sentences 14–5
Prison Service, Performance standards 290–3w
Prison staff, Disciplinary proceedings 63w
Prison visits 352w
Prisoner escorts 352–3w
Prisoners, Deaf 178–9w
Prisoners, Television 67w, 442w, 590w
Prisons, Beef 179w
Prisons, Commercial activities 17
Prisons, Inspections 591–2w
Prisons, Ministers' domestic visits 63w
Prisons, Private sector 72w
Probation and aftercare 65w, 353w
Probation officers 192–3w
Probation officers, Manpower 193w
Segregation of prisoners 293–4w
Sexual offences 11–2

***Quin, Ms Joyce**—continued*
Sexual offences, Prison population 174w
Sexual offences, Rehabilitation of offenders 342w

Quinn, Mr Lawrie
Questions
Government Car and Despatch Agency, Performance standards 152w
Prisons, Disease control 587–8w

Rabbits
Pest control 28w
Research 324w

Rabies
Bats 423w

Race relations
Police training 174–5w

Racial attacks
61w

Racial discrimination
Departmental reorganisation 346–7w
Football 508w
West Midlands Police 222w

Racial harassment
Football 301w

Radiation hazards
499w
Scotland 224w

Radice, Mr Giles
Debates etc.
European Council (17.06.98) 376

Radio
Mergers 157w

Radio broadcasting licences
238w

Radioactive fallout
Agricultural land 28w
Wales 270w

Radioactive materials
Dounreay 321w
Export controls 497–8w
Exports 321w

Radioactive waste disposal
Dounreay 242w
Irish Sea 321w
Sea pollution 439–40w
Sellafield 285w

Radioactive Waste Management Advisory Committee
Dounreay 242w

Radioactive wastes
Nuclear safety 522w

Radioactivity
Pollution monitoring 225w
Scotland 225w

Radiotherapy
Negligence 90w

RAF Finningley
373w

RAF Northolt
264w, 327–8w, 366–7w, 693–4

RAF Personnel Management Agency
Performance standards 167w

RAF Stanmore Park
Armed forces housing 527w

Railtrack
Subsidies 53w

Railway electrification
North Wales 538–9w

Railway freight transport
30w

Railway land
33w
King's Cross 47w

Railway network
Channel tunnel 46–7w, 125w, 367–8w, 432w
Expenditure 130w
Wales 575w

Railway safety
West coast railway line 438w

Railway track
Public footpaths 538w

Railway transport
126w

Railway travel
Derbyshire 129w

Rammell, Mr Bill
Debates etc.
Harlow Music Schools, Public petitions (19.06.98) 605
Questions
Public expenditure 1161

Randall, Mr John
Questions
Environmental policy, Wales 1039
Satellites, Anguilla 61w

Rape
Crime victims 64w
West Yorkshire 360

Rapson, Mr Syd
Questions
Defence procurement 683–4
Hydrographic Office, Performance standards 566w

***Raynsford, Mr Nick**, Parliamentary Under-Secretary of State, Dept of the Environment Transport and the Regions*
Debates etc.
A27 (16.06.98) 274–8
Plants, Nature conservation (17.06.98) 331–7
Questions
Aerials, Planning permission 331–2w
Audit Commission for Local Authorities in England and Wales, Public relations 430w
Building regulations 131–2w
Camping, Trespass 436w
Council housing finance, London boroughs 50–2w
Educational finance 205w
Empty housing, Council tax 536w
Empty housing, Homelessness 537w
Environment Agency, Cumbria 432w
Environmental impact assessment 129w
Government grants to local authorities, Wandsworth 435w
Greater London Authority, Drug abuse 539w
Homelessness, Children 95w
Homelessness, London boroughs 52–3w
Housing, Development plans 436–7w
Housing, Town and country planning 329–31w
Housing benefits, Government grants to local authorities 33w
Local government constituencies, Cumbria 125w
Local government reform, Essex 47w
Motorway service areas, Planning inquiries 32w
Non-domestic rates 44w, 532w

***Raynsford, Mr Nick**—continued*
Out of town shopping centres 57w
Park Homes Working Party 204w
Planning appeals, Bradford 55–6w
Planning inquiries, Legal costs 124w
Private hospitals, Non-domestic rates 433w
Private rented housing 127w
Public lavatories 129w
Recreation spaces, Urban planning 45w, 124–5w
Rented housing, Deposits 204w, 279w
Rough sleepers initiative, Greater London 40w
Second homes 204–5w
Sewers, Pipelines 131w
Shopping centres 56w
Social rented housing, Housing construction 54w
Town and country planning 538w
Travelling people, Caravan sites 36w, 434–5w
Travelling people, Complaints 330w

Reception classes
Class sizes 79–80w

Recreation spaces
Urban planning 45w, 124–5w

Recruitment
Police 175–6w, 296w, 299w
Remploy 411–2w
Teachers 213w

Recycling
Plastics 31–2w, 284w
Scotland 483w

Redundancy
Irvine 825–6
Lucas Aerospace 359

Redwood, Rt Hon John
Debates etc.
Electricity generation (25.06.98) 1174–5
Minimum wage (18.06.98) 509–10
Oral question time intervention (18.06.98) 506
Questions
Manufacturing industries, Interest rates 498
Manufacturing industries, Sterling 502–3
Millennium products initiative 155–6w
Minimum wage 620w
Radioactive waste disposal, Sea pollution 439–40w

Reed, Mr Andrew
Questions
Animal quarantine 26w, 159–60w
Bank loans, Developing countries 208w
Genetically modified organisms, Consumer protection 104w
National Grid for Learning, Leicester 142w
Taxation, Charities 395w
Travelling people, Caravan sites 36w
Travelling people, Complaints 330w

Referendums
Economic and monetary union 1044

Refuges
Finance 111w

Reg(EEC)2299/89
541–2w

Reg(EC)820/97
28w

Regional aid
Coal mine closures 1042–3
EC grants and loans 96w, 378w

Regional airports
Fiscal policy 506–7w

Regional development agencies
North West region 537–8w
Yorkshire and Humberside 358

Regional planning and development
362–5w
Housing 279w

Registration of births deaths and marriages
398w

Rehabilitation of offenders
Drug abuse 519–20w
Sexual offences 342w

***Reid, Dr John**, Minister for the Armed Forces*
Debates etc.
Bosnia-Herzegovina (17.06.98) 319–22
Questions
Armed forces, Social security claims 373w
Armed forces, Vaccination 373w
Armed forces dependants 230w
Armed forces deployment 374–5w
Armed forces deployment, Cyprus 471–2w, 694–5
Armed forces pensions, Widows 1w
Armed forces strength 565w
Armed forces training 372w
Armed forces women 2w
Armoured fighting vehicles 231w
Army Base Repair Organisation, Fraud 2w
Army Base Repair Organisation, Performance standards 168w
Army in Northern Ireland, Prisoners 373w
Army strength 267–8w
Chemical and biological warfare, International cooperation 458–9w
Chemical weapons, Health hazards 165w
Conscientious objectors, Armed forces discharges 458w
Joint Service Command and Staff College 372w
King's Own Border Regiment 166w
Lynx helicopters 231w
Military aircraft, Defence procurement 265–6w
Naval Recruiting and Training Agency, Performance standards 166–7w
Peace keeping operations, Armed forces deployment 165–6w
Pyridostigmine bromide 164–5w, 228–9w
RAF Northolt 264w, 327–8w, 693–4
RAF Personnel Management Agency, Performance standards 167w
Territorial Army 328w, 374w, 457–8w, 686
Territorial Army, Armed forces deployment 686
Territorial Army, Armed forces discharges 166w
Territorial Army, Chemical and biological warfare 374w
Territorial Army, Defence review 686–8
Training Group Defence Agency, Performance standards 167–8w

Relay Europe
151w

Religious discrimination
Pakistan 470w

Remploy
412w
Government grants 412w
Recruitment 411–2w

Rendel, Mr David
Questions
ADAPT initiative 170–1w
Armed forces, Social security claims 373w

Rendel, Mr David—continued
National insurance contributions, Information technology 171w
Retirement pensions, Administrative costs 404w

Rendering industry
Wales 547w

Rented housing
Deposits 204w, 279w

Research councils
498w

Research finance
Aerospace industry 571w

Residential care
Greater London 88w
Scotland 17–8w
Training 492w

Residential care of children
92w, 492w

Restrictive trade practices
Trade associations 97w

Retail prices index
209–10w

Retail trade
Economic and monetary union 609w
Meat 420w

Retirement age
Chancellor of the Duchy of Lancaster 152–3w

Retirement pensions
404w, 1158
Administrative costs 404w

"Rights of Audience and Rights to Conduct Litigation in England and Wales Consultation Paper"
599–600w

Riot control weapons
67–9w, 173–4w, 222–3w, 230w

River Eden
Sewage 40–1w

River Esk
Fishing 160w, 223w

River Wye
369w

RNSD Copenacre
688–9

Road accidents
A66 119w
A69 119w
Colchester 126–7w
Costs 436w
Cycling 128w
Flintshire 387w
M6 119w
Medical treatments 257w
Scotland 823

Road closures
A55 387w

Road construction
368w

Road haulage industry
368w
Competition 539w

Road safety
Children 537w
Penmaenbach tunnel 579w

Road safety education
443w

Road tax
Lorries 451–2w

Road tolls
Queen Elizabeth II bridge 559w
Skye bridge 136w, 482w
Tunnels 559w

Road traffic
Devon 36w

Road traffic control
435–6w
Cameras 65w
Exhaust emissions 535w

Road traffic offences
Admissibility of evidence 442–3w
Fines 442w

Road traffic police
514–5w

Road Traffic Reduction Act 1997
Questions
57–8w

Road works
121–3w
A406 58–9w
M5 123w

Roads
Highlands of Scotland 824
Scotland 479w, 823–4

Robathan, Mr Andrew
Debates etc.
Hospital waiting lists (16.06.98) 185
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 544, 551, 553–4, 568
Questions
Class sizes, Wales 1037
EC grants and loans, Scotland 479w
Fraud, Kettering 1045–6
Manufacturing industries 316w
Tax allowances, British residents abroad 270w
Terrorism, Northern Ireland 349–50

***Robertson, Rt Hon George**, Secretary of State for Defence*
Questions
Armed forces, Vaccination 231–2w, 696
Armed forces deployment, Eritrea 166w
Armed forces deployment, Persian Gulf 695–6
Bosnia-Herzegovina, Armed forces deployment 690–1
Bosnia-Herzegovina, Defence expenditure 690–2
Chemical and biological warfare, International cooperation 567w
Defence procurement 373w, 683–4
Defence review 372w, 569w
Joyce, Eric 376w
Military attaches 372w
Military decorations 266–7w
Mines 265w, 684–6
Royal Naval College, Greenwich 372w
"Shaping the Future Together" 264w
Sierra Leone, Armed forces 1w

Robertson, Mr Laurence
Debates etc.
Northern Ireland (Sentences) Bill, Com (17.06.98) 458
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 579
Questions
Devolution, Wales 547w
Genetically modified organisms 32w
India, Nuclear weapons tests 125
Personal Investment Authority Ombudsman Bureau, Fees and charges 105–6w

***Robinson, Mr Geoffrey**, Paymaster General*
Questions
Individual savings accounts 614–5w
Post Office, External financing limits 272–3w
Treasury, Millennium compliance 1166–7

Robinson, Mr Peter D
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 33–4, 41–2, 52, 65–8, 97–9, (17.06.98) 437–8, 440, 443, 446, 458–9, 463, 466
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 548, 575–7
Official Report, Points of order (18.06.98) 540

***Roche, Mrs Barbara**, Parliamentary Under-Secretary of State, Dept of Trade and Industry*
Debates etc.
EC grants and loans (15.06.98) 111–4
Small businesses (19.06.98) 606–15, 617, 619, 674–6
Questions
ACP countries 100w
Aid financed trade, Indonesia 98w
Arms exports 99w, 322w
Arms exports, Export licensing 155w
Balance of trade 503–4
Chemical weapons, Wiltshire 478w
Chemical weapons, Winterbourne Gunner 478w
Chocolate, EC law 241w
EC grants and loans 318–20w, 474w
EC grants and loans, Merseyside 320w
Export credit guarantees, Debt rescheduling 475–7w
Firearms, Export controls 103w
Furs, Labelling 198w
Human rights, Departmental responsibilities 102w
Manufacturing industries, Exports 316w
Millennium compliance 319w
Millennium compliance, Government assistance to industry 319w
Multilateral Agreement on Investment 99–[illegible]w
New businesses 504
Overseas investment, Indonesia 98–9w
Overseas trade, Sanctions 504
Radioactive materials, Export controls 497–8w
Regional aid, EC grants and loans 96w, 378w
Skilled workers, Small businesses 501
Small businesses 572w
Small businesses, Advisory services 315w
Small businesses, Franchising 571–2w
Small businesses, Government assistance 315w
Small businesses, Innovation 500–1
Small businesses, Manpower 478w
Small businesses, Performance standards 569w
Small businesses, Personnel 478w
Textile industry 317w
Tobacco, Exports 572–3w

Roe, Mrs Marion
Debates etc.
Hospital waiting lists (16.06.98) 155–8
Questions
Palace of Westminster, Day care of children 329w

Rogers, Mr Allan
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 757–8, 764–5
Local government, Scotland (16.06.98) 228

Rolling stock
Eurostar 126w, 560w
Northern line 45w
West coast railway line 438w

***Rooker, Mr Jeff**, Minister of State, Ministry of Agriculture, Fisheries and Food*
Debates etc.
Vitamin B6 (24.06.98) 992, 1004–6
Questions
Agricultural land, Radioactive fallout 28w
Agricultural subsidies 485w, 488–9w
Agricultural subsidies, EC action 29w
Agricultural subsidies, Expenditure 29w
Agriculture, Antibiotics 549w
Animal feed, Antibiotics 26w
Animal quarantine 26w, 159–60w
Arable area payments scheme 27w
Badgers, Disease control 549w
Battery hens, Animal housing 323w
Beef, Food labelling 28w, 325w
Bees 413–4w
Biotechnology 419–20w
Bovine spongiform encephalopathy, Animal feed 20–6w
Bovine spongiform encephalopathy, Disease control 422–3w
Bovine tuberculosis 486–8w
Cattle, Agricultural subsidies 550w
Export of live animals, Origin marking 423w
Food stocks 161w
Food surpluses 29w
Genetically modified organisms, Consumer protection 104w
Genetically modified organisms, Crops 414–5w
Genetically modified organisms, Seeds 415–9w
Livestock, Waste disposal 606w
Meat, Retail trade 420w
National Food Safety Week 606w
Oilseed rape 160w
Organic farming, Research 426w
Pesticides 485w
Potato Marketing Board 607w
Poultry, Disease control 422w
Poultry meat, Imports 488w
Poultry meat, Testing 605–6w
Quarantine Advisory Group 251w
Rabies, Bats 423w
Royal Botanic Gardens Kew 606–7w
Set-aside schemes 27–8w
Slaughterhouses 160w
Slaughterhouses, Legislation 421–2w
Soya beans, Food labelling 29w
Tuberculosis in Cattle and Badgers Expert Group 485–6w
Wines, Agricultural subsidies 326w

Rooney, Mr Terry
Questions
Babies 394w
Maternity leave 474w
Remploy 412w
Remploy, Government grants 412w
Remploy, Recruitment 412w

Ross, Mr Ernie
Debates etc.
Business questions (25.06.98) 1192–3
Questions
Higher education, Scotland 822

Ross, Mr William
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 19–20, 26–32, 34, 46, 70, 94–6, 100–1, (17.06.98) 442–3, 450–2, 472, 474
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 548
Official Report, Points of order (18.06.98) 540
Questions
Association of Chief Police Officers 296–7w, 596w
Extradition, Northern Ireland 5w
Firearms certificates 190w
Police Authority for Northern Ireland, Firearms 385w
Terrorism, Northern Ireland 607w
Western Education and Library Board, Debts 347

Rotherham
Travel-to-work areas (24.06.98) 1007–12

Rough sleepers initiative
Greater London 40w

Rowe, Mr Andrew
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 878, 884, 886
Human Rights Bill (HL), Com (17.06.98) 404, 407
Questions
Aircraft noise 534w
Airports 534w
Direct labour departments, Scotland 831
Police grant 510–3w
Police grant, Kent 444w
Tobacco, Exports 572–3w
Town and country planning 538w

Rowlands, Mr Ted
Questions
EC grants and loans, Wales 546w, 1032
Human rights, Diplomatic service 11–3w
International assistance, Indonesia 248w
United Nations, UK contributions 10w

Roy, Mr Frank
Questions
Housing benefits, Social security benefits overpayment 405w
Motherwell Enterprise and Development 833

Royal Air Force Personnel Management Agency
see RAF Personnel Management Agency

Royal Botanic Gardens Kew
606–7w

Royal Mint
446–7w
Seigniorage 343w

Royal Naval College
Greenwich 372w

Royal parks
Dogs 154w

Ruane, Mr Chris
Debates etc.
EC grants and loans (15.06.98) 110
Questions
Agricultural workers, Wales 578–9w
Council housing, Wales 577–8w
Cycling, Wales 578w
EC grants and loans, Wales 546w
Housing construction, Wales 577w
Irish Sea, Pollution 539–40w
Pay 507w

***Ruane, Mr Chris**—continued*
Railway electrification, North Wales 538–9w

***Ruddock, Ms Joan**, Parliamentary Under-Secretary of State, Dept of Social Security*
Questions
Gender impact assessment, Dept of Social Security 557–8w
Refuges, Finance 111w

Ruffley, Mr David
Debates etc.
Human Rights Bill (HL), Com (17.06.98) 431–2
Questions
Family income 359–60
NHS finance, Wales 544w

Runaway children
91w

Rural areas
Bus services 206w
County courts 833–4
Economic situation 27w

Rural Development Commission
Public expenditure 277–8w

Rural transport
Taxis 129–30w
Wales 579–80w

Russell, Bob
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 730–1, 749
Questions
Child workers, Delivery services 490w
Chronic fatigue syndrome 337–8w
Debt collection 135–6w
Educational finance, Chronic fatigue syndrome 145w
Exhaust emissions, Road traffic control 535w
Football 237–8w
Local government reform, Essex 47w
Magistrates' courts, Essex 462w
Manufacturing industries, Sterling 501–2
Mines 684–5
Ottawa Convention 197w
Private Members' bills 380w
Road accidents, Colchester 126–7w
School transport, Essex 213w

Russia
Baking industry 426w

Rwandan International Criminal Tribunal
see International Criminal Tribunal for Rwanda

Ryan, Ms Joan
Questions
National insurance contributions 1156
Probation and aftercare 65w

Safety belts
535–6w

Safety measures
Analgesics 525w

St Aubyn, Mr Nick
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 770–1
Questions
Balance of trade 503–4
Higher education admission, Scotland 821
Reception classes, Class sizes 79–80w

St Helena
17w, 384w

Sale of Alcohol to Young Persons (Prohibition) Bill 1997/98
Debates etc.
1R (24.06.98) 1051–3

Salmond, Mr Alex
Debates etc.
Local government, Scotland (16.06.98) 201, 205, 220–2, 224, 235
Questions
Export promotion, Scotland 482w
Shipping accidents 370–1w

Salter, Mr Martin
Questions
Public order policing, Northern Ireland 251w

Salvage
Shipping accidents 562w

Sanctions
Overseas trade 504

Sanders, Mr Adrian
Debates etc.
Coastal erosion (24.06.98) 1144–7, 1151
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 253–5
Questions
Diabetes, Medical equipment 258w
Driving licences, Diabetes 31w
European Social Fund, Administrative costs 82w
European Social Fund, Agenda 2000 82w
European Social Fund, Civil service manpower 83w
European Social Fund, Voluntary organisations 82w
M5, Road works 123w
Rented housing, Deposits 204w
Road traffic, Devon 36w
Second homes 204–5w

Sandline
304w, 469w
Members' correspondence 105w, 445–6w

Sanitary protection
VAT 1168

Sarwar, Mr Mohammad
Questions
Breast cancer, Scotland 480w

Satellites
Anguilla 61w

Savidge, Mr Malcolm
Debates etc.
Local government, Scotland (16.06.98) 199
Questions
Direct labour departments, Scotland 831

Sawford, Mr Phil
Questions
Research councils 498w
Teacher training, Student numbers 462–3w

Sayeed, Mr Jonathan
Questions
Local government, Scotland 831–2
Ministerial policy advisors, Dept for Education and Employment 211–2w
Ministerial policy advisors, Dept of Social Security 406w
Ministerial policy advisors, Dept of the Environment Transport and the Regions 30w
Ministerial policy advisors, Dept of Trade and Industry 377–9w
Ministerial policy advisors, Foreign and Commonwealth Office 244w

Sayeed, Mr Jonathan*—*continued
Ministerial policy advisors, Home Office 70w
Ministerial policy advisors, Ministry of Agriculture Fisheries and Food 19–20w
Ministerial policy advisors, Northern Ireland Office 2–3w
Ministerial policy advisors, Prime Minister 5–6w
Ministerial policy advisors, Treasury 108–9w
Ministerial policy advisors, Welsh Office 227w
10 Downing Street, Public relations 363

Scheduled offences
Northern Ireland 385–6w

School administration
468w

School attendance
Child health 149–50w
Coventry 149–50w

School buildings
(23.06.98) 839–41
Northern Ireland 472–3w
Wales 117–8w

School day
148w

School transport
Essex 213w

Schools
Aerials 348w
Consumer protection 145w
Head lice 151–2w
Inspections 146–7w

Schools access initiative
Birmingham 75w

Science and technology research
EC action 316–7w
Private investment 239–40w

Science and Technology Select Committee
(22.06.98) 812

Science education
Teachers 345w

Scotland
Arable area payments scheme 574w
Autism 401–2w
Basic education 481w
Breast cancer 480w
Class sizes 400–1w
Colleges of education 269w
Council tax capping 139w
Direct labour departments (16.06.98) 194–243, 480w, 825, 831
EC grants and loans 479w
Economic situation 480w
Export promotion 482w
Fishery protection 334w
Fishing 484w
Further education 399w, 574–5w
Health service staff 483w
Higher education 269w, 399w, 484w, 821–2
Higher education admission 480w, 821
Hip replacements 226w
Homelessness (22.06.98) 811–2
Housing benefits 405w
Leukaemia 225w
Local government 826–8, 831–2
Local government reform 827–8
Local healthcare cooperatives 481w
Manufacturing industries 479w
Methylated spirits (16.06.98) 269
Minimum wage 481w
National Lottery 336w
NHS trusts 481–2w

Scotland*—*continued
Oil revenues 482w
Primary care trusts 481w
Prisoners 137w
Public sector housing 480w
Radiation hazards 224w
Radioactivity 225w
Recycling 483w
Residential care 17–8w
Road accidents 823
Roads 479w, 823–4
Small business loan scheme 483w
Social security benefits 111w
Student loans 139w
Student numbers 409–10w
Teacher training 402w
Television 137w
Textile industry 479w, 832–3
Tuition fees 139w, 312w, 821–2, 1046–8
Universities 551w
Varroasis 18w
Voluntary organisations 403–4w
Women 19w

Scottish Court Service
Performance standards 334w

Scottish Enterprise
Small businesses 824–5

Scottish Further Education Funding Council
484w
Public appointments 19w

Scottish Office
Inquiries 136–7w
Pilot schemes 574w

Scottish Parliament
National Lottery 138–9w
Official secrets 334w
Parliamentary buildings 137–8w, 224w

Scottish Tourist Board
18–9w

Screening
Cystic fibrosis 259w

Sea Fish Industry Authority
Fees and charges 425w

Sea pollution
Chemicals 44w
Radioactive waste disposal 439–40w

Sea transport
435w

Second homes
204–5w

Secondary education
345w
Belfast 253w
Northern Ireland 4–5w

Security
Northern Ireland 255w

Security Service
see MI5

Security vetting
1–2w

Seeds
Genetically modified organisms 280–1w, 415–9w

Segregation of prisoners
293–4w

Seigniorage
Royal Mint 343w

Selective schools
1048–9

Self-assessment of tax
273w, 276w

Sellafield
Nuclear safety 500w
Radioactive waste disposal 285w
Transport of radioactive materials 42–3w

Sequestration of assets
Iraq 276w

Service Children's Education
Performance standards 565–6w

Set-aside schemes
27–8w

Sewage
River Eden 40–1w
Sussex 35–6w
Water treatment 34–6w

Sewers
Housing construction 59w
Pipelines 131w, 282–4w
Wales 576w

Sex discrimination
Departmental reorganisation 346–7w

Sexual offences
10–2
Children 445w
Homosexuality 357–8w
Prison population 174w
Rehabilitation of offenders 342w

Sexual Offences Act 1959
Questions
357–9w

"Shaping the Future Together"
264w

Shareholders
Eurostar 125–6w

Shares
National Air Traffic Services 366w

Sheerman, Mr Barry
Questions
EC institutions, Democracy 194w
Exports, Trade competitiveness 498–9
Magistrates' courts committees 834–5
Members' allowances, Office equipment 380w
Police training, Management 12–3

Sheldon, Rt Hon Robert
Debates etc.
Crime and Disorder Bill (HL), Points of order (17.06.98) 386

Shipley, Ms Debra
Questions
Carers, Young people 489w

Shipping accidents
370–1w
Cornwall 561–2w
MV Gaul 532w
Salvage 562w

Shopping centres
56w

Shoreham
Gas fired power stations 489–90

***Short, Rt Hon Clare**, Secretary of State for International Development*
Questions
Dept for International Development, Cash limits 429w
Developing countries, Debts 599w
Gambia, Overseas aid 501–2w
India, Overseas aid 598–9w
Indonesia, Debts written off 398–9w

***Short, Rt Hon Clare**—continued*
Inquiries, Dept for International Development 429w
Jubilee 2000 429–30w
Montserrat, Overseas aid 500–1w
Overseas aid 287–8w
Sierra Leone, Overseas aid 429w
Sudan, Overseas aid 227w, 502–3w

Shrewsbury and Atcham Borough Council Bill (HL) 1997/98
Debates etc.
2R* (16.06.98) 115

Sick leave
Police 295–6w

Sierra Leone
Armed forces 1w
Arms trade 118–9w, 128–30, 199w, 304–5w, 312w, 469w, 528w, 618–9w
Disclosure of information 359
Overseas aid 429w
Political refugees 214w

Simpson, Mr Alan
Questions
Biotechnology 419–20w
Genetically modified organisms, Crops 414–5w
Genetically modified organisms, Seeds 280–1w, 415–9w

Simpson, Mr Keith
Debates etc.
Vitamin B6 (24.06.98) 984–6, 995
Questions
Aircraft carriers, Defence expenditure 692–3
Defence review 372w
Joyce, Eric 376w
Sierra Leone, Arms trade 312w

Singh, Mr Marsha
Questions
EC Environment Council 542–4w

Sinn Fein
Employment 255w

Sites of special scientific interest
286–7w, 367w
Gloucestershire 367w
Ground water 539w

Sixth form education
141–2w

Skill shortages
311–2w

Skilled workers
Small businesses 501

Skin disorders
Cancer 390–2w

Skinner, Mr Dennis
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 255–8, 261, 264
Crime and Disorder Bill (HL), Rep (22.06.98) 714–5
Electricity generation (25.06.98) 1179
European Council (17.06.98) 373
Minimum wage (18.06.98) 512
Oral question time intervention (24.06.98) 1044
Written questions, Points of order (22.06.98) 706
Questions
"Fairness at Work White Paper" 316w
Football, Public order policing 6
Sierra Leone, Arms trade 128

Skye bridge
Road tolls 136w, 482w

Slaughterhouses
160w
Legislation 421–2w

Slovakia
Nuclear power stations 304–5w

Small business loan scheme
Scotland 483w

Small businesses
101w, 208w, 572w, (19.06.98) 606–76
Advisory services 315w
Franchising 571–2w
Government assistance 315w
Innovation 500–1
Manpower 478w
Performance standards 569w
Personnel 478w
Scottish Enterprise 824–5
Skilled workers 501
VAT 395w

***Smith, Rt Hon Andrew**, Minister for Employment and Disability Rights, Dept for Education and Employment*
Questions
European Social Fund 81–2w
European Social Fund, Administrative costs 82w
European Social Fund, Agenda 2000 82w
European Social Fund, Civil service manpower 83w
European Social Fund, Unemployment 81w
European Social Fund, Voluntary organisations 82w
New deal for young people, Foyer hostel scheme 81w
New deal schemes, Ethnic monitoring 212–3w

Smith, Angela
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 945–6, 948–9
Questions
Local government constituencies, Basildon 439w
Multiple occupation, Licensing 371w

***Smith, Rt Hon Chris**, Secretary of State for Culture Media and Sport*
Questions
Arts Council of England, Public appointments 232w
Dept for Culture Media and Sport, Performance standards 237w
Elgin Marbles 236w
Millennium, Southern England 237w
Millennium Commission 601w
Millennium Commission, Wales 303w
Television, Sports 234–5w, 600–1w

Smith, Miss Geraldine
Questions
Tourism 602w
Tourism, Coastal areas 602w

Smith, Mr Llew
Questions
British Nuclear Fuels, Japan 313w
Dept of the Environment Transport and the Regions, Interviews 47w
Dept of the Environment Transport and the Regions, Open government 281w
Dounreay, Nuclear fuel reprocessing 344w
Dounreay, Radioactive waste disposal 242w
Gwent Tertiary College, EC grants and loans 1033

***Smith, Mr Llew**—continued*
Gwent Tertiary College, Members' correspondence 9w
India, Nuclear Non Proliferation Treaty 247w
Nuclear power stations, Millennium compliance 242–3w
Plutonium 499w
Transport of radioactive materials, Air transport 367w

Smith, Sir Robert
Debates etc.
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 864, 888–90, 892
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 578
Questions
Oil revenues, Scotland 482w

Smoking
310w
Young people 335–6w

Smuggling
274–5w, 612w
North East region 1169
Tobacco 1169–70

Smyth, Rev Martin
Debates etc.
Business questions (18.06.98) 524
Northern Ireland (Sentences) Bill, Com (15.06.98) 91, 93, (17.06.98) 436
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 544–6
Vitamin B6 (24.06.98) 988
Questions
EC reform 123
Foresight programme 495–6
Northern Ireland government 351
Secondary education, Belfast 253w

Soames, Mr Nicholas
Debates etc.
Bristol Royal Infirmary (18.06.98) 536
Business questions (18.06.98) 526–7
Crime and Disorder Bill (HL), Rep (22.06.98) 717–8, 733, 740–2
Minimum wage (18.06.98) 517
Small businesses (19.06.98) 617
Written questions, Points of order (22.06.98) 706
Questions
Central Europe, Political education 121–2
Military attaches 372w
Tourism 460w

Social Exclusion Unit
350–1w

Social rented housing
Housing construction 54w

Social security abuse
623w
Family credit 623–4w
National insurance 620–2w
Political refugees 623w
Postal services 624w

Social Security Administration (Fraud) Act 1997
Questions
624w

Social security appeals
Disclosure of information 626w

Social security benefits
Elderly 111w
Political refugees 177w, 216w
Public expenditure 406–7w
Scotland 111w

Social security benefits disqualification
Child maintenance bonus 407w
Council tax benefits 407w

Social security benefits overpayment
Housing benefits 405w

Social security benefits rates
Married people 628w

Social security benefits reductions
Disability living allowance 556w

Social security benefits rules
Disability living allowance 112–3w
Parental leave 171–2w

Social security claims
Armed forces 373w

Social Security Commissioners
Fees and charges 9w

Social security finance
1161–2

Social security payments
Girobank 115w
Post offices 103–4w, 114–5w

Social security reform
Cabinet committees 597–8w
Opposition days (25.06.98) 1208–42

Social services
White papers 391w

Soley, Mr Clive
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 23
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 572–3
Questions
Burma, Democracy 130–1
Confidence building measures, Northern Ireland 251–2w

Solway Firth
Fishing 160w, 223w

Somerset
New deal for schools 213–4w

South East Asia
Nuclear weapons tests 197–8w

South East region
Electricity generation 321w

Southern England
Millennium 237w

Southworth, Ms Helen
Questions
Arms trade, EC action 193w
Dept of Health, Cash limits 491w

Soya beans
Food labelling 29w

Spain
Fishing vessels 424–5w

***Speaker and deputies**, For rulings and statements see separate heading Speaker's rulings and statements*
Debates etc.
Amendments and new clauses (16.06.98) 136, 194, (18.06.98) 541, 559, (22.06.98) 709–10, 754–6, (23.06.98) 842–3, 862, 867, 881, 888–9, 892–3, 918, 921, 923, (25.06.98) 1197, 1206
Conduct of proceedings (15.06.98) 109, (16.06.98) 130, 164, 167, 185–6, 193, 196, 224, 243, 245, 253, 256, 264, (17.06.98) 287, 299, 309, 341, 376, 382, 385, (18.06.98) 506, 509, 519, 523, 542, 547–51, 554, 560, 566, 573, (19.06.98) 605, 643, 650, 664, (22.06.98) 708, 762, 771–2, 789, 792, (23.06.98) 860, 939,

***Speaker and deputies**—continued*
(24.06.98) 1037, 1051, (25.06.98) 1192,1197, 1207, 1227, 1232, 1240
Orders and regulations motions (15.06.98) 106, (22.06.98) 811–2
Points of order (16.06.98) 146, 155, 183, 199, 222, 233, (17.06.98) 386–7, (18.06.98) 540, (22.06.98) 703, 706–7, 803, (25.06.98) 1198

Speaker's rulings and statements
Official Report (18.06.98) 540, (22.06.98) 704–5
Unparliamentary expressions (16.06.98) 216, 231
Written questions (22.06.98) 706

Special areas of conservation
EC action 60–1w

Special education
410–1w
Hyperactivity 411w

Special Educational Needs National Advisory Group
411w

Special schools
469w

***Spellar, Mr John**, Parliamentary Under-Secretary of State, Ministry of Defence*
Debates etc.
Parachute Regiment (24.06.98) 1018–22
Questions
Aircraft carriers, Defence expenditure 692–3
Aircraft carriers, Defence procurement 692–3
Armed forces catering services, Beef 689
Arms exports 229–30w
Arms exports, Export licensing 373–4w
Arms exports, Trade promotion 230w
Arms trade 229w, 375w, 460w
Army, Alaska 567–8w
Atomic Weapons Establishment, Departmental publications 527w, 569w
AWE Aldermaston 569w
Berlin airlift, Festivals and special occasions 459w
C17 aircraft, Defence procurement 459w
Chamber of Shipping of the United Kingdom 374w
Defence Clothing and Textiles Agency 526w
Defence Diversification Agency 683
Defence industries, Diversification 374w
Defence industries, Trade fairs 230w
Defence land, Property transfer 526w
Defence land, Wiltshire 527w
Defence support agencies, Publications 566–7w
European fighter aircraft 568–9w
Firing ranges, Kirkcudbright 459w
Frigates, Defence procurement 229w
Hydrographic Office, Performance standards 566w
Military aid 375–6w
Ministry of Defence, Abbey Wood 688
Ministry of Defence, Harrow 526–7w
National Air Traffic Services 265w
Nuclear weapons tests, India 230–1w
Prisoners of war, Pay deductions 264–5w
RAF Finningley 373w
RAF Stanmore Park, Armed forces housing 527w
Riot control weapons 230w
RNSD Copenacre 688–9
Security vetting 1–2w
Service Children's Education, Performance standards 565–6w

Sports
Millennium Exhibition 154w
National Endowment for Science Technology and the Arts 235–6w
Television 234–5w, 600–1w

Sportsmatch
Wigan 233w

Spring, Mr Richard
Questions
Closed circuit television 591w
Football, Racial discrimination 508w
Football, Racial harassment 301w
Horserace Totalisator Board 613w
Ministers' visits abroad, France 597w
National Endowment for Science Technology and the Arts, Sports 235–6w
NHS administration, Wales 544w
Security, Northern Ireland 255w
Tax burden 1170
Teacher training, Physical education 311w
UK Sports Institute 8w
UK Sports Institute, Contracts 237w

Squire, Ms Rachel
Debates etc.
Local government, Scotland (16.06.98) 195, 227–9
Questions
Forth Park Hospital, Inquiries 483–4w
Residential care, Scotland 17–8w

Squirrels
Nature conservation 46w

Sri Lanka
Peace negotiations 195–6w

"Stability and Investment for the Long Term"
506w

Stafford
Driving tests 119–20w

Staffordshire
GCE A level 465–7w
Low pay 135w
Training and enterprise councils 312w

Staffordshire Police
188w

Staff-student ratios
Universities 465–6w

Stagecoach Holdings
Virgin Rail 563w

Standards and Privileges Select Committee
(22.06.98) 812

Stanley, Rt Hon Sir John
Debates etc.
Business questions (25.06.98) 1192
Questions
Human rights, Departmental responsibilities 102w
International Convention on Economic Social and Cultural Rights 15w
Sierra Leone, Arms trade 305w, 618–9w
UN Convention on Elimination of all Forms of Discrimination Against Women 15–6w
UN Convention on the Elimination of Racial Discrimination 16w
UN Convention on the Rights of the Child 16w
UN Convention on Torture 15w

Starkey, Dr Phyllis
Debates etc.
European Council (17.06.98) 379–80
Questions
Animal experiments, Licensing 588–9w
Starkey, Dr Phyllis—continued
Channel tunnel, Railway network 367–8w
Economic and monetary union 609w
Employment discrimination, Northern Ireland 254w
Middle East, Peace negotiations 131–2
Visas, Nurses 508–9w

State visits
Peru 327w

Statistics
Chiropody 392–3w

Steen, Mr Anthony
Questions
Food poisoning, EC countries 89w

Steinberg, Mr Gerry
Questions
School administration 468w
Small businesses, Manpower 478w
Small businesses, Personnel 478w
Water abstraction 287w

Sterling
Manufacturing industries 501–3

Stewart, Mr David
Questions
Road accidents, Scotland 823

Stewart, Mr Ian
Questions
Business, Economic and monetary union 505–6
Inter Agency Committee on Marine Science and Technology 156–7w

Stinchcombe, Mr Paul
Questions
Community Legal Service 349w
Immigration applications 342w

Stock Exchange
Economic and monetary union 106–7w

Stott, Mr Roger
Questions
British-Irish Interparliamentary Body 351–2

***Strang, Rt Hon Dr Gavin**, Minister of State for Transport, Dept of the Environment Transport and the Regions*
Questions
Bus services, Rural areas 206w
EC Transport Council 541–2w

***Straw, Rt Hon Jack**, Secretary of State for the Home Dept*
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 716–26, 745, 752–4
Crime and Disorder Bill (HL), Rep and 3R (23.06.98) 892–5, 899, 902–3, 942
Human Rights Bill (HL), Com (17.06.98) 402, 405–16, 419, 426, 432–4, (24.06.98) 1120–4, 1128–30, 1136–42
Questions
Complaints against police 2
Crime prevention 8–9
Crime victims 3–4
Inquiries, Home Office 515w
Law Commission, Publications 520w
Metropolitan Police 190–1w
MI5, Public records 513–4w
Ministerial policy advisors, Home Office 70w
Pilot schemes, Home Office 216w
Police, Manpower 1–3
Prisons, Private sector 587w
Terrorism 441w
Voting System Independent Commission 64w
Straw, Rt Hon Jack—continued
Young offenders 8–10
Young offenders, Habitual offenders 62w
Young offenders, Parents 7–8

Stray dogs
49w

Streeter, Mr Gary
Questions
India, Overseas aid 598–9w
Jubilee 2000 429–30w
Montserrat, Overseas aid 500–1w
Sierra Leone, Overseas aid 429w

Stuart, Ms Gisela
Questions
Arms trade, EC action 193w
Independent Assessor of Military Complaints Procedures 268w
Motor vehicle theft, Crime prevention 322–3w
Northern Ireland Assembly 347–8
Polling stations, Supermarkets 65w
Postage stamps, Festivals and special occasions 569–70w
Social security abuse, Postal services 624w
Working families tax credit 396w, 1168

Student loans
146w
Privatisation 76w
Scotland 139w

Student numbers
Further education 141w
Scotland 409–10w
Teacher training 462–3w

Stunell, Mr Andrew
Debates etc.
Business questions (18.06.98) 526
Electricity generation (25.06.98) 1176–7
Human Rights Bill (HL), Com (24.06.98) 1134
Questions
Cambodia, Human rights 384w
Cambodia, UN resolutions 383–4w
Non-domestic rates 532w
Power industry, Air pollution control 103w
Public utilities, Air pollution control 102–3w

Sudan
Overseas aid 227w, 502–3w
Peace negotiations 245–6w

Suicide
66w, 394w

Summertime
536w

Sun Newspaper
Economic and monetary union 1041

Sunday trading
Easter 223w

Supermarkets
Competition 570–1w
Polling stations 65w

Supported employment programme
79w

Surgery
Heart diseases 545w
Wales 545w

Sussex
Sewage 35–6w

Sustainable development
Montserrat 7–8w

Sutcliffe, Mr Gerry
Questions
Defence industries, Diversification 374w

Sutcliffe, Mr Gerry—*continued*
World Cup, Wembley Stadium 351–2w

Swayne, Mr Desmond
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 770, 777
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 582
Questions
Football, Hooliganism 522w
Legal aid, Divorce 462w
Prison population 64w
Road haulage industry, Competition 539w
Territorial Army 374w

Swinney, Mr John
Debates etc.
Social security reform (25.06.98) 1208–18, 1220–2, 1232
Questions
Economic situation, Scotland 480w
National Lottery, Scotland 336w
Scottish Parliament, National Lottery 138–9w
Self-assessment of tax 276w
Student loans, Scotland 139w
Tuition fees, Scotland 139w

Systemic lupus erythematosus
524w

Tamworth
Low pay 135w
Vacancies 151w

Tapsell, Sir Peter
Debates etc.
European Council (17.06.98) 381–2
Questions
Betting and gaming duties 1165
Exports, Exchange rates 497–8
Kosovo, Military intervention 118

Task Force on the Industrial Use of Energy
see Industrial Use of Energy Task Force

Tax allowances
British residents abroad 270–1w, 611w
Vocational training 142w

Tax avoidance
358–9

Tax burden
1170

Tax credits
505w

Tax harmonisation
610w

Tax incentives
Petrol alternatives 273w

Tax rates and bands
Capital gains tax 450–1w
Income tax 612w

Tax yields
451w

Taxation
271w
Charities 395w, 1158–60
Employment 610w
North Sea oil 610w
Parochial church councils 613w

Taxis
Guide dogs 127–8w
Rural transport 129–30w

Taylor, Rt Hon Mrs Ann, President of the Council and Leader of the House of Commons
Debates etc.
Business statements (18.06.98) 520–8, (25.06.98) 1188–97
Private Members' bills (25.06.98) 1201–2, 1206
Questions
Dounreay 698
House of Commons division of time, Opposition days 697
House of Commons procedure, Treaties 698
House of Commons times of sittings 700
Members' allowances, Office equipment 380w
Members' facilities, Backbenchers 697–8
Modernisation of the House of Commons Select Committee 696–7
Parliamentary recess 698–9
Private Members' bills 380w
Private Members' time 380w

Taylor, Mr David
Questions
Animal experiments, Inspections 74w

Taylor, Mr Ian
Debates etc.
European Council (17.06.98) 379
Questions
Democracy 121
Metropolitan Police 190–1w
Millennium compliance 6w

Taylor, Mr John M
Debates etc.
Human Rights Bill (HL), Com (24.06.98) 1061, 1067, 1069–73, 1081–2
Questions
Chancellor of the Duchy of Lancaster, Information officers 310w
Sierra Leone, Arms trade 118–9w

Taylor, Mr Matthew
Debates etc.
Hospital waiting lists (16.06.98) 148–9
Questions
Atomic Weapons Establishment, Departmental publications 527w, 569w
AWE Aldermaston 569w
Defence land, Wiltshire 527w
Defence support agencies, Publications 566–7w
Housing, Development plans 436–7w
MI5, Public records 513–4w
Theft, House of Commons accommodation 72w

Taylor, Sir Teddy
Debates etc.
European Council (17.06.98) 376–7
Questions
Agricultural subsidies, EC action 29w
Agricultural subsidies, Expenditure 29w
Arable area payments scheme 27w
Food surpluses 29w
Post Office 379w
Postal services, Competition 379w
Set-aside schemes 27–8w

Teacher training
Physical education 311w
Scotland 402w
Student numbers 462–3w

Teachers
Greater London 463w
Pay 311w
Recruitment 213w
Science education 345w

Television
Prisoners 67w, 442w, 590w
Scotland 137w
Sports 234–5w, 600–1w

Temporary Classrooms Bill 1997/98
Debates etc.
1R (23.06.98) 839–41

10 Downing Street
Personnel 596w
Public relations 363

Tenant eviction
Members' correspondence 349w

Territorial Army
328w, 374w, 457–8w, 686
Armed forces deployment 686
Armed forces discharges 166w
Chemical and biological warfare 374w
Defence review 686–8

Territorial waters
Gibraltar 245w

Terrorism
441w
International law 835
Northern Ireland 255w, 349–50, 607w

Textile industry
317–8w
Scotland 479w, 832–3

Thameslink
47w

The Tote
see Horserace Totalisator Board

Theft
House of Commons accommodation 72w
NHS 392w

Thomas, Mr Gareth
Debates etc.
Crime, Greater London (24.06.98) 975–6
EC grants and loans (15.06.98) 108–11
Hospital waiting lists (16.06.98) 166, 168–71, 173
Small businesses (19.06.98) 632, 651–5
Questions
Belfast Agreement 352
Motorcycles, Driving licences 281w
Motorcycles, Transport policy 330w
Northern Ireland Assembly 252w
Sunday trading, Easter 223w
Television, Sports 600–1w
Urban planning, Wales 548w
Welsh Office, Cash limits 457w

Thompson, Mr William
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 78, 81–3, (17.06.98) 437, 450, 454–5
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 573
Questions
Demonstrations, Northern Ireland 354–5

Timms, Mr Stephen
Questions
EC Finance Council 110w
Personal pensions, Misrepresentation 208–9w

Tipping, Mr Paddy
Debates etc.
Electricity generation (25.06.98) 1183
Questions
Coal mining 490
Coalfields Task Force 286w

Tipping of waste
Northumberland (18.06.98) 596–604

Tobacco
Exports 572–3w
Smuggling 1169–70

Todd, Mr Mark
Debates etc.
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 259–61
Questions
Agricultural Development and Advisory Service, Privatisation 20w
Bus services, Rural areas 206w
Criminal injuries compensation 443–4w
Mercenaries, Treaties 16w
Poultry meat, Imports 488w
VAT, Historic buildings 617w

Tonge, Dr Jenny
Debates etc.
Hospital waiting lists (16.06.98) 171
Questions
Analgesics, Safety measures 525w
Attendance allowance 406w
Contraceptives 85w
Drug crimes 16
Firearms, Export controls 103w
Heavily indebted poor countries initiative 455w
Hospital consultants, Pay 89w
Royal parks, Dogs 154w
Youth services 142w

Touhig, Mr Don
Questions
EC grants and loans, Wales 546w

Tour operators
VAT 287w

Tourism
460w, 602w
Bus services 154w
Coastal areas 602w
Employment 602w
VAT 613–4w

Tower Hamlets
Council house waiting lists 364–6

Town and country planning
538w
Housing 329–31w

Trade and Industry Select Committee
(15.06.98) 107, (22.06.98) 813

Trade associations
Restrictive trade practices 97w

Trade competitiveness
Exports 498–9
Iron and steel industry 320w

Trade fairs
Defence industries 230w

Trade promotion
Arms exports 230w, 344w, 380–1w

Trade union membership
157–8w

Traffic Commissioners
203w

Train operating units
Subsidies 53w

Training
Residential care 492w
Wales 545w

Training and enterprise councils
Staffordshire 312w

Training Group Defence Agency
Performance standards 167–8w

Transplant surgery
Heart diseases 545w
Wales 545w

Transport
Expenditure 368w
Ministers' domestic visits 120w, 126w
White papers 130w

Transport of radioactive materials
Air transport 43–4w, 367w
Sellafield 42–3w

Transport policy
Lake District 561w
Motorcycles 330w

Trauma
523–4w

Travel restrictions
Football 300–1w, 441w

Travelling people
Caravan sites 36w, 434–5w
Complaints 330w

Travel-to-work areas
Mexborough (24.06.98) 1007–12
Rotherham (24.06.98) 1007–12

Treasury
Cash limits 456w
Inquiries 108w
Millennium compliance 1166–7
Ministerial policy advisors 108–9w
Official engagements 504w
Official hospitality 614w

Treasury Select Committee
(15.06.98) 107

Treaties
House of Commons procedure 698
Mercenaries 16w

Treaty of Amsterdam
244–5w

Tredinnick, Mr David
Debates etc.
Vitamin B6 (24.06.98) 990–4
Questions
Alternative medicine 86w

Trend, Mr Michael
Questions
EC reform 124–5

Trespass
Camping 436w

Trinidad and Tobago
Human rights 529w

Truswell, Mr Paul
Debates etc.
Hospital waiting lists (16.06.98) 139, 141
Sale of Alcohol to Young Persons (Prohibition) Bill, 1R (24.06.98) 1051–3
Questions
Leeds Health Authority, Finance 93w
Magistrates' courts, Closures 8–9w

Tuberculosis
308–9w

Tuberculosis in Cattle and Badgers Expert Group
485–6w

Tuition fees
345–6w
Northern Ireland 268w
Scotland 139w, 312w, 821–2, 1046–8

Tunnels
Road tolls 559w

Turkey
Foreign relations 195w

Turkey*—*continued
Ministers' visits abroad 327w

Turner, Dr George
Questions
Economic and monetary union, Sun Newspaper 1041
Educational finance 205w
Public expenditure 1163

Twigg, Mr Derek
Questions
EC institutions, Open government 193w
Economic and monetary union 609–10w
Sequestration of assets, Iraq 276w
Treasury, Cash limits 456w
Working families tax credit 611w

Twigg, Mr Stephen
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 778–80
Epilepsy (17.06.98) 482–5
Questions
Children 551w

Tyler, Mr Paul
Debates etc.
Business questions (18.06.98) 522–3, (25.06.98) 1191
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 256, 259
Food standards, Enforcement (17.06.98) 338–41, 344
Private Members' bills (25.06.98) 1199–201

Tyrie, Mr Andrew
Questions
Public expenditure 132w
Social security benefits, Public expenditure 406–7w

UK Sports Institute
8w
Contracts 237w
see United Nations

UN Convention on Biological Diversity
128w

UN Convention on Elimination of all Forms of Discrimination Against Women
15–6w

UN Convention on the Elimination of Racial Discrimination
16w

UN Convention on the Rights of the Child
16w

UN Convention on Torture
15w

UN resolutions
327w, 528w
Cambodia 383–4w

Unemployment
European Social Fund 81w

United Kingdom Atomic Energy Authority
498w

United Nations
UK contributions 10w

Universities
Curriculum 465–6w
Scotland 551w
Staff-student ratios 465–6w
West Midlands 466w

University finance
464w

University for Industry
148–9w

Unparliamentary expressions
Speaker's rulings and statements (16.06.98) 216, 231

Urban planning
Recreation spaces 45w, 124–5w
Wales 548w

Urban Regeneration Agency
see English Partnerships

USA
Air travel 432w

Vacancies
Tamworth 151w

Vaccination
Armed forces 231–2w, 373w, 696
Persian Gulf 696

Vaccine damaged children
Compensation 116w, 405–6w

Valuation
Non-domestic rates 455–6w

Varicose veins
Hospital waiting lists 258w

Varroasis
Scotland 18w

VAT
615w
Helmets 455w
Historic buildings 617w
Sanitary protection 1168
Small businesses 395w
Tour operators 287w
Tourism 613–4w

Vaz, Mr Keith
Questions
Asia-Europe meeting, India 314–5w
Audit Commission for Local Authorities in England and Wales, Public relations 430w
Civil service, Equal opportunities 363
Girobank, Social security payments 115w
Leicestershire Health Authority, Patients 161w
Nigeria, Foreign relations 14w
Nigeria, Overseas trade 14w
Police deaths on duty 188w
Post offices, Social security payments 103–4w
Social security payments, Post offices 115w
West Midlands Police 187–8w
West Midlands Police, Ethnic minorities 221w
West Midlands Police, Racial discrimination 222w

Veterinary services
Export of live animals 423w

Viagra
164w

Victim support schemes
Wales 576w

Viggers, Mr Peter
Questions
Crime prevention 8–9
Legal aid, Political refugees 263w
Political refugees 164w
Political refugees, Administrative costs 178w

Virgin Rail
Stagecoach Holdings 563w

Visas
Algeria 194w

Visas*—*continued
Nurses 508–9w

Vitamin B6
(24.06.98) 984–1006

Vocational education
145–6w

Vocational training
Tax allowances 142w

Voluntary organisations
European Social Fund 82w
Health services 523w
Scotland 403–4w

Voting System Independent Commission
64w

Wales
A470 577w
Agricultural policy 1040
Agricultural subsidies 545w
Agricultural workers 578–9w
Agriculture 1031
Agri-environment action plan 545w, 1039
Animal husbandry 1040
Arable area payments scheme 576w
Assisted places scheme 228w
Beaches 332w
Beef 332w, 1039–40
Class sizes 228w, 1037
Cottage hospitals 548w
Council housing 577–8w
Cycling 578w
Day care of children 388w, 544–5w
Deprivation indicators 456w
Derelict land 547–8w
Development agencies 118w
Devolution 547w
EC grants and loans (15.06.98) 108–14, 546w, 1032
Energy conservation 547w
Environmental health officers 333w
Environmental policy 1039
European Social Fund 350w
Exhaust emissions 332–3w
Eye disorders 544w
Farmers 1031–3, 1040
Food poisoning 386w
Gas fired power stations 548w
Hospital waiting lists 546w, 1038
Housing construction 577w
Marine animals 1039
Millennium Commission 303w
NHS administration 544w
NHS finance 544w
NHS trusts 117w
Non-departmental public bodies 1034
Radioactive fallout 270w
Railway network 575w
Rendering industry 547w
Rural transport 579–80w
School buildings 117–8w
Sewers 576w
Surgery 545w
Training 545w
Transplant surgery 545w
Urban planning 548w
Victim support schemes 576w

Walker, Mr Cecil
Questions
School buildings, Northern Ireland 472–3w

Wallace, Mr James
Debates etc.
Local government, Scotland (16.06.98) 194, 201–2, 208–12, 235, 237
Social security reform (25.06.98) 1214, 1232
Questions
Higher education, Scotland 821–2

Wallace, Mr James*—*continued
Hip replacements 260w
Hip replacements, Scotland 226w
Marine safety committees 433–4w
Scottish Further Education Funding Council, Public appointments 19w

Walley, Ms Joan
Debates etc.
Electricity generation (25.06.98) 1186
Questions
Armed forces, Vaccination 231–2w
Disability living allowance, Benefit integrity project 111–2w
M6 437w
Radiation hazards 499w
Safety belts 535–6w

Wandsworth
Government grants to local authorities 435w

War crimes
Bosnia-Herzegovina 195w

War widows' pensions
Nuclear weapons tests 168–9w

Wareing, Mr Robert N
Debates etc.
European Council (17.06.98) 381

Warminster Hospital
Hospital closures 338w

Waste disposal
Livestock 606w

Water abstraction
287w

Water charges
50w

Water companies
Pollution 282–3w

Water conservation
Irrigation 560–1w

Water pollution
533–4w
Prosecutions 37w

Water Resources Act 1991
Questions
37w

Water supply industry
Environment protection 50w
Fire services 49–50w

Water treatment
Sewage 34–6w

Waterson, Mr Nigel
Questions
Agenda 21 278w
Drug abuse, Medical treatments 92–3w
Fish conservation 27w
Listed buildings, East Sussex 508w
Local government reform 533w
Millennium, Southern England 237w
Pedestrian areas 532–3w
Personal savings 614w
Petrol alternatives 360w
Railway transport 126w
Road traffic control 435–6w
Sea transport 435w

Watts, Mr Dave
Questions
Low Pay Commission 496

"We Will Remember Them"
349

Weapons
Northern Ireland 350

Webb, Mr Steve
Debates etc.
Disability living allowance (17.06.98) 296
Social security reform (25.06.98) 1214, 1221–2, 1226
Questions
Housing benefits, Administrative costs 404w
Ministry of Defence, Abbey Wood 688
Social Security Commissioners, Fees and charges 9w
Working families tax credit 1167–8

Welfare state
Expenditure 1041–2

Wells, Mr Bowen
Debates etc.
European Council (17.06.98) 384

Welsh, Mr Andrew
Debates etc.
Local government, Scotland (16.06.98) 203–4, 215–8, 224
Social security reform (25.06.98) 1233–6, 1240
Questions
Clydebank College 575w
Colleges of education, Scotland 269w
Further education, Scotland 574–5w
Higher education, Scotland 269w, 484w
Local government, Scotland 827
Public sector housing, Scotland 480w
Scottish Further Education Funding Council 484w
Tuition fees, Northern Ireland 268w
Tuition fees, Scotland 312w

Welsh Affairs Select Committee
(22.06.98) 813

Welsh Ambulance Services NHS Trust
Performance standards 333w

Welsh Assembly
see National Assembly of Wales

Welsh Development Agency
118w
Finance 228w

Welsh Grand Committee
(22.06.98) 707, 812

Welsh Industrial and Maritime Museum
9–10w

Welsh Office
Cash limits 457w
Civil service manpower 1034–5
Ministerial policy advisors 227w
Public appointments 270w

Wembley Stadium
World Cup 351–2w

West coast railway line
Modernisation 121w, 276–7w
Railway safety 438w
Rolling stock 438w

West Mercia Constabulary
Manpower 176–7w

West Midlands
Flood control 161w
GCE A level 465–7w
Universities 466w

West Midlands Police
187–8w
Ethnic minorities 221w
Racial discrimination 222w

West Yorkshire
Rape 360

Western Education and Library Board
Debts 347

Wetlands
Lead pollution 562w

Whales
424w
Industrial fishing 424w

Wheelchairs
86–7w
Access to work programme 80w

White, Mr Brian
Debates etc.
Epilepsy (17.06.98) 483, 486
Millennium compliance (17.06.98) 325, 329
Questions
Camping, Trespass 436w

White papers
Social services 391w
Transport 130w

Whitehead, Dr Alan
Debates etc.
Disposal and Re-use of White Goods Bill, 1R (17.06.98) 388–90
Questions
Civil proceedings 461w
Domestic electrical appliances 104w
EC Environment Council 540–1w
EC Transport Council 541–2w
Liability, Landlords 8w

Whittingdale, Mr John
Questions
National insurance contributions 1157–8

Whittington Hospital
94w

Wicks, Mr Malcolm
Debates etc.
Disability living allowance (17.06.98) 279–82

Widdecombe, Rt Hon Ann
Debates etc.
Bristol Royal Infirmary (18.06.98) 530–1
Hospital waiting lists (16.06.98) 136–47, 152, 164

Widows
Armed forces pensions 1w

Wigan
National Lottery 232–3w
Sportsmatch 233w

Wigley, Rt Hon Dafydd
Questions
Baking industry, Russia 426w
Driving licences, Diabetes 31w
European Social Fund, Wales 350w
Further Education Funding Council for Wales, Public appointments 456w
Indonesia, Foreign relations 13w
Motor vehicle safety 42w
Multiple births 582–3w
National Assembly of Wales 547w
National Museums and Galleries of Wales, Public appointments 548w
Negligence, Ex gratia payments 90w
NHS trusts, Wales 117w
VAT, Helmets 455w
Welsh Office, Civil service manpower 1034–5

Wilkinson, Mr John
Debates etc.
Business questions (18.06.98) 525
Questions
Aerospace industry, Government assistance 491
EH101 helicopters, Government assistance 317w

Wilkinson, Mr John*—*continued
Private rented housing 127w
RAF Northolt 327–8w, 366–7w, 693–4
"Shaping the Future Together" 264w

Willetts, Mr David,
Questions
Dept for Education and Employment, Civil service manpower 75–6w

Williams, Rt Hon Alan
Questions
Altcourse Prison 223w
Foreign investment in UK, Members' correspondence 105w

Williams, Mrs Betty
Debates etc.
EC grants and loans (15.06.98) 109
Questions
Income tax, Tax rates and bands 612w

Willis, Mr Phil
Debates etc.
Northern Ireland (Sentences) Bill, Com (15.06.98) 21, 64, 92–4, (17.06.98) 476
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 566–8
Questions
Motorway service areas, Planning inquiries 32w
Parades Commission 354

Wills, Mr Michael
Questions
War widows' pensions, Nuclear weapons tests 168–9w

Wilshire, Mr David
Questions
European Council, Furniture 201w
Foreign and Commonwealth Office, Ministerial policy advisors 381w
Sierra Leone, Arms trade 304w, 469w

Wilson, Mr Brian, Minister for Education and Industry, Scottish Office
Questions
Autism, Scotland 401–2w
Basic education, Scotland 481w
Cardonald College 402w
Class sizes, Scotland 400–1w
Clydebank College 575w
Colleges of education, Scotland 269w
Digital television, Gaelic language 575w
Direct labour departments, Scotland 825
Dounreay, Decommissioning 830–1
Dounreay, Energy policy 829
Dounreay, Nuclear fuel reprocessing 830
Dounreay, Nuclear safety 829–30
Dounreay, Personnel 830
Economic situation, Scotland 480w
Export promotion, Scotland 482w
Further education, Scotland 399w, 574–5w
Higher education, Scotland 269w, 399w, 484w, 821–2
Higher education admission, Scotland 480w, 821
Manufacturing industries, Scotland 479w
Minimum wage, Scotland 481w
Motherwell Enterprise and Development 833
Oil revenues, Scotland 482w
Recycling, Scotland 483w
Redundancy, Irvine 825–6
Road accidents, Scotland 823
Roads, Scotland 823
Scottish Enterprise, Small businesses 824–5
Scottish Further Education Funding Council 484w
Scottish Further Education Funding Council, Public appointments 19w

***Wilson, Mr Brian**—continued*
Small business loan scheme, Scotland 483w
Student loans, Scotland 139w
Teacher training, Scotland 402w
Textile industry, Scotland 479w, 832–3
Tuition fees, Scotland 139w, 822

Wiltshire
Chemical weapons 478w
Defence land 527w

Wind power
241–2w

Wines
Agricultural subsidies 326w

Winnick, Mr David
Debates etc.
Minimum wage (18.06.98) 515
Northern Ireland (Sentences) Bill, Com (15.06.98) 24, 53–7, 59, 104
Northern Ireland (Sentences) Bill, Rep and 3R (18.06.98) 552, 554, 569
Questions
Complaints against police 2
Honours 351w
Legal aid, Barristers 461w
Legal aid, Fees and charges 836–7
Modernisation of the House of Commons Select Committee 696–7
Sierra Leone, Arms trade 129
Tenant eviction, Members' correspondence 349w

Winterbourne Gunner
Chemical weapons 478w

Winterton, Mrs Ann
Questions
China, Human rights 117
Cottage hospitals, Wales 548w
Greater London Authority, Drug abuse 539w

Winterton, Mr Nicholas
Debates etc.
Business questions (25.06.98) 1195
Council Tax Limitation (Derbyshire County Council) (Maximum Amount) Order (16.06.98) 263
Crime and Disorder Bill (HL), Rep (22.06.98) 769, 771
Electricity generation (25.06.98) 1183
Northern Ireland (Sentences) Bill, Com (15.06.98) 80–2, 84
Small businesses (19.06.98) 627–33, 636
Questions
Birmingham Relief Road 205–6w
Boats, Licensing 42w
Central Africa, Democracy 127
Legal aid, Fees and charges 835–6
Mass media, Ownership 239w
Mergers, Radio 157w
Radio broadcasting licences 238w
Textile industry, Scotland 832–3

Winterton, Ms Rosie
Debates etc.
Hospital waiting lists (16.06.98) 178–9

***Winterton, Ms Rosie**—continued*
Questions
Arbitration schemes 461w
Arms trade, EC action 193w
Petrol 36–7w
Prisons, Private sector 587w
Regional development agencies, Yorkshire and Humberside 358
UN Convention on Biological Diversity 128w
Working families tax credit 1167

Witnesses
Magistrates' courts 516w

Women
Afghanistan 196w
Hospital consultants 308w
Judges 461w
Medical students 348w
Northern Ireland 350–1
Scotland 19w

Women's employment
Medical education 346w

Woodward, Mr Shaun
Debates etc.
Crime and Disorder Bill (HL), Rep (22.06.98) 783, 792–3

Woolas, Mr Phil
Questions
Criminal appeals 355w
Foreign and Commonwealth Office, Cash limits 470w
Suicide 66w
Taxis, Guide dogs 127–8w
Textile industry 317–8w

Worcester
Cycleways 38–9w
Low pay 211w
Pensioners 619–20w

Worcestershire
Greenbelt 124w
Health services 309–10w, 492–3w

Working conditions
British residents abroad 377w

Working families tax credit
133–4w, 396w, 611–2w, 1167–8

Working hours
EC law 478w

World Bank
288w

World Cup
Habitual offenders 340w
Hooliganism 356–7
Public order offences 301w
Wembley Stadium 351–2w

World Trade Organisation
Conferences 158–9w

World War II
Property law 102w

***Worthington, Mr Tony**, Parliamentary Under-Secretary of State, Northern Ireland Office*
Questions
Confidence building measures, Northern Ireland 251–2w
Downe Hospital 253w
Employment discrimination, Northern Ireland 254w
Gaelic language, Curriculum 254w
School buildings, Northern Ireland 472–3w
Secondary education, Belfast 253w
Secondary education, Northern Ireland 4–5w
Tuition fees, Northern Ireland 268w
Western Education and Library Board, Debts 347

Wrexham Maelor Hospital
Hospital waiting lists 1038–9

Wright, Dr Tony
Debates etc.
Bristol Royal Infirmary (18.06.98) 537
Questions
Hurst, Geoff 359
Vaccine damaged children, Compensation 405–6w

Written questions
206w
Speaker's rulings and statements (22.06.98) 706

Wyatt, Derek
Questions
Rural transport, Taxis 129–30w
Sexual offences 12

Xenotransplantation
Licensing 356w

Yeo, Mr Tim
Questions
Budget March 1998, Members' correspondence 105w
Vaccine damaged children, Compensation 116w

Yorkshire and Humberside
Regional development agencies 358

Young, Sir George
Debates etc.
Business questions (18.06.98) 520–1, (25.06.98) 1188–9
Official Report, Points of order (18.06.98) 540

Young offenders
8–10, 17–8
Habitual offenders 62w
Parents 7–8

Young people
Carers 489w
EC presidency 142–3w
Smoking 335–6w

Young People In Care Organisation
492w

Youth for Europe
246w

Youth services
142w

Zinoviev letter
603w